

# ROMA RIGHTS

JOURNAL OF THE EUROPEAN ROMA RIGHTS CENTRE



## FUNDING ROMA RIGHTS: CHALLENGES AND PROSPECTS

2011

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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# Show Me the Money: Funding Roma Rights and Inclusion

DEZIDERIU GERGELY<sup>1</sup>

This issue of Roma Rights tackles the tricky issue of funding. One of the most consistently baffling trends is the availability of funds from the EU for Roma integration which are simply not absorbed by Member States. There are a number of reasons we can point to: a lack of political will, unwillingness to lose votes by being seen to help Roma, lack of technical capacity, the list goes on. But the end result is predictable: a situation where Roma continue to be excluded, segregated and discriminated against at deeply concerning levels.

Where does the fault lie? Will Guy examines the lessons learned (or not) from EU PHARE funding, the original funding available to help accession countries get ready to join the EU. He argues that the problems identified during the accessions of the last decade have not been resolved, and the European Commission has not intervened directly enough. Countries are consistently unwilling to use the funds or do not use it in the right ways, and the future for Roma inclusion will be limited unless this changes.

The Fundación Secretariado Gitano (FSG) looks at EU Structural Funds and how they are being used for Roma in the current programming period (2007-2013). FSG has found that there are more programmes targeting Roma than previously and has some recommendations for administering Structural Funds in the future. From an ERRC perspective, in the light of the DH judgment (and its subsequent lack of implementation) perhaps one of the most important points is that Structural Funds should be used to fund programmes that take a holistic approach and should not be used to fund segregation. It goes without saying they should also be more strategic and monitored more closely.

Mihai Surdu moves away from EU funding and examines some of the less discussed funding issues around Roma inclusion in education. The difficulties for Roma in accessing education have been widely considered from the point of view of discrimination and segregation. But Mihai looks in detail at the economic drivers that impact the decisions made by Romani parents in relation to the education of their children and the achievement of their full potential. He also explores some lessons from research by the Roma Education Fund in relation to Conditional Cash Transfers and how to use these as an educational incentive, not a yard stick to be used as punishment.

The funding landscape for NGOs in the field of Roma Rights has changed significantly over the last few years. We spoke to representatives from a number of organisations about their key funding challenges and what the future holds. The results are perhaps unsurprising. Organisations working in Roma rights, as in many other fields, are held back by restrictive, programme-focused funding, which is not always suited to long-term strategic work.

This is my first introduction to the Roma Rights journal as the Executive Director of the ERRC. But it's far from my first involvement with Roma rights work. Experience has taught me that funding in itself is not the solution for the problems that Roma face. But long term and sustainable investment in Roma inclusion programming and Roma rights organisations is a crucial component of a wider array of actions needed. Strategic, impact-led funding at the national and international level is essential if any targets on Roma inclusion are going to be met at a structural level. We hope this volume of essays contributes to the ongoing debate.

<sup>1</sup> Dezideriu Gergely is the Executive Director of the ERRC.



# Roma Inclusion at the Crossroads: Can the Lessons from PHARE be Learned?

WILL GUY<sup>1</sup>

With its fifth enlargement the European Union (EU) took the historic step of extending its boundaries eastwards to include former Communist-ruled States. The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia became Member States in 2004, followed by Bulgaria and Romania in 2007.<sup>2</sup> As a result the Community gained over 100 million new citizens, the vast majority with income levels considerably lower than the EU average. But amongst these a distinct population group, the Roma, posed special problems as the largest, most impoverished and excluded minority in Central and Eastern Europe (CEE). A 2002 United Nations Development Programme (UNDP) survey<sup>3</sup> found that in terms of illiteracy, infant mortality and malnutrition ‘most of the region’s [estimated 4 to 6 million] Roma endure living conditions closer to those of sub-Saharan Africa than to Europe’.<sup>4</sup>

While primary responsibility for these Roma remained with the States of which they were citizens, the EU had also assumed a duty of care by requiring – as a condition of membership – that applicants had achieved “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”<sup>5</sup> This meant that legislative changes were needed,

including safeguards against discrimination, but also implied were practical steps to correct structural inequalities. Yet, in spite of on-going advice and considerable investment from the EU to support initiatives aimed at improving conditions for Roma, visible progress was hard to discern by the time of enlargement.

This article argues that many problems identified during the accession process still have not been resolved and that after more than a decade of sustained EU funding and other assistance for Roma programmes, both before and after enlargement, the situation of most Romani communities remains basically unaltered or is even deteriorating.<sup>6</sup> Until now the European Commission [EC] has failed to confront these countries’ evident lack of political will to bring about change and has not intervened directly, insisting that its role can only be to facilitate and co-ordinate.<sup>7</sup>

## EU support for Romani communities in candidate countries

To help candidate countries adapt to EU legislation and norms – the *acquis* – substantial financial and technical aid

- 1 Will Guy, Research Fellow at the University of Bristol, UK, was joint author of the 2004 review of PHARE Roma programmes together with lead author Ann Hyde. He has taken part in evaluations for the European Commission (EC) of PHARE Roma programmes in Bulgaria, Croatia, the Czech Republic, Hungary and Slovakia and served as Thematic Expert for EC Peer Reviews of Roma programmes in Greece and Spain. Recently he was lead author of an EC-commissioned study of good practice for Roma in 18 Member States.
- 2 Also admitted to EU membership in 2004 were Cyprus and Malta.
- 3 UNDP, *The Roma in Central and Eastern Europe: Avoiding the Dependency Trap* (Bratislava: UNDP, 2002), available at: <http://europeandcis.undp.org/home/show/62BBCD48-F203-1EE9-BC5BD7359460A968>. The countries surveyed were Czech Republic, Hungary, Slovakia, Bulgaria and Romania.
- 4 UNDP, ‘Roma integration is key in an enlarged EU’, press release, 16 January 2003, available at: [http://www.undp.bg/uploads/documents/1163\\_546\\_en.pdf](http://www.undp.bg/uploads/documents/1163_546_en.pdf).
- 5 This was part of what were known as the ‘Copenhagen Criteria’ (1993). Available at: [http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/criteria/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/criteria/index_en.htm).
- 6 “Living conditions for Europe’s Roma are worsening and all European states, including western ones, are responsible for changing that.” See: Nikoleta Popkostadinova, ‘EU Commissioner: Roma exclusion “getting worse”’, Interview with Inclusion Commissioner, *Balkan Insight*, 11 June 2011, available at: <http://www.balkaninsight.com/en/article/eu-commissioner-roma-exclusion-getting-worse>. This Roma Rights article concentrates on CEE countries since limitations of space preclude wider discussion but the situation of Roma in many older Member States is also severely marginalised and neglected in spite of EU inclusion policies and relevant directives.
- 7 As firmly stated by Commission President Barroso at the first Roma Summit in Brussels and reiterated since. See: José Manuel Barroso (speech, EC Roma Summit, Brussels), press release, 16 September 2008, available at: [http://europa.eu/rapid/pressReleasesAction.do?reference=SP\\_EECH/08/429&format=HTML&aged=0&language=EN&guiLanguage=en](http://europa.eu/rapid/pressReleasesAction.do?reference=SP_EECH/08/429&format=HTML&aged=0&language=EN&guiLanguage=en).

was provided, chiefly through the PHARE programme.<sup>8</sup> As social cohesion was among the priorities, numerous programmes were funded from the late 1990s onwards to promote inclusion of Romani communities as the most marginalised minority. Although PHARE was the main funding source, this economic support for Roma was supplemented by co-financing from applicants and other providers such as the Open Society Institute (OSI), USAID, Member States' governments and private donors, as well as from other EU instruments.

Most Roma programmes were developed as socio-economic interventions to reduce social exclusion in areas such as education, housing, employment and health as well as to combat discrimination. Like other general PHARE programmes, these Roma initiatives were neither a long-term promise of continuing financial assistance nor were they a short-term fix. The overall aim was sustainable improvement and mainstreaming of supported activities so that provision for the needs of Romani people would become part of the normal duties of central, regional and local authorities. The required co-funding from applicant countries was intended to prepare the way for this. Because of the extreme levels of exclusion and widespread discrimination experienced by Romani communities, targeted programmes for Roma were seen as a necessary transitory step to full mainstreaming. However some projects were aimed at disadvantaged groups or minorities in general. This broad approach was continued following the adoption in 2000 of the Lisbon Strategy<sup>9</sup> with its emphasis on wider social inclusion. Candidate countries were expected to adapt to this standard, although full participation was required only after EU entry.

In mid-2008, a European Commission progress report stated that “there has been substantial EU financial assistance to fund Roma inclusion. Under PHARE, more than 100 million EUR<sup>10</sup> has been spent since 1998, targeting primarily education, infrastructure and other fundamental challenges for Roma communities.”<sup>11</sup> However, support for Roma inclusion had been a minor consideration in the whole enlargement exercise as reflected in relative funding levels. Over the period 1999-2006, the total PHARE support to fifth enlargement candidate countries amounted to 5.7 billion EUR,<sup>12</sup> while in comparison funding for Roma programmes was insignificant and in terms of percentages, almost invisible. Adopting a conservative population estimate of three million Roma in candidate countries,<sup>13</sup> this would amount to EU PHARE expenditure of 33 EUR per capita.

## Assessment of PHARE Roma programmes

A 2004 comparative review was commissioned to “summarise the achievements of PHARE Roma Programmes in the five countries where integration of Roma minorities was specified as an Accession Partnership priority (Bulgaria, the Czech Republic, Hungary Romania and Slovakia).” This also considered to what extent PHARE had “contributed to a wider social inclusion agenda” in these five CEE countries.<sup>14</sup> The review commended the positive influence of this initiative, as “more than any other assistance programme, PHARE is widely acknowledged as the lever of change.”<sup>15</sup> It was also praised for setting an agenda on Roma, inconceivable a decade earlier, and also for preparing the way for utilisation of Structural Funds after these countries had gained EU membership.

8 See: [http://europa.eu/legislation\\_summaries/enlargement/2004\\_and\\_2007\\_enlargement/e50004\\_en.htm](http://europa.eu/legislation_summaries/enlargement/2004_and_2007_enlargement/e50004_en.htm).

9 See: [http://europa.eu/lisbon\\_treaty/index\\_en.htm](http://europa.eu/lisbon_treaty/index_en.htm).

10 This figure presumably refers to EU funds alone, which generally contributed about two thirds of the total funding for PHARE programmes – the remainder being supplied by national co-financing.

11 EC, *Community Instruments and Policies for Roma Inclusion*, COM\_2008\_420 CSWD 27[1].6.08, (Brussels: EC, 2 July 2008), 49, available at: <http://ec.europa.eu/social/BlobServlet?docId=546&langId=en>.

12 MWH Consortium, *Supporting Enlargement – What Does Evaluation Show?* Ex-post evaluation of PHARE support allocated between 1999-2001, with a brief review of post-2001 allocations, Consolidated Summary Report (Brussels: EC DG Enlargement, 2007), 1, available at: [http://ec.europa.eu/enlargement/pdf/financial\\_assistance/phare/evaluation/consolidated\\_summary\\_report\\_phare\\_ex\\_post\\_eval.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/consolidated_summary_report_phare_ex_post_eval.pdf).

13 Council of Europe estimates of Romani populations in Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia currently total 2.9 million (minimum) and 4 million (average), two thirds of the EU total (average). See: [www.coe.int/t/dg3/romatravellers/default\\_en.asp](http://www.coe.int/t/dg3/romatravellers/default_en.asp).

14 EMS, *From Pre-accession to Accession: Review of the European Union PHARE Assistance to Roma Minorities*, Thematic Evaluation, PHARE support allocated in 1999-2002 and implemented until November 2003 (Brussels: EC DG Enlargement, December 9, 2004), I, available at: [http://ec.europa.eu/enlargement/pdf/financial\\_assistance/phare/revised\\_minorities\\_thematic\\_raw\\_161204\\_en.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/revised_minorities_thematic_raw_161204_en.pdf).

15 *Ibid.*, 9.



The advent of national non-discrimination laws, based on the 2000 EU Race Directive,<sup>16</sup> was welcomed as a progressive step. However, in an implied criticism of the Commission's apparent confidence in the presentation of legislative changes and formal plans as reliable evidence of candidates' progress towards Roma integration, the review warned that "anti-discrimination legislation on its own will not tackle the root causes of social exclusion."<sup>17</sup> Rather, it insisted, effective concrete measures were needed to make a decisive impact on the critical living conditions of most Romani communities.

Interventions attempting complex development plans, while commendable in endeavouring to engage with interrelated problems through multiple sectors, were judged to be unrealistic in terms of what could be achieved within the relatively short time-span of individual PHARE programmes (usually one or two years).<sup>18</sup> Such over-ambitious programmes were characterised by a bureaucratic, top-down approach and proved challenging for implementing bodies. Inherent procedural complexities led to delays with knock-on effects. Implementation was also hindered by "[s]taff shortages, staff changes and poor administrative and absorption capacity", leading to further postponements which reduced time available for their realisation.<sup>19</sup> However these problems were by no means limited to Roma projects but were characteristic of the PHARE programme as a whole where "its aims were too ambitious and the time allowed to achieve them too short."<sup>20</sup>

In contrast to these under-achieving, top-down initiatives, those which "promoted a 'bottom-up' and participatory

approach" were praised, although this methodology proved difficult to accomplish in PHARE because of the built-in bureaucracy. While local involvement was seen as a vital component for successful projects, there was frequently insufficient "preparatory work to build trust and partnerships between all stakeholders [and ...] stimulate local ownership."<sup>21</sup> Here NGOs were potentially able to play a key role through grant-aided projects but, once again, complex PHARE procedures, together with the insufficient capacity of such organisations, especially Romani NGOs, served to limit the participation of some of the most relevant actors.<sup>22</sup>

In particular, the review criticised the unbalanced targeting of PHARE funds (totalling 96 million EUR including co-financing),<sup>23</sup> which failed to correspond to the most pressing needs of Romani communities. In 2002, Roma interviewed in five candidate countries by the UNDP asserted that the main problems facing them were unemployment and economic hardship.<sup>24</sup> A year later these grassroots voices were supported by a World Bank study which unequivocally identified the loss of their former jobs and subsequent long-term unemployment as the main cause of Roma impoverishment.<sup>25</sup> In this context the review found it "surprising that only 9% of PHARE assistance for Roma minorities was spent on tackling unemployment."<sup>26</sup>

Also striking, given the much lower life expectancy of Roma,<sup>27</sup> was the miniscule share allocated for health-related projects – only 3% – as opposed to 27% for infrastructure initiatives, of which almost two thirds was devoted

16 *European Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* (known commonly as the Race Directive), 29 June 2000, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:EN:NOT>.

17 EMS, *PHARE Assistance to Roma Minorities*, 5.

18 *Ibid.*, II.

19 *Ibid.*, 7.

20 See: David Bailey and Lisa De Propriis, "A Bridge too Phare? EU Pre-Accession Aid and Capacity Building in the Accession Countries", *Journal of Common Market Studies*, 42 (2004): 77-98, available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=513652](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=513652).

21 *Ibid.*

22 Of total PHARE funding, 5.9% was spent on supporting NGOs. *Ibid.*, 23.

23 Of this total of 95.77 million EUR for the five countries studied (for programmes during the period October 2001 to July 2003), 64.54 million EUR (67.4%) was from EU PHARE funding and 31.23 million EUR (32.6%) from national co-financing. *Ibid.*, I.

24 These were the five candidate countries with the largest Romani populations and the same countries covered by the 2004 review of PHARE Roma programmes. UNDP, *Roma in Central and Eastern Europe: Avoiding the Dependency Trap* (Bratislava: UNDP, 2002), 31, available at: <http://euro-peandcis.undp.org/home/show/62BBCD48-F203-1EE9-BC5BD7359460A968>.

25 Dena Ringold, Mitchell A. Orenstein and Erika Wilkens, *Roma in an Expanding Europe: Breaking the Poverty Cycle* (Washington, D.C.: The World Bank, 2003), 1, available at: [http://siteresources.worldbank.org/EXTROMA/Resources/roma\\_in\\_expanding\\_europe.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/roma_in_expanding_europe.pdf).

26 EMS, *PHARE Assistance to Roma Minorities*, V.

27 Ringold et al., *Roma in an Expanding Europe*, 48.

to a single project in Slovakia.<sup>28</sup> The highest proportion of expenditure – a third – was spent in the education sector.<sup>29</sup> Also highlighted was the variance in funding between countries. Even allowing for its lower Romani population, the Czech Republic had by far the smallest share of PHARE Roma funding (8%) in comparison with the countries with the largest shares (Hungary 28% and Slovakia 26%).<sup>30</sup> The suggestion was made that these proportions might reflect differing levels of political commitment to Roma inclusion in these countries.<sup>31</sup>

The review concluded that the contribution of PHARE was limited, pointing to the absence of broader social inclusion policies. This meant that Roma programmes were not part of wider strategies to tackle the socio-economic factors underlying their exclusion. Although PHARE had been intended as a pump-priming exercise to prepare the way for national institutions to take responsibility, this had rarely happened.

[O]verall the projects have been short-term ones that ended on completion or, in some cases, continued with the assistance of other donor funding. Only in a few instances [...] have interventions that started through PHARE been absorbed into government or local authority mainstream funding.<sup>32</sup>

Future progress was seen as conditional on making close links between projects aiming to improve the quality of life for Romani communities and wider social inclusion policies. However fears were also expressed that such policies, as advocated in the 2000 Lisbon Strategy, might fail to guarantee a position of priority for Romani people. Therefore, in spite of considerable PHARE aid, followed by support from Structural Funds, initiatives for Romani communities might nevertheless remain peripheral to the more urgent concerns of CEE governments. Consequently the review saw “strong government commitment” as an essential ingredient for building on the positive lessons of PHARE experience and concluded with a stark warning:

28 EMS, *PHARE Assistance to Roma Minorities*, 6 (footnote 11) and 17.

29 *Ibid.*, 12-13.

30 *Ibid.*, 4. The Czech Republic also had the smallest average project size.

31 *Ibid.*, 4, footnote 7.

32 EMS, *PHARE Assistance to Roma Minorities*, 10.

33 *Ibid.*, 11.

34 EC, *Roma: The Roma in the European Social Fund 2007-2013* (Brussels: EC, 2006), 4, available at: [http://www.euromanet.eu/upload/00/75/tp\\_Roma\\_ESF\\_2007-2013\\_en.pdf](http://www.euromanet.eu/upload/00/75/tp_Roma_ESF_2007-2013_en.pdf).

Without across the board commitment to bring about systematic change to overcome the barriers that exclude Roma from mainstream society, the goal of social inclusion of Roma will remain a distant vision.<sup>33</sup>

## Have the lessons from PHARE been learned?

As Member States, the former CEE candidate countries that entered the EU in 2004 and 2007 are now drawing on Structural Funds, especially the European Social Fund (ESF), and other EU instruments to supplement the national and donor funds that support their Roma inclusion initiatives. In its 2006 publication *Roma: The Roma in the European Social Fund 2007-2013*, the Commission gave assurances that:

Activity funded under the PHARE programme in relation to the Roma community was a test bed for future implementation of the Structural Funds. In particular the thematic evaluation – Review of the European Union PHARE Assistance to Roma Minorities – contains clear conclusions on sustainability and profiles the lessons learned.<sup>34</sup>

Apart from PHARE, valuable experience had also been gained elsewhere during the first ESF programming period which ran in parallel with the PHARE programmes of CEE countries. Positive results, particularly from Spain, confirmed that initiatives should form part of a coherent national strategy rather than standing alone. Furthermore, interwoven issues contributing to Roma exclusion were best tackled in a comprehensive, integrated way rather than in a piecemeal fashion.

But the review also warned of dangers and it is doubtful to what extent the lessons of the PHARE programme have been learned and incorporated into Roma initiatives during the current ESF programming period. Recent reports from the Commission highlight examples

of good practices supported by EU and other funding sources<sup>35</sup> but these contain very limited discussion of shortcomings. Looking at the main areas addressed by Roma programmes – employment, education, housing and health – obvious gains are negligible, justifying a recent pessimistic OSCE assessment: “Progress in integrating Europe’s Roma populations has, frankly, been minimal and often does not extend beyond the adoption of legal frameworks and policies.”<sup>36</sup> So, as a cautionary counter-weight to the Commission’s understandable desire to publicise “good news”, this article points to signs that earlier mistakes are being repeated.<sup>37</sup>

## POLICY FRAMEWORKS, GOVERNANCE AND ORGANISATIONAL STRUCTURES

The accession process and PHARE funding encouraged the framing of national strategies for Roma inclusion in candidate countries. By around 2000 most had adopted some form of overall plan, whereas the existence of such a strategy was the exception in the older, more established Member States. However with the launch of the Lisbon Strategy in 2000, all EU states were required to prepare National Action Plans for Social Inclusion (NAPSIs) as a means of improving employment prospects and thereby assist inclusion of their citizens, particularly the most vulnerable – the multiply disadvantaged. These action plans constituted a broad policy instrument in which Roma could be prioritised as the review had recommended.

Nevertheless a 2007 report on the Czech Republic, France and Portugal suggested that opportunities for a more strategic approach to Roma inclusion had been wasted.<sup>38</sup> This

all too rare example of an impact study of the application of NAPSIs to Romani communities revealed that a ‘cut-and-paste’ culture, well known to those dealing with PHARE project documentation, had taken the place of dynamic planning. Equally familiar was the “apparent chasm between the national and local authorities”.<sup>39</sup> Some measures in the plan were “based on existing national policy documents not adopted or accepted at the local level” and national and regional authorities in all three countries frankly “expressed their inability to influence the actions of public authorities at the local level. Indeed, certain measures [...] included in the NAP[SI]s lack any mechanism by which they could be legally enforced.”<sup>40</sup>

The main difficulties identified in the review had been poor organisational structures, weak coordination and particularly the inadequacy of the common top-down approach to enable plans to be implemented effectively at local level. This had been a weakness even during the period of dirigiste Communist planning, but intensified as the decentralisation of powers from national to local authorities gathered pace throughout the CEE region, especially from 2000 onwards. Evidently there were similar problems in Western Europe and the only solution to this impasse was to build close partnerships between central and local authorities.

Further consequences of poor organisation and weak links with local authorities were evident from problems in accessing funding earmarked for implementing Operational Programmes. For example, in Slovakia this affected a comprehensive inclusion plan for marginalised Roma communities, part of the National Strategic Reference Framework 2007–2013.<sup>41</sup> By the deadline for submitting local strategies in February 2010,<sup>42</sup> halfway through

35 For example, Livia Di Nardo, *The European Social Fund and the Roma: Background Report*, Bernard Brunhes International (Brussels: EC, 2010), available at: [www.euromanet.eu/upload/57/59/esf\\_roma\\_en.pdf](http://www.euromanet.eu/upload/57/59/esf_roma_en.pdf). Also, Will Guy, André Liebich and Elena Marushiakova, *Improving the Tools for the Social Inclusion and Non-discrimination of Roma in the EU*, ERRC/REF (Brussels: EC, 2010), available at: <http://ec.europa.eu/social/main.jsp?catId=518>.

36 Janez Lenarčič, ‘Report’ by the Director of OSCE Office for Democratic Institutions and Human Rights (ODIHR), *OSCE Review Conference* (Warsaw: ODIHR, 30 September 2010), 6, available at: [http://www.osce.org/documents/osce/2010/09/46375\\_en.pdf](http://www.osce.org/documents/osce/2010/09/46375_en.pdf).

37 Limitations of space prevent discussion of many more instances.

38 ERRC/Númena, *Social Inclusion through Social Services: The Case of Roma and Travellers. Assessing the Impact of National Action Plans for Social Inclusion in Czech Republic, France and Portugal* (Budapest: ERRC, 2007), available at: <http://www.errc.org/db/02/23/m00000223.pdf>.

39 *Ibid.*, 18.

40 *Ibid.*, 16–17.

41 See: Horizontal Priority Marginalised Roma Communities, available at: <http://www.romovia.vlada.gov.sk/16710/horizontalna-priorita-marginalizovane-romske-komunity--hp-mrk.php>.

42 The deadline for the submission of Local Strategies of Complex Approach which are required as a component of any project applications was 5 February 2010. See: <http://romovia.vlada.gov.sk/12915/vyzvy-na-predkladanie-ziadosti.php>.

the plan's implementation period, none of the 200 million EUR allocated had been released.<sup>43</sup> Progress was later made on the Horizontal Priority Marginalised Roma Communities,<sup>44</sup> though a 2011 study for the European Parliament revealed Slovakia's per capita funding exclusively targeting its Roma population to be the lowest of its CEE neighbours.<sup>45</sup>

## MONITORING AND DATA AVAILABILITY

The review called for “indicators and monitoring mechanisms capable of measuring progress”.<sup>46</sup> Likewise, the Commission publication on Roma and the ESF emphasised that to enable effective monitoring “[p]roper indicators and benchmarks should be set”. In spite of the Commission's assurance that “the Directive on Protection of Personal Data does not forbid collection of anonymous statistical data, which should be sufficient for effective monitoring and evaluation,”<sup>47</sup> ethnically disaggregated statistics continue to remain in short supply. The choice of title for a 2010 OSI report at the half-way point of the Decade of Roma Inclusion 2005-2015<sup>48</sup> curtly expressed the frustration of Romani activists: *No Data – No Progress*.<sup>49</sup> Nevertheless there has been evolution in this area, for example, Czech and Slovak governments have significantly relaxed their earlier intransigent opposition to data gathering about Roma.<sup>50</sup>

## EMPLOYMENT

The comparative neglect of employment and training in earlier PHARE projects was strongly criticised in the review. Therefore a subsequent shift in focus, linked to the Lisbon Strategy, can be regarded as a lesson learned. The 2010 background report on the ESF found: “In almost all Member States, the ESF-supported approach to social inclusion of all vulnerable groups focused mainly on employment. [...] More than 70% of the measures identified for the study and 64% of the EQUAL partnerships involving Roma were related to employment.”<sup>51</sup> Yet, in spite of the greater priority given to employment projects, there were few examples of good practice and these tended to be small-scale.<sup>52</sup> Also a number of EQUAL projects ended as soon as ESF funding ceased, just as in the case of PHARE.

More disturbing is the fact that employment initiatives involving Roma have mainly been “activation” programmes, which, although not targeted at Roma, recruited many as clients. Researchers characterised an ESF-supported Slovak scheme as “a form of modern slavery” since participants were paid less than the minimum wage. Employers came to realise that “it is cheaper to hire [...] unqualified work persons with activation status than regular employees, and some companies (e.g. municipal cleaning companies) [...] dismissed their employees and replaced them with individuals from the activation programme.” Therefore, rather than increasing employment

43 Slovakia Country Report (not publicly available), used as background material for Guy *et al.* (2010).

44 See: <http://romovia.vlada.gov.sk/21314/vyrocnna-konferencia-k-hp-mrk.php>.

45 William Bartlett, Roberta Benini and Claire Gordon, *Measures to Promote the Situation of Roma EU Citizens in the European Union*, Policy Department for Citizens' Rights and Constitutional Affairs, PE 432/747 (Strasbourg: European Parliament, 2011), 198, available at: [www.euromanet.eu/upload/77/37/EP\\_Roma.pdf](http://www.euromanet.eu/upload/77/37/EP_Roma.pdf).

46 EMS, *PHARE Assistance to Roma Minorities*, 54.

47 EC, *The Roma in the European Social Fund 2007-2013*, 5.

48 The Decade of Roma Inclusion (2005-2015) now involves twelve CEE governments that have pledged to improve the situation of the Roma. National Action Plans complement existing national strategies for Roma drawing on EU Structural Funds, pre-accession funds, national and other resources. See: <http://www.romadecade.org/about>.

49 OSI, *No Data – No Progress: Data Collection in Countries Participating in the Decade of Roma Inclusion 2005-2015* (New York: OSI, June 2010), available at: [http://www.romadecade.org/no\\_data\\_country\\_findings](http://www.romadecade.org/no_data_country_findings).

50 Notably the 2006 mapping of socially excluded localities in the Czech Republic and the detailed 2004 survey of Romani communities in Slovakia. Also the vulnerability profiles for the Decade of Roma Inclusion countries carried out by the UNDP in 2005. See, respectively: [http://www.gac.cz/documents/nase\\_prace\\_vystupy/GAC\\_MAPA\\_analyza\\_SVL\\_aAK\\_CJ.pdf](http://www.gac.cz/documents/nase_prace_vystupy/GAC_MAPA_analyza_SVL_aAK_CJ.pdf); and <http://romovia.vlada.gov.sk/3554/list-faktov.php> <<http://europeandcis.undp.org/home/show/67D47F90-F203-1EE9-BB4A88AD1FF2FF8D>>.

51 Di Nardo, *The European Social Fund and the Roma: Background Report*, 67.

52 The outstanding exception is the acclaimed *ACCEDER* programme in Spain, implemented by the NGO *Fundación Secretariado Gitano* (FSG), available at: <http://www.gitanos.org/acceder/>.

levels, activation could sometimes reduce them and indeed “[p]eople have lost their jobs as a result of state policy.”<sup>53</sup>

Driven by neo-liberal ideology, such workfare-type schemes “enforced participation [...] but] did not bring the intended effect in terms of increasing employability and reducing long-term unemployment.”<sup>54</sup> Among other factors, the failure of these measures was attributed to “centralist and bureaucratic forms of [weak] governance combined with poor competence of public servants.”<sup>55</sup> While all participants in such programmes could be adversely affected, Roma were likely to suffer even more. Investigation of the Slovak scheme revealed that “when the activation positions are being allocated, the worst and lowest status positions are given to Roma. Discrimination exists even in this type of work; it is the Romani participants who are given the most degrading, least attractive and most labour intensive tasks.”<sup>56</sup> Vulnerability of Romani communities to hostile local authorities was further illustrated in 2011 by the case of the Hungarian village of Gyöngyöspata, where unemployed Roma were made to labour clearing rough ground for less than the minimum wage following the election of a right-wing extremist as mayor.<sup>57</sup>

In general, Roma seeking employment in new Member States face widespread and institutional discrimination, as was comprehensively documented in a 2007 research report.<sup>58</sup> The high costs of Roma exclusion from the labour market have been calculated in recent studies<sup>59</sup> “against the

backdrop of an ageing population and shrinking workforce” and characterised by the EU Commissioner for Employment, Social Affairs and Inclusion, László Andor, as “profoundly damaging for economies and societies.”<sup>60</sup>

## EDUCATION

The sector receiving most PHARE funding had been education. Following the priorities of Accession Partnerships, projects typically aimed at “increasing access to education.”<sup>61</sup> These often failed to mention integrated education as a goal in spite of UNDP experience that Romani children starting in integrated schools “have incomparably higher chances to continue their educations than those attending segregated institutions”<sup>62</sup> and warnings like that of an EU educational advisor to PHARE in Slovakia of “a real risk of [...] a two-track educational system: one for the majority population and one for the Roma.”<sup>63</sup>

Bulgaria was the first CEE state to recognise integrated education as a priority in 1999, when a comprehensive blueprint for progress was proposed by Romani NGOs and agreed between the Government and seventy Romani organisations. This included the call for a long-term strategy for the total abolition of segregated education<sup>64</sup> but such a policy was only formally adopted as late as June 2004.<sup>65</sup> The Commission’s 2005 progress report on Bulgaria was

53 Laco Oravec and Zuzana Bošelová, “Activation Policy in Slovakia: Another Failing Experiment?” *Roma Rights*, Number 1, (2006), available at: <http://www.errc.org/cikk.php?cikk=2537>.

54 Tomáš Sirovatka, “Activation Policies under Conditions of Weak Governance: Czech and Slovak Cases Compared”, *Central European Journal of Public Policy*, Vol. 2, 1 (2008): 4, available at: <http://www.cejpp.eu/index.php/ojs/article/viewFile/15/11>.

55 *Ibid.*, 6.

56 Oravec and Bošelová, “Activation Policy in Slovakia: Another Failing Experiment?”

57 “Hungary puts its Roma to work”, *Euractiv*, 21 September 2011, available at: <http://www.euractiv.com/socialeurope/hungary-puts-roma-work-news-507804>.

58 ERRC, *The Glass Box: Exclusion of Roma from Employment* (Budapest: ERRC, 2007), available at: <http://www.errc.org/cikk.php?cikk=2727>.

59 For example, ‘inclusion of the Roma in Slovak society would bring anywhere from 7 to 11% of GDP per year’. See: Anton Marcínčin and Eubica Marcínčinová, *The Cost of Non-inclusion*, (Budapest: Decade of Roma Inclusion, 2 July 2009), 5, available at: [http://www.romadecade.org/files/ftp/Publications/2\\_cost\\_of\\_non\\_inclusion.pdf](http://www.romadecade.org/files/ftp/Publications/2_cost_of_non_inclusion.pdf).

60 László Andor, “Contribution of EU funds to the integration of Roma” (speech, High Level Event, Bucharest, 12 October 2010), available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/536&format=HTML&aged=0&language=EN&guiLanguage=en>.

61 For example, the 2003 Slovak project SR0103.01 *Support to the Roma Minority in the Educational Field*, project fiche, §3.1.

62 UNDP, *Avoiding the Dependency Trap*, 6.

63 Pascal Bavoux, in *Final Report on Improvement of the Situation of the Roma in the Slovak Republic*, (Paris/Bratislava: Racine/Government of Slovakia, 2003), 46.

64 *Framework Program for Equal Integration of Roma in Bulgarian Society*, April 1999, V, 1, available at: <http://www.ncedi.government.bg/en/RPRIR-BGO-English.htm>.

65 *Strategy for Educational Integration of Children and Students from Ethnic Minorities*, 2004, available at: <http://www.interculturaldialogue.eu/web/intercultural-dialogue-country-sheets.php?aid=97>.

unimpressed: “The strategic documents and programmes on the educational integration of children from the Roma minority have not significantly changed the situation on the ground. Initiatives [...] were largely unsuccessful.”<sup>66</sup>

In the meantime it was Romani organisations rather than the Government which took the lead. Starting in 2000, the DROM NGO in Vidin began bussing Romani children to schools in non-Romani neighbourhoods and providing additional tutoring and support.<sup>67</sup> Funding came not from national sources, nor from PHARE, but from the Open Society Institute and this role transferred in 2005 to the Roma Education Fund (REF).<sup>68</sup> By 2010, similar schemes were operating in nine other Bulgarian cities. In spite of their success it was only in 2008 that any significant Governmental resources were allocated to desegregation initiatives in an Operational Programme co-funded by EU Structural Funds. Financial support from this Programme for its four school desegregation projects totalled 167,000 EUR in 2008.<sup>69</sup> This scarcely matched REF contributions for educational desegregation which averaged 650,000 EUR annually between 2005 and 2008/09.<sup>70</sup>

Other CEE countries seemed unwilling to risk provoking majority public opinion by taking firm action to desegregate schools. In 2007 the Grand Chamber of the European Court of Human Rights had ruled that the Czech practice of inappropriately segregating Romani students into special schools was a form of unlawful discrimination.<sup>71</sup> Four years later the Czech Government failed to provide any evidence of progress, as required by the Court, other than blunt-

ly stating that it had a national action plan to bring about change. What it failed to mention was that reformers within the Ministry of Education had been driven out, a group of sixty experts had all resigned in protest and that a new advisor, hostile to inclusive education, had been appointed as key advisor to the education Minister.<sup>72</sup> Since then “[p]lans to spend EU structural funds on inclusive education projects have not been publicly revealed making it difficult to determine whether they would meet genuine needs.”<sup>73</sup>

An exception was Hungary where the education Ministry PHARE office, suspicious that a PHARE programme was ineffective, investigated every single grant recipient. This impact study discovered that PHARE funds were being used to perpetuate segregatory practices in schools, rather than as intended, and prompted new legislation to counter educational segregation.<sup>74</sup> Even then it was left to a privately-funded NGO to monitor the situation and take legal action against offending municipalities.<sup>75</sup> Since earlier incentives had often been ignored, local authorities seeking Structural Funds for development are now required to present equal opportunity plans for desegregation as a condition of eligibility.<sup>76</sup>

## HOUSING

Another example of the kind of situation inadequately addressed by PHARE and later deteriorating still further was provided in the first Peer Review to be held in a new Member State from the fifth enlargement.<sup>77</sup> In the Czech

66 Ivan Ivanov, *No progress on Roma issues in Bulgaria* (Brussels: ERIO, 2005), available at: <http://www.erionet.org/site/basic100122.html>.

67 See: [http://baht2000.free.bg/en\\_projects4.html](http://baht2000.free.bg/en_projects4.html) and <http://drom-vidin.org/en/desegregation.html>.

68 See: <http://www.romaeducationfund.hu/>.

69 See: <http://sf.mon.bg/Dogovori-Integracion-2007.pdf>.

70 REF, *Annual Report 2007* (Budapest: REF, 2008), available at: [http://www.romaeducationfund.hu/documents/REF\\_2007\\_Annual%20Report\\_Final.pdf](http://www.romaeducationfund.hu/documents/REF_2007_Annual%20Report_Final.pdf).

71 E-include, *European court of human rights decision on discrimination does not end segregated education*, 14 November 2007, available at: <http://www.e-include.eu/en/legal-network-news/non-discrimination/121-european-court-of-human-rights-decision-on-discrimination-does-not-end-segregated-education>.

72 Tracey Gurd, *Europe Must Increase Pressure for Czech Roma Desegregation*, 7 June 2011, available at: <http://blog.soros.org/2011/06/europe-must-increase-pressure-for-czech-roma-desegregation/>.

73 Tracey Gurd, *The implementation of the EU Charter of Fundamental Rights two years after the Lisbon Treaty's entry into force*, LIBE Committee Hearing, Brussels, 10 November 2011, available at: [http://www.soros.org/initiatives/justice/articles\\_publications/publications/libe-dh-20111114/libe-gurd-dh-20111114.pdf](http://www.soros.org/initiatives/justice/articles_publications/publications/libe-dh-20111114/libe-gurd-dh-20111114.pdf).

74 EMS, *PHARE Assistance to Roma Minorities*, 14.

75 See: <http://www.politics.hu/20100203/ngo-to-sue-education-ministry-over-roma-segregation>.

76 See: [http://www.romaeducationfund.hu/documents/Short%20summary\\_Hun%20edu\\_integr\\_prog\\_0603.doc](http://www.romaeducationfund.hu/documents/Short%20summary_Hun%20edu_integr_prog_0603.doc).

77 EC, *Field social work programmes in neighbourhoods threatened by social exclusion: Peer Review*, Czech Republic, 19-20 May 2005, available at: <http://www.peer-review-social-inclusion.eu/peer-reviews/2005/field-social-work-programmes-in-neighbourhoods-threatened-by-social-exclusion>.

Republic, a national Roma strategy has been in place since the year 2000 and Roma are specifically mentioned in the NAPSI where the NGO-led Field Social Work Programme, running since 1999, offers counselling to families. The mainly Romani clients live in dilapidated urban tenement blocks and suffer multiple deprivation. Although this project is financially supported by the relevant Ministry and localities chosen for intervention follow invitations from municipalities, “collaboration with local authorities and civil society is limited” and the NGO is not in a position to require municipalities to take effective action.<sup>78</sup> Furthermore, the potential for solving accommodation problems is restricted by the fact that “[v]ery few municipalities now provide social housing and central government lacks the power to influence them.”<sup>79</sup> This situation was aggravated by EU funding being restricted at that time to infrastructure projects, making provision of accommodation dependent on national or donor sources.

It has been convincingly argued that certain local authority policies have actually been largely instrumental in creating the desperate situation which the NGO is seeking to alleviate.<sup>80</sup> Even more serious is the suggestion that “municipal workers may have private economic interests that conflict with care for Roma families (e.g. property ownership).”<sup>81</sup> In other words public officials can profit from the process by which the localities at risk of exclusion are actively created by real estate companies moving Roma from former State-owned apartments in desirable locations to desolate areas where Roma are already concentrated. While praising the project’s flexibility, Peer Review participants concluded that: “[g]iven the gravity of the problems and the limited resources available [...] the project] can perform no more than “harm reduction”, ensuring that

the clients’ situations do not deteriorate further, rather than achieving full social inclusion.”<sup>82</sup>

Not only individual officials but municipalities as a whole are accused of misusing funding. Several Czech towns have “profit[ed] from EU subsidies designed to improve conditions for local Roma ... [and] have used the subsidies to upgrade town centres, create pedestrian zones and build car parks and other projects not directly related to Roma.” One flagrant example of such misuse was “[i]n Ostrava’s Vitkovice district, [where] a car park worth 1.6 billion crowns [65.3 million EUR] was built last year within a programme “primarily focusing on pilot projects aimed to solve problems of Roma communities threatened with exclusion.”<sup>83</sup> Quite possibly such unrelated costs are unknowingly included in statistics compiled by the Commission to demonstrate EU expenditure benefiting Roma.

While the recent modification of the European Regional Development Fund (ERDF) rules now enables financial support for housing,<sup>84</sup> there is no guarantee that local authorities will draw on these as there are many examples where grant offers of up to 100% have been simply ignored. Another likelihood is that funds will be used to build segregated housing in the same way that most PHARE infrastructure projects preserved the status quo.<sup>85</sup> As the review wryly commented: “[M]aking segregated slums a little more habitable for a few families, does little towards bringing the goal of Roma integration any nearer.”<sup>86</sup> Six years later the Inclusion Commissioner made a closely related point that “Roma people [...] do not want renovated Roma ghettos,”<sup>87</sup> while shortly afterwards the Commission acknowledged that “50% of the Roma population live in

78 Douhomir Minev, “Synthesis report” *Peer Review*, Czech Republic (Brussels: EC, 2005), 22. *Ibid.*

79 *Ibid.*, 16.

80 Andrea Baršová, “Housing problems of ethnic minorities and trends towards ethnic segregation in the Czech Republic”, in *Romany in the Town*, ed. Gabriela Rösnerová (Prague: Socioklub/UNHCR, 2003), 19-20.

81 Minev, ‘Synthesis report’, 22, 16-17.

82 *Ibid.*, 7.

83 “Towns, activists sponge on EU subsidies to Roma”, *Prague Monitor* taken from the weekly *Tyden*, 13 September 2011, available at: <http://prague-monitor.com/2011/09/13/t%C3%BDden-towns-activists-sponge-eu-subsidies-roma>.

84 European Parliament and European Council, *Regulation of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities*, PE-CONS 6/10,§6, (Brussels, 24 March 2010), available at: <http://register.consilium.europa.eu/pdf/en/10/pe00/pe00006.en10.pdf>.

85 This approach was continued with a PHARE infrastructure project (HR2005/2/1) for Croatia’s largest Roma settlement.

86 EMS, *PHARE Assistance to Roma Minorities*, 17.

87 EC, “European Commission urges Roma social inclusion”, press release, 7 April 2010, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/407&type=HTML>.

partially or totally segregated neighbourhoods – an isolation trend that has been reinforced in the last 15 years.”<sup>88</sup> Nevertheless, in spite of forthright statements of intent by the Commission to combat residential segregation, the change to ERDF rules does not explicitly prohibit funding for segregated accommodation and responsibility for monitoring remains with Member States.

The cases above might be viewed as examples of decentralisation preventing the implementation of national strategies to integrate Romani communities, but from another perspective these demonstrate a deficiency common in many earlier PHARE projects – a failure to build durable alliances between national and local partners. Even when central Government powers were more wide-ranging, local authorities were still able to block unpopular plans.

## Future prospects

While financial support provided by the PHARE programme had been insufficient for achieving Roma inclusion in candidate countries, subsequent access to the greater resources of Structural Funds has produced equally disappointing results in what have become new Member States. The PHARE review had drawn critical attention to wide differences in funding levels, suggesting this reflected national Governments’ varying degrees of commitment to Roma inclusion. Likewise a 2011 study for the European Parliament also identified “significant variations” in ESF budgets in new Member States for projects targeted exclusively at Roma.<sup>89</sup>

This discrepancy was most evident where administrative capacity was still problematic<sup>90</sup> and yet where the need was

greatest – in Romania and Bulgaria with the largest Romani populations in the EU and also generating the largest number of migrants to Western Europe. Romania had “absorbed less than 1 percent of the nearly 4 billion Euros it is entitled to under the ESF from 2007 to 2013 ... [and] stands to lose the money if it does not find a use for it.”<sup>91</sup> Meanwhile “Bulgaria ... [was] only using 5% of the fund.”<sup>92</sup> Inclusion Commissioner Andor complained in particular about Romania’s failure to draw on ESF funds available to it, adding: “It is not clear to what extent the authorities in each country are really determined to use the money for Roma integration.”<sup>93</sup> The Commission’s 2010 Progress Report emphasised the same point: “There is generally no lack of funds, but a lack of political commitment in certain Member States to use them for actions on Roma as major target group.”<sup>94</sup> An OSCE ambassador came to a similar conclusion:

The main challenge we see is that existing initiatives and programmes confront a lack of political will, both at national and local levels. We therefore need to focus on how the EU can mobilize its member states in this direction.

The EU has both the legal and financial means to pursue and support an effective Roma policy. But it needs to ensure that funds reach their target and that there are mechanisms to monitor and assess the outcomes. This is one of the weaknesses of current EU-funded Roma projects and has negatively affected their impact and sustainability.<sup>95</sup>

In September 2010 the Commission set up a Roma Task Force “to analyse the use and effectiveness of EU and national funds by all Member States for Roma inclusion” and on this basis presented an EU Framework for National Roma Integration Strategies the following March,<sup>96</sup> which

88 EC, “EU adopts new measures to improve housing conditions of Roma communities”, press release, 20 May 2010, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/589&format=HTML&aged=0&language=EN&guiLanguage=en>.

89 Bartlett et al., *Measures to Promote the Situation of Roma EU Citizens in the European Union*, 198.

90 Katsamunski, *Reform Process in Bulgaria*. Bertelsmann Stiftung, *BTI 2010 - Romania Country Report* (Gütersloh: Bertelsmann Stiftung, 2009), 16, available at: <http://www.bertelsmann-transformation-index.de/180.0.html?L=1>.

91 Stanley Pignal and Chris Bryant, “Brussels struggles to address Roma issue”, *Financial Times*, 17 September 2010.

92 Christoph Hasselbach, “European Commission to push member states to do more to help Roma”, *Deutsche Welle*, 12 October 2010, available at: <http://www.dw-world.de/dw/article/0,,6104685,00.html>.

93 Pignal and Bryant, “Brussels struggles to address Roma issue”.

94 EC, *Roma in Europe: The Implementation of EU Instruments and Policies for Roma Inclusion – Progress Report 2008-2010*, Commission Staff Working Document SEC(2010) 400 final (Brussels: EC, 7 April 2010), 26, available at: <http://ec.europa.eu/social/BlobServlet?docId=4823&langId=en>.

95 Lenarčič, ‘Report’ to *OSCE Review Conference*, 8.

96 EC, “European Commission assesses recent developments in France, discusses overall situation of the Roma and EU law on free movement of EU citizens”, press release, 29 September 2010, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207>.



was accepted by the European Council six months later.<sup>97</sup> This new initiative sought to ensure more efficient monitoring at the EU-level, based on a series of indicators, and included a “governance mechanism.” It also contributed to the Europe 2020 Strategy,<sup>98</sup> which incorporated a flagship initiative – the European Platform against Poverty. Accordingly, Member States were required to present their own national integration strategies by the end of 2011, which the Commission would “assess and report back to the European Parliament and the Council about progress.”<sup>99</sup>

At an October 2010 workshop on the role of EU funds in Roma integration, held appropriately in Bucharest, the Inclusion Commissioner had affirmed that one of his “main tasks will be to help decision-makers at all levels to translate EU level recommendations into concrete actions”, giving a pledge that “the issue of Roma integration will remain on the political agenda and that the Commission will provide the political leadership to ensure real results.”<sup>100</sup> The implication was that availability of powerful policy instruments

and the fact that EU funding was now one of the largest, if not the largest, source of financing Roma initiatives in newer Member States, meant the Commission had regained some of the potential leverage it had formerly possessed, but failed to use sufficiently, during the accession process.

But will strong words and firm assurances from the Commission result in “across the board commitment to bring about systematic change” in Member States? And if, as so often before, no effective action is taken by them, will the Commission then intervene and, in doing so, crucially change the relationship between the EU’s executive arm and its partners in the European social inclusion project? Ultimately, in a climate of ever growing anti-Gypsyism at a time of economic uncertainty,<sup>101</sup> can EU laws and funding mechanisms protect Roma from further and deepening exclusion? Lack of political will had been identified early on during the era of PHARE as the principal obstacle to progress. Now the warning of the PHARE Roma review remains as relevant as ever.

97 European Council, *An EU framework for national Roma integration strategies up to 2020: Council Conclusions* (2011/C 258/04), 2 September 2011, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:258:0006:0009:EN:PDF>.

98 Adopted in 2010 this development strategy supersedes the earlier Lisbon Strategy 2000-2010. See: <http://portal.cor.europa.eu/europe2020/Profiles/Pages/welcome.aspx>.

99 EC, *An EU Framework for National Roma Integration Strategies up to 2020*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM (2011) 173/4, 9, available at: <http://ec.europa.eu/social/BlobServlet?docId=6717&langId=en>.

100 László Andor, “Contribution of EU funds to the integration of Roma” (speech/10/536, *High Level Event*, Bucharest, 12 October 2010), available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/536&format=HTML&aged=0&language=EN&guiLanguage=en>.

101 “Statement on the situation of Roma in Europe International Steering Committee Decade of Roma Inclusion 2005-2015”, *Romea*, 6 October 2010, available at: [http://www.romea.cz/english/index.php?id=detail&detail=2007\\_1943](http://www.romea.cz/english/index.php?id=detail&detail=2007_1943).



# Learning from the EURoma Network

FUNDACIÓN SECRETARIADO GITANO / EUROMA TECHNICAL SECRETARIAT<sup>1</sup>

The EU is suffering one of the toughest economic crises ever, which has negatively affected, among other things, Europe’s labour markets. Member States have been forced to implement stringent fiscal adjustments, accompanied by deep cuts in social protection investments. The latter disproportionately impact Europe’s most disadvantaged social groups, including the Romani population.

It is in this context that EU institutions and Member States are designing the new programming period for Structural Funds (2014-2020).<sup>2</sup> The European Commission’s Europe 2020 Strategy, which builds on and streamlines the Lisbon agenda of the past decade, its associated flagship initiatives and planned actions,<sup>3</sup> as well as the Council Conclusions on a European Framework for National Roma Integration Strategies (European Framework),<sup>4</sup> highlight the increasingly central role that Structural Funds are playing in investment in key social protection measures and

access to public services for persons and communities in situations of poverty and exclusion. The European Framework set also indicates that “EU funding alone cannot resolve the situation of the Roma”, but remembers the amount of funds programmed “to support the efforts of the EU members in social inclusion, which includes actions in support of the Roma. EU funds will be crucial in the development of National Strategies, notably the Structural Funds, complementary to national resources.”<sup>5</sup> In that sense, the Structural Funds are therefore expected to become a pillar of Roma integration at the local, regional, national and EU levels.

In this context, the European Network on Social Inclusion and Roma under the Structural Funds (EU-Roma Network)<sup>6</sup> is particularly well-positioned to play a key role in promoting the use of Structural Funds as a basic financial and policy instrument for Roma integration.

## ABOUT THE EUROMA NETWORK

The EURoma Network was created in the context of the 2007-2013 programming period. Its aim was to increase the scope of transnational cooperation between the European Commission, EU Member States and other relevant actors.

The network is composed of 12 Member States: Bulgaria, the Czech Republic, Finland, Greece, Hungary, Italy, Poland, Portugal, Romania, Slovakia, Spain and Sweden.

The overarching objective of this Network is to promote the use of Structural Funds to enhance the effectiveness of policies targeting the Romani community and promote social inclusion by developing a common work approach and creating a forum for debate. Its major aims include:

- Sharing strategies, initiatives and approaches;
- Learning based on experience;
- Knowledge generation; and
- Dissemination and standardisation of knowledge.

As a Network, EURoma promotes horizontal and transnational cooperation, but the added value of the Network is its focus on improving the effectiveness of Structural Funds for Roma inclusion.

1 Fundación Secretariado Gitano acts as the EURoma Network’s Technical Secretariat.

2 Structural Funds are the main EU financial and political instruments at the disposal of Member States in designing and implementing policies aimed at enhancing social cohesion and reducing inequalities within the EU. Structural Funds are therefore a particularly relevant means of bridging the gap between the majority population and the Roma minority.

3 For detailed information on the targets, instruments and respective competencies of all actors involved in the Europe 2020 Strategy, see the European Commission’s website on the Europe 2020 Strategy: [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm).

4 European Council, *Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020*, 3089th Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 19 May 2011, para. 25, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/122100.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/122100.pdf).

5 European Council, *Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020*, 3089th Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 19 May 2011, para. 25, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/122100.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/122100.pdf).

6 European Network on Social Inclusion and Roma under the Structural Funds, available at: <http://www.euromanet.eu/>.

## Roma and the Structural Funds

In 2010, Network partners decided to reflect on the achievements, shortcomings and challenges ahead for mainstreaming Roma-related issues in the implementation of programmes co-financed by Structural Funds.

Our report, *Roma and the Structural Funds*,<sup>7</sup> provides a rigorous analysis of available data on the use of Structural Funds within the period 2007-2013 for the improvement of the conditions in which the Romani population lives, aiming at identifying key learning to be included during the ongoing programming period and the next programming period 2014-2020. It undertakes a critical analysis of Structural Funds as a policy and financial instrument for tackling the problems of Roma and concludes by identifying the lessons learned and future challenges for the network.

Many countries, especially those with larger Romani populations, have launched a number of programmes and projects aiming to improve the living conditions of Roma, to facilitate their social inclusion and to reduce the gap between Roma and the majority population. These programmes are not only oriented towards tackling the needs of Romani communities, but are also working on systems and capacity-building in the institutions dealing with Roma and other vulnerable groups.

Despite the fact that many programmes are still in an early phase of planning or implementation and in several cases experience delays, Structural Funds undoubtedly represent not only an opportunity for investing in Romani communities, but also a pool for designing more effective long-term policies involving different actors in close coordination with national, social and employment policies.

### How is funding for Roma being used?

There is little data about the quantity of funds allocated to programmes and projects directly aimed at or indirectly benefiting Roma. It is hard to find information about the number of direct beneficiaries disaggregated by age and

gender as well as ethnicity, and the impact of actions in both quantitative and qualitative terms.

However, there are clear indications that a significantly higher proportion of activities target Roma directly or as part of vulnerable groups in the current programming period (2007-2013) in comparison with the preceding period (2000-2006). Some EURoma Member States, notably Hungary and Romania, potentially included Roma in more than 50% of their co-funded activities. Some Member States have dedicated budget lines for activities aimed exclusively at Roma, including Bulgaria, the Czech Republic, Spain, Poland, Romania and Slovakia; these are primarily in the fields of employment, community-level social integration and education.<sup>8</sup> To varying extents, all countries associated with the EURoma Network involve Roma in programmes.

The key activities that can be identified in the Operational Programmes (OPs) in accordance with the Structural Funds regulations include:

1. Access of Roma to employment, to self-employment and to occupation at all levels of the professional hierarchy;
2. Access of Roma to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
3. Education, health and training of Roma including European Social Fund (ESF) activities in the sphere of primary or special education; and
4. Access to administrative and social services, and social infrastructure by Romani individuals.

In eight cases (Bulgaria, the Czech Republic, Hungary, Poland, Portugal, Romania, Slovakia and Spain), the national OPs define Romani people as an explicit target group, while in all cases Roma may benefit indirectly through funding for socially vulnerable or excluded communities, or through investment in system/administrative and infrastructural improvements. In four cases (Finland, Greece, Italy and Sweden), Roma are not mentioned explicitly, raising the question of whether they would benefit indirectly from such programmes, as they are not excluded as potential recipients. A significant number of countries address specific projects and measures to Romani communities and individuals.

<sup>7</sup> EURoma, *Roma and the Structural Funds* (April 2010), available at: [http://www.euromanet.eu/upload/59/60/EUROMA\\_REPORT\\_web.pdf](http://www.euromanet.eu/upload/59/60/EUROMA_REPORT_web.pdf).

<sup>8</sup> EURoma, *Roma and the Structural Funds*.

## What kind of activity is being funded?

Three predominant areas of action for programmes explicitly targeting Roma can be discerned: education, employment and community-level social integration.

**Education** aims primarily at desegregation actions (the Czech Republic, Hungary), inter-cultural education, prevention of early school leaving (Bulgaria, Romania, Spain) and bridging the gap between formal schooling and access to the labour market.

**Employment** focuses primarily on training activities and access to the labour market, labour adaptability, self-employment and in some cases, the promotion of entrepreneurship, including the creation of cooperatives and social community work (Bulgaria, Slovakia). A few employment programmes are targeted at individuals through personalised insertion pathways to the labour market (Romania, Spain) while programmes targeting educational needs tend to focus primarily on systems and communities.

**Social integration** actions for segregated or excluded villages and neighbourhoods are implemented through system and infrastructural improvements (access to services), the promotion of community level social economy and personal labour insertion pathways. In most cases the focus is on single issue programmes, although integrated approaches are increasingly favoured in countries such as Spain and Romania.

In a number of countries (the Czech Republic, Poland, Romania, Slovakia), relatively widespread situations of geographical segregation and marginalisation have led to the implementation of integrated actions at the community level. These actions are aimed at achieving inclusion, through the provision of housing and healthcare, as well as education and professional training.

Programmes directly benefiting Romani individuals and communities are often based on the principles of equal opportunities and anti-discrimination, focusing primarily on equal opportunities in the access to quality education and to the labour market (Hungary, Portugal, Romania, Spain, Slovakia). These are often accompanied by sensitisation and awareness-raising campaigns, mediation projects

(Poland, Portugal, Romania, Spain), as well as anti-discrimination measures (Hungary, Romania, Spain) targeting the majority population, such as awareness-raising actions and inter-cultural training, in accordance with the EU's Anti-Discrimination Directives.<sup>9</sup>

In some countries – Greece, Finland, Sweden and Italy – Roma are not explicitly mentioned in OPs. In some of these cases, Structural Funds were not planned to be used for projects targeting Roma explicitly because the latter are not defined as an ethnic minority, as in Greece, for example. Although some projects co-financed by the ESF explicitly target Roma (Greece, Italy, Sweden), this does not signify that Roma have not been beneficiaries of these Member States' respective OPs through programmes targeting vulnerable populations. In information provided later by managing authorities on specific projects, especially in the case of Sweden and Greece, projects have targeted or will target Roma directly at the local level. In the case of Greece, even if Roma are not mentioned in OPs specifically (usually they are included in the reference “groups with cultural differences” and in some cases are explicitly mentioned as Roma, among other groups), calls for tenders are specifically addressed to Roma in actions that concern them. In the case of Spain, integrated actions targeting migrant Romani populations from Eastern European countries are being implemented both at the national and regional levels.

The data shows that the majority of Member States invest indirectly in Roma inclusion and development through improvements in administration and infrastructure, including improvements in the quality of and access to social services. Qualitative enhancements of social services focus on health provision and access to education (Bulgaria, Greece, Hungary) as well as the development of methods to improve employment prospects and the productivity of labour (Italy). In turn, assistance to persons, local communities, enterprises and organisations is provided primarily through education and health services, access to employment – i.e. demand-driven projects for active employment and human capacity-building – and professional training.

Most of the countries that indirectly include Roma in their respective OPs do it by prioritising measures aimed at vulnerable or socially excluded groups. This category usually

<sup>9</sup> *European Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* (29 June 2000), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:EN:NOT>. *Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation* (27 November 2000), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>.

includes people with disabilities, immigrants, the ageing and women (Finland, Greece, Poland, Sweden). In some cases (Hungary, Greece, Poland), reference is made to special cultural groups or groups with specific cultural needs.

Some of the programmes for which Roma may be indirect beneficiaries have a territorial or regional approach (the Czech Republic, Greece, Hungary, Poland), developing local integrated or local development initiatives in areas where there is a high concentration of Roma or other socially excluded groups.

Finally, in the case of Italy, Poland, Spain and Sweden, an equal opportunities and anti-discrimination principle is the preferred driver for programmes benefiting Roma – as part of groups that are subject to unequal treatment or to discrimination. Combating stereotypes and awareness-raising for the majority population is integral to several OPs. The outcomes and impacts of most aforementioned OPs have not yet been assessed either qualitatively or quantitatively, and EURoma Member States are intensifying their efforts to improve the monitoring and evaluation of programmes, in coordination with the European Commission. Unfortunately, many projects remain characterised by short-term financing (ranging from several months to two years), which significantly undermines their ability to make a difference in the long run, a shortcoming that has been repeatedly highlighted by EURoma. It has also been observed that the haphazard implementation of local projects without a national direction also undermines their ability to affect change.

## What are the EURoma proposals for the financial regulations 2014-2020?

There is a general conviction that the impact of existing actions is insufficient and that a widening gap is emerging between planning and implementation. Despite existing efforts, there are few indications that the living conditions of Roma are improving substantially.

Therefore, after an internal debate, members of EURoma agreed in January 2011 on a Position Paper concerning the future Regulations of the Structural Funds.<sup>10</sup> This Position Paper aims to make a relevant and informed contribution to the current debate on the new Regulations by making

concrete proposals and identifying possible orientations on how, in light of EURoma's experience, EU financial instruments could have a more effective impact on the living conditions of the Romani population.

The Position Paper is the first step of a broader EURoma agenda of activities to contribute to a more effective use of the Structural Funds for Roma inclusion in next programming period (2014-2020). EURoma will publish a practical guide with operational proposals for OPs planning, management and implementation at the beginning of 2013. The Paper focuses on three main topics: strategic approach; effectiveness; and management, monitoring and control systems.

## STRATEGIC APPROACH

*Structural Funds should be fully aligned with the objectives and priorities of the Europe 2020 Strategy:* Considering that the Europe 2020 Strategy constitutes the new EU framework for smart, sustainable and inclusive growth over the next decade, the future Regulations should be designed as a key instrument to help deliver the Europe 2020 Strategy for smart, sustainable and inclusive growth. The Regulations should also reflect the new policy directions of the Europe 2020 Strategy, especially with regards to inclusive growth, and to specific flagship initiatives, such as the Platform against Poverty.

Structural Funds could make a great contribution to achieving the five Europe 2020 targets, three of which are of particular relevance as concerns Roma inclusion: reaching a 75% employment rate; increasing levels of educational attainment by reducing to a maximum of 10% the proportion of early schools leavers and achieving a 40% rate of higher education degree among the younger generation; combating poverty by getting 20 million people out of the risk of poverty and exclusion. These are general objectives covering all EU citizens, but considering that Roma are disproportionately affected by poverty, unemployment and educational failure (especially in the case of Romani women), the Regulations should ensure that Structural Funds explicitly target the Romani population with a view to achieving these objectives.

*Social inclusion as a horizontal priority:* In accordance with the key priorities of smart, sustainable and inclusive

<sup>10</sup> EURoma, *Proposals on the future regulations of the Structural Funds (2014-2020)* (2011), available at: [http://www.euromanet.eu/newsroom/archive/euroma\\_presents\\_its\\_proposals\\_on\\_the\\_future\\_regulations\\_of\\_the\\_structural\\_funds\\_2014\\_2020\\_.html](http://www.euromanet.eu/newsroom/archive/euroma_presents_its_proposals_on_the_future_regulations_of_the_structural_funds_2014_2020_.html).

growth established by the Europe 2020 Strategy, social inclusion constitutes one of the EU's core policy priorities. Accordingly, the contribution of Structural Funds to social inclusion should be reinforced in the future financial framework. The future Regulations, which are intended to achieve a better thematic concentration and establish a limited number of priorities, should be re-prioritised by putting social inclusion at the forefront of Cohesion Policy in all EU regions (social exclusion affects equally rich and poor regions). In line with the horizontal social clause of the Lisbon Treaty, social inclusion should then be considered a horizontal priority for all EU funds, not only the ESF.

*Structural Funds should tackle the needs of the most disadvantaged groups:* Understanding that the Structural Funds are the main EU financial instrument for social cohesion, the future Regulations should make sure that the Structural Funds have a particular focus on those groups affected disproportionately by social exclusion and discrimination, in particular the Romani population. The future Regulations and their implementation should not only have a more inclusive approach, but they should focus particularly on the fight against social inequalities and extreme poverty and achieving equal opportunities for those groups most in need.

*“Explicit but not exclusive” targeting of Roma:* Evidence proves that general programmes often fail to reach the Romani population. Targeted programmes are necessary whenever special circumstances force specific actions aimed at correcting disadvantages. Given that the Romani population is the most disadvantaged group in terms of poverty, social exclusion and discrimination within the EU, the future Regulations should explicitly refer to targeted actions towards Roma through an “explicit but not exclusive” approach. Principle n°2 of the Common Basic Principles for Roma Inclusion emphasises that programmes and policies which target Roma must not exclude members of other groups who experience similar socioeconomic circumstances.<sup>11</sup>

*Mainstreaming Roma inclusion:* Measures undertaken to combat Roma exclusion need to be established within a wider

framework of European and national policies and instruments available to mainstream society. The future Regulations should guarantee the mainstreaming of Roma inclusion issues into all relevant policy areas, especially those fields that are key to the active inclusion of Roma (such as employment, education, health, housing, infrastructural or territorial development). The mainstreaming of Roma inclusion is also one of the 10 Common Basic Principles for Roma Inclusion that ought to inform, where appropriate, the design and implementation of policies to promote the full inclusion of the Roma.<sup>12</sup> Explicit Roma inclusion targets should be incorporated across all mainstream EU policy areas.

*Integrated approach of actions:* The complex and interdependent problems affecting the Romani population require integrated responses. The future Regulations should ensure that Structural Funds provide an appropriate framework for integrated and multidimensional actions addressing Roma exclusion. The European Regional Development Fund (ERDF) Regulation already includes such an approach through the amendment of Article 7.2, which now allows for integrated housing interventions for marginalised communities, in particular the Romani population, by introducing the requirement of “integrated approach of actions” as a condition for the allocation of funds.<sup>13</sup> The future Regulations should provide the appropriate framework for an integrated approach of actions aiming at Roma inclusion.

*Structural Funds should not contribute to segregation:* The future Regulations should ensure that interventions financed by Structural Funds promote equal opportunities and tackle segregation. Explicit desegregation measures should be promoted and even considered as a key criterion for the access to Structural Funds. The aforementioned amendment of Article 7.2 of the ERDF Regulation introduced for the first time “desegregation” as a component of an “integrated approach of actions” for the allocation of funds in housing interventions. Regulations should not only ensure that the Structural Funds do not contribute to segregation but also, where possible, actively contribute to desegregation, not only in the field of housing, but also in other areas covered by the Structural Funds, such as education.

11 Council of the European Union, *Common Basic Principles on Roma Inclusion*, press release, 8 June 2009, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/108377.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/108377.pdf).

12 Council of the European Union, *Common Basic Principles*.

13 European Parliament and European Council, *Regulation of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities*, PE-CONS 6/10,§6, (Brussels, 24 March 2010), available at: <http://register.consilium.europa.eu/pdf/en/10/pe00/pe00006.en10.pdf>.

## EFFECTIVENESS

*Structural Funds should be aligned with national, regional and local policies and resources:* Understanding that the synergy of Structural Funds with national policies and strategies (i.e. National Reform Plans, Employment Strategy or National Roma Inclusion Strategies within the EU Framework) contributes to increasing effectiveness, the future Regulations should reinforce the idea of the Structural Funds not only as mere financial instruments but as policy instruments and tools for policy change. Therefore, Regulations should emphasise the need for the Structural Funds to be aligned with national, regional and local policies. Horizontal as well as vertical coordination of managing authorities with different stakeholders should be enhanced by the Regulations.

Structural Funds should not be only considered an opportunity for investing in Roma inclusion but also a tool for designing more effective long-term policies involving different actors in close coordination with national social and employment policies.

*Increased involvement of local and regional authorities within a national framework:* One of the main challenges when dealing with Roma inclusion is the involvement and commitment of stakeholders at the local level. Local and regional authorities are best positioned to, and are accountable for, providing concrete responses to the needs of Roma. Access to Structural Funds may be restricted in some cases due to lack of political interest from local and regional authorities; in other cases the latter may encounter certain constraints related to complex administrative procedures, co-financing requirements, lack of capacity, etc.

The future Regulations should guarantee and explicitly promote the access of municipalities to the Structural Funds. Providing appropriate support and expertise through technical assistance and capacity-building would facilitate local and regional involvement in the use of the Structural Funds for Roma inclusion, which is an opportunity for combining actions on different levels. Actions implemented concurrently at the national and local levels have been proven to achieve a greater impact. Structural Funds become real policy instruments when actions implemented at the local level have a national strategic design.

*Integrated use of EU funds:* To tackle the multidimensional challenges of Roma exclusion, interventions should have an intersectoral approach and the allocation of necessary resources, which would require an integrated use of EU Funds. Intensifying the coordination of the ESF, ERDF and European Agricultural Fund for Rural Development (EAFRD)<sup>14</sup> will increase effectiveness, facilitate an integrated approach and increase the impact of actions financed by the funds (i.e. by concentrating and focusing on a given territory with specific needs). Regulations should explicitly reinforce the coordination and combined use of EU funds, providing the mechanisms and instruments required for a more effective implementation of programmes and projects.

*Long-term approach:* As concerns the durability of operations, a long-term approach is a prerequisite for and an opportunity within the framework of the Structural Funds. Real social transformations, especially in the case of Roma social inclusion, can only be achieved over the long-term; therefore, programmes should be planned over the full seven-year period. If the Structural Funds are to achieve real impact and improve the living conditions of the Romani population, the future Regulations should ensure that the implementing mechanisms of OPs fulfil the long-term approach needed for social inclusion interventions financed by Structural Funds.

*Reinforcing public/private partnerships:* Strong partnerships (in particular with NGOs and local authorities) contribute to a more efficient implementation of actions aimed at Roma inclusion. Regulations should reinforce the partnership principle and make sure that partners are involved at every stage of the process, from programming to evaluation. Active and responsible partnerships require a process of capacity-building within civil society and within local administrations. Technical Assistance together with Global Grants should be promoted as key instruments to consolidate and improve the outcomes of partnerships. Resources should not only be oriented to tackle the needs of Roma, but also to work on systems and institutions dealing with Roma and other vulnerable groups through institutional capacity-building.

<sup>14</sup> The EAFRD aims to strengthen the EU's rural development policy and simplify its implementation. It is particularly relevant to isolated rural Romani communities, especially if used in combination with integrated housing interventions in rural environments, as mandated by the amended ERDF regulations. Europa, "European Agricultural Fund for Rural Development", 28 August 2009, available at: [http://europa.eu/legislation\\_summaries/agriculture/general\\_framework/160032\\_en.htm](http://europa.eu/legislation_summaries/agriculture/general_framework/160032_en.htm).



## MANAGEMENT, MONITORING AND CONTROL SYSTEMS

*Simplification of procedures:* The complexity of administrative procedures and cofinancing rules and requirements poses an obstacle to the management of Structural Funds. As already mentioned, local authorities and NGOs should play a more important role in the delivery of Structural Funds; the future Regulations should therefore simplify procedures in order to facilitate the access of those key actors to EU funding.

*Refocusing evaluation systems: criteria based on results:* Interventions funded by Structural Funds should be measured and evaluated in terms of real impacts rather than mere inputs. Member States, as well as regional and local authorities, should account for the results of investments that use Structural Funds. Regulations should strengthen the effectiveness of interventions financed by Structural Funds by establishing standard evaluation criteria based on impact and results, not only on fulfilment of financial control mechanisms. These criteria should allow for mid-term, as well as final, evaluations to measure progress made and impact on target groups. Structural Funds indicators should be in line with those used to achieve the Europe 2020 Strategy measuring social inclusion outcomes.

*Increasing the monitoring role of the European Commission:* Regulations should reinforce the monitoring role of the European Commission not only during the management and control procedures, but also at the level of evaluation of impact and results of interventions financed by Structural Funds. The future Regulations should endow the Commission with the responsibility of monitoring the extent to which Structural Funds intended to reach the Romani population actually reach them on the ground in Member States. Technical Assistance should be considered a valuable tool to achieve this objective.

*Roma inclusion and Roma involvement in the Monitoring Committees:* The future Regulations should enhance the role of the Monitoring Committees to assess the impact of actions co-financed by Structural Funds on Roma inclusion, inviting Member States to report on the progress made to improve Roma social inclusion. The participation of civil society, and in particular Roma participation, in Monitoring Committees should be enhanced in the future Regulations.

## EC legislative proposal for Cohesion Policy and financial instruments 2014 – 2020

At the beginning of October 2011, the European Commission presented a legislative package setting the rules which will determine how the Union's Cohesion Policy and its financial instruments, including the European Social Fund and the European Regional Development Fund, will work during the 2014-2020 period. In its planning for the 2014-2020 financial framework, the European Commission proposes to allocate 376 billion EUR to this policy, which represents the main investment area for the EU for the seven-year period.

This regulation scheme is designed to reinforce the strategic dimension of the policy and to ensure that EU investment is targeted at Europe's long-term goals for growth and jobs in the 2020 Strategy. Social inclusion, the fight against poverty and exclusion and social aspects in general are clearly reinforced in the new proposals. In fact, it clearly provides support to measures to promote equal opportunities between women and men and to combat discrimination, with particular attention to groups such as Roma.

The main new elements that are introduced in this proposal are a) geographical coverage, identifying three regions depending on GDP per capita, b) promoting better coordination of various EU actions (including the possibility of multi-fund programmes), c) fostering a limited number of investment priorities and setting concrete objectives, d) paying more attention to monitoring, evaluation and results, and also e) promoting management simplification and partnerships for effective implementation.

This proposal is much more concentrated on a limited number of investment priorities closely linked to Europe 2020 priorities: employment, growth and territorial cooperation. The European Commission also proposes 11 thematic objectives, some of them of direct relevance for the integration of the Romani community. Furthermore, it establishes that at least 20% of the total ESF resources in each Member State shall be allocated to the thematic objective "promoting social inclusion and combating poverty" of the general regulation, compared to the average of 13% that can be observed currently. This is a milestone as it is the first time that there is a quantified target related to poverty.

The abovementioned proposal has been presented by the EC last October and a process of negotiation between the

Parliament and the Council will follow during 2012 and 2013, with a view to its adoption by 2013 to allow for the start of a new generation of cohesion policy programmes in 2014. The final allocations by Member State, and lists of eligible regions by category, will only be decided after the final adoption of the package currently being discussed.

In the meantime, EURoma will continue contributing to the process at all levels, working to ensure that excluded groups, such as the Romani population, are included in the objectives of the Cohesion Policy.

### Conclusion

The current economic situation undermines the effective implementation of programmes aimed at Roma integration and the reduction of inequalities. The key pillars of integration - labour markets and general economic vitality, territorial cohesion and the investments by Member States in the provision of public services such as education, healthcare as well as housing - are currently facing pressure from all sides.

However, there is room for some hope. In the past years, European institutions have included Roma issues on their political agenda and initiated various actions in different policy areas with an understanding that Roma issues are EU-wide issues that need to be tackled concurrently and through a shared responsibility of the EU institutions, Member States and the lower levels of the public administration in those fields related to their respective competences. As such, Member States' primary responsibility in implementing Roma integration policies will only achieve long-lasting results if their national strategies and approaches are developed within a European framework. EURoma has been playing a key role in helping EU institutions and Member States to build a common European approach to Roma inclusion, under the Structural Funds but also beyond them, by engaging other stakeholders in the context of the Open Method of Coordination (OMC). The momentum for the further development of medium and long-term strategies and policies with Roma in the EU must be sustained at all cost. EURoma will pull its weight to support the achievement of such a long-term European framework and, therefore, the broader objectives of the Europe 2020 Strategy.

# Investment v Return in Roma Educational Inclusion - A Sociological Perspective

MIHAI SURDU<sup>1</sup>

This article aims to broaden the perspective of investments v return in Roma education by bringing into the discussion the sociological argument that education requires investments from parents. The investments are related to the economic status of parents. It starts with economic studies of costs and benefits in Hungary and builds to the European level, exploring the financial investments that Romani parents who are poor have to make in order to support their children's full participation in school. Policymakers should consider a Romani family to be a recipient of the educational investment. Conditional Cash Transfer (CCT)<sup>2</sup> programmes could be thought of in relation with desegregation and the money allocated through these programmes should be made dependent on the quality of the school attended.

There is a vast collection of studies, research reports, policy papers and official documents showing a consistent gap in the level of education between Roma and non-Roma. While majority of the research focuses on the structural factors impeding the access of Roma to quality education such as poverty, discrimination and segregation, only very few studies explore the reasons of low access to education from the point of view of Roma. In one of these studies conducted among a representative sample in Romania, it was found that parents are required to pay for school supplies, educational software, workbooks and additional teaching materials, school uniforms, sport equipment, and make contributions to the so-called "school funds" and "class funds," informal budgets which are not covered through official sources of income.<sup>3</sup> More concretely, a recent study in Romania found that the most important reasons for school dropout are of an economic/financial nature.<sup>4</sup> In this regard, the reason

for school dropout is for most Romanian Romani parents the lack of financial resources. In most countries of the Decade of Roma Inclusion, the segment of Roma living in poverty is bigger than that of non-Roma. The argument of economic/financial motives to dropping out of school is therefore an exploratory explanation for more countries in Central and Eastern Europe region.

Contrary to the arguments of a large portion of the public that educational, or more generally social inclusion, programmes focused on Roma are an unjustified benefit of a minority group, economic and social research has found that the returns on such programmes are larger for society in general than for individual members of the target group. Among the first studies of the economic arguments of investing in the education of Roma (and more generally investing in the education of the poor) is that written by Gábor Kézdi and Gábor Kertesi examining the case of Hungary.<sup>5</sup> This article explores this pioneering study about the economics of Roma inclusion in education, which has laid the foundation for future studies on the economics of Roma inclusion with a strand of arguments that become increasingly relevant and realistic in the current context of economic crisis.

The Kézdi and Kertesi study is an application of the argument made in the US by the Nobel Prize winning economist James Heckman. It marks a change in reasoning for the case for Roma inclusion. It moves from a line of argumentation focused on human rights to an economic approach; hence it is an invitation for the rationalisation of public policies in several fields beyond education: social welfare, taxation, employment and health. A key point

- 1 Mihai Surdu is Research and Policy Development Manager at the Roma Education Fund. He would like to thank Professor Gábor Kézdi for reviewing the article and for the feedback received in revising it.
- 2 Conditional Cash Transfers (CCT) are monetary transfers to families in poverty with some compulsory conditions related with school attendance and achievements or frequenting and/or frequenting a health care practitioner.
- 3 Ciprian Grădinaru, Mihaela Manole and Roxana Paraschiv, *Învățământul gratuit costă: Cercetare cu privire la costurile ascunse din educație (Free of charge education is expensive: Research on the hidden costs in education)* (Bucharest: Save the Children, 2010).
- 4 Laura Surdu, Enikő Vincze and Marius Wamsiedel, *Participare, absenteism școlar și experiența discriminării în cazul romilor din România (Participation, school dropout, and the experience of discrimination in the case of Roma in Romania)* (UNICEF Romania and Romani CRISS. Bucharest: Vanemonde, 2011).
- 5 Gábor Kertesi and Gábor Kézdi, *Expected Long-Term Budgetary Benefits to Roma Education in Hungary* (Budapest: Roma Education Fund, 2006), available at: <http://www.romaeducationfund.hu/documents/Kertesi-Kezdi-BudgetaryBenefits.pdf>.

of the study is to challenge negative public opinion, often held by policymakers concerning Roma inclusion, by stressing the public and societal benefits coming from investments in Roma inclusion. The study clarifies that money for Roma inclusion, if allocated properly, is not a burden on the State budget but an investment in human resources which will yield returns.

The Kézdi and Kertesi study explores the potential financial benefits obtained by the Government through investing in Roma education to ensure that Romani pupils in Hungary acquire the same average education level as non-Roma. The investment scenarios proposed are the completion of secondary school, which provides access to college, and graduation from a vocational training school. In both scenarios, the investment in Roma education produces considerable financial benefits for the Government, although the benefits are higher in the former scenario.

In a narrow sense, the benefits of investments in Roma education are quantified in financial resources obtained by the national budget from increased contributions from Roma who are employed and decreased transfers for social welfare, as those Roma are no longer in need.

In calculating the benefits for the State budget, the authors of the study take into account the following variables:

We consider seven channels: personal income tax on income earned from registered full-time employment, social security contributions paid by employers and employees on earned income, unemployment benefits, means-tested welfare benefits, earning from public employment projects, value added and excise tax on consumption, and incarceration costs.<sup>6</sup>

The aim of the study is not primarily to explore educational models for increasing the school career of Roma, although the authors stress that the expected benefits are conditional on proper educational inclusion programmes. In line with previous and subsequent studies, the Kézdi and Kertesi research highlights the importance of investing in education from an early age (at least from the age of four); although this makes the investment expensive, it provides

better prospects than starting when children are older, thus increasing the likelihood and the quantity of latter benefits.

There are currently two broad approaches to early child education and care (ECEC). The first one, present mostly in the Nordic and Central European countries, focuses mainly on early education while the second one, predominant in France and the UK, relies on the social pedagogy approach.<sup>7</sup> While the first approach concentrates on the school readiness function of ECEC services and therefore on the cognitive abilities of children, the social pedagogy approach is more comprehensive, considering the lifelong learning function of ECEC services and stressing the social-emotional competence of the child accordingly. Although the access to ECEC services increased during the last decade the issue of access and quality remains a major constraint for children coming from marginalised families.

The argument for increasing investment in ECEC has gained acceptance not only among economists who specialise in education but also among other types of education stakeholders including NGOs. James Heckman makes the argument for investing in early skill formation of disadvantaged children:

Early interventions targeted towards disadvantaged children have much higher returns than later interventions. [...] At current levels of resources, society over-invests in remedial skill investments at later ages and under-invests in the early years.<sup>8</sup>

Heckman makes the argument that investing in early childhood programmes is to give a “first chance” to children from disadvantaged environments; an option which is wiser from both the fairness and economic efficiency perspectives, as opposed to “second chance” programmes which are economically less efficient. Heckman’s arguments explain the benefits brought by investing in the early childhood education of disadvantaged children:

There are many reasons why investing in disadvantaged young children has a high economic return. Early interventions for disadvantaged children promote schooling, raise the quality of the work force, enhance the productivity of schools, and reduce crime, teenage pregnancy and

6 *Ibid.*, 9.

7 OECD, *Starting Strong II: Early Childhood Education and Care* (2006); *Early childhood education and care. Key lessons from researches for policy makers. An independent report submitted to the European Commission by the NESSE networks of experts* (European Commission, 2009).

8 James J. Heckman, “Skill Formation and the Economics of Investing in Disadvantaged Children”, *Science*, vol.312 (2006), 1902.

welfare dependency. They raise earnings and promote social attachment. Focusing solely on earnings gains, returns to dollars invested are as high as 15% to 17%.<sup>9</sup>

As the Organisation for Economic Co-operation and Development (OECD) report *Starting Strong* puts it, investment in ECEC it should be seen primarily as an investment in the public good:

Comprehensive ECEC services help to integrate families with young children. They provide child health, referral and other services, and contribute greatly to preparing young children for school. Support for the view that early childhood education and care should be seen as *a public good* is growing, and has received a strong impetus from the research of education economists.<sup>10</sup>

One interesting element which Kézdi and Kertesi bring into discussion is the return or benefit brought by investment in the education of Romani individuals. Due to anti-Roma discrimination in the labour market, the returns from education are smaller in the case of Roma because the earnings of employed Roma are less than those of non-Roma with similar levels of educational attainment. In fact, educated Roma represent a cheaper labour force for States based on their artificially depressed wages, which is unfair for them as individual workers, but offers a competitive advantage to a market more and more interested in reducing skilled worker wage costs: “Estimated Roma benefits are smaller than estimated national benefits because for the same educational level (and age), the Roma have lower employment chances and if employed, lower expected earnings.”<sup>11</sup>

This element of labour market discrimination was later quantified in a recent policy note produced by the World Bank.<sup>12</sup> The policy note counts the investments and benefits of Roma inclusion in education in Bulgaria, the Czech Republic, Romania and Serbia; countries which account for more than two-thirds of the Romani population in Central and Eastern Europe and the Balkans. According to this policy note:

Roma inclusion is smart economics, increasing GDPs by more than 3% and government budgets by more than 4% annually now – numbers that are increasing sharply given current population trends. [...] An estimate of the combined economic benefits for Central and Eastern Europe and Balkans (CEB) as a whole is Euro 3.4 – 9.9 billion annually.<sup>13</sup>

The study takes an interesting approach to challenging the common public perception about the attitude of Roma towards school and work. One deeply rooted prejudice that the policy note dispels is the idea of Roma as welfare dependent. Although Roma are poorer than non-Roma in the countries under analysis there is no dependence on State-sponsored welfare:

[...] only a minority of Roma have access to social assistance. Recall that the majority of Roma are among the poorest people in the populations for each of the countries. Yet, despite their poverty levels, it is a misperception that the majority of Roma live off social assistance. In Bulgaria 16% and in Romania 12% of working age Roma individuals receive guaranteed minimum income support, while in Serbia a quarter of Roma households receive this support.<sup>14</sup>

One important finding of the study is that aside from factors such as education, experience, and locality, discrimination accounts for around one-third of the wage gap between Romani and non-Romani populations. The resulting wage differences were identified as follows:

[...] employed Bulgarian Roma men earn nearly one third less than men from the majority population. In Serbia, Roma men earn slightly more than half, while Roma men in marginalized localities in the Czech Republic earn only 45% the amount that majority men earn. For Romania, unfortunately, we cannot distinguish between men and women with regards to labour earnings since this variable is measured at the household

9 James J. Heckman, “Catch ‘em Young”, Wall Street Journal, 2006, article available online at: [http://jenni.uchicago.edu/papers/WSJ\\_Heckman\\_01102006\\_Catch\\_Em\\_Young.pdf](http://jenni.uchicago.edu/papers/WSJ_Heckman_01102006_Catch_Em_Young.pdf).

10 OECD, *Starting Strong II: Early Childhood Education and Care*, 12.

11 Gábor Kertesi and Gábor Kézdi, *Expected Long-Term Budgetary Benefits to Roma Education in Hungary*, 27.

12 World Bank, Human Development Sector Unit Europe and Central Asia Region, *Roma Inclusion: An Economic Opportunity for Bulgaria, Czech Republic, Romania and Serbia* (2010).

13 *Ibid.*, 4 and 8.

14 *Ibid.*, 14.

level. However, on average across men and women, we find that labour earnings for individual employed Roma in Romania are a mere 39% of the labour earnings for employed non-Roma. With regards to Roma women, they not only have the lowest employment rates, but the labour earnings among those Roma women working are also much lower. In Bulgaria, the wage gap is similar for women as for men; employed Roma women can expect to earn about one-third less than employed majority women. In the Czech Republic, these relative labour earnings are only 39%, and in Serbia only 29%.<sup>15</sup>

Discrimination against Roma in the labour market is evident even when Roma are university graduates and not only for Roma who graduated from secondary school. In Romania, for example, the overall unemployment rate amongst university graduates is 6.42%. For Romani university graduates it is about 20%, according to a study conducted by the Roma Education Fund (REF) and Gallup Romania.<sup>16</sup>

According to the REF-Gallup Romania research, the discrimination seems to be strongest during face-to-face hiring interviews. In addition, the study found that 20% of Romani university graduates who are employed have a salary less than the minimum net salary for an employee with higher education. Because of discrimination they are employed in positions that are inferior to their qualifications and studies. They work as cashiers, salespersons, computer operators, receptionists, baby sitters, etc.<sup>17</sup> Without channelling financial resources in order to redress the effects of discrimination against Roma in the labour market, investments in education cannot reach their full potential.

What could be brought from a sociological point of view to the economics of inclusion is an enrichment of the conceptual design by including the investments that parents have to make to prolong the school career of their children. While including the demand side (parents), the investments versus returns from an increased access to education would increase the complexity of the models of education inclusion

economics. It would also help in getting a comprehensive picture of the real needs for an educational investment if the demand side (parents) and the supply side (schools) are both to be considered as recipients of the investment.

The following explores the issue of investment versus return from the parental point of view focusing on Roma and more specifically on Roma who are poor. The sociologist Raymond Boudon is among the first to make the argument of differentials in the rationale for investments among different socio-economic strata of the society. In his papers discussing the inequalities of educational opportunities, Boudon explains that decisions about the level of investment in education that parents make for their children differs for individuals of different economic status. He asserts: “[...] the hypothesis that risk acceptance is dependent on one’s own resources should be introduced: on average one who owns the sum of 1000 francs would more easily accept to risk one franc than the one who owns merely two francs.”<sup>18</sup>

Later on, the sociology of education develops Boudon’s observation through the work of Breen and Goldthorpe who postulated the *theory of risk aversion in the decision of educational mobility* that parents make.<sup>19</sup> Breen and Goldthorpe’s theory seems to be an excellent frame for understanding from a rational choice perspective the length of the school career and school participation of individuals coming from different social strata. Until that point, there were no sociological and/or economic analyses to explain from a rational choice perspective the shorter academic careers. Applied to the case of Roma, their theory can help us to understand the shorter school careers of Roma as compared to non-Roma, from the perspective of the choices that parents make. It also serves to counter the commonly-held prejudice that Roma do not want to educate their children but rather illustrates that this is an economic decision. The Breen and Goldthorpe thesis holds that the length of the school career is not a matter of different values that people hold, but an issue of the different economic positions from which people make their choices concerning

15 *Ibid.*, 8.

16 Mihai Surdu and Judit Szira (coord.), *Analysis of the impact of affirmative action for Roma in high schools, vocational schools and universities* (Budapest: Roma Education Fund and Gallup, 2009), available at: [http://www.romaeducationfund.hu/documents/Gallup\\_Romania\\_english.pdf](http://www.romaeducationfund.hu/documents/Gallup_Romania_english.pdf).

17 *Ibid.*

18 R. Boudon, “Les causes de l’inégalité de chances scolaires” in *Ecole et société. Les paradoxes de la démocratie*, eds. R. Boudon, N. Bulle, M. Cherkaoui, (Presses Universitaires de France, 2001), 226. Author’s own translation.

19 R. Breen and J.H. Goldthorpe, “Explaining Educational Differentials: Towards a Formal Rational Action Theory” in *Social Stratification: Class, Race and Gender in Sociological Perspective*, second edition, ed. D.B. Grusky (Westview Press, 2001).

educational mobility. According to this view, all people try to maximise their own interest but have different attitudes towards risk avoidance, attitudes which are related to their economic status. When parents make choices about investing in their children's school careers, they take into account a number of factors: the probability of success; the costs related to the failure of their investments; the resources they have; the direct costs incurred by the chosen level of education; and the opportunity costs of foregone income.

In the case of Roma, in which significant portions of the group live in poverty, it is important to consider both the direct costs related to education and the opportunity costs incurred by young adults remaining in the school system as opposed to seeking work. Although all over the Europe, including in the countries of the Decade of Roma Inclusion,<sup>20</sup> primary and secondary school is free of charge, there are significant costs that parents must cover to support their children's school participation; costs which increase with the level of education and the quality of the school itself. Among these indirect costs necessary for full and quality participation in school are: the cost of manuals, additional books and school related materials; quality clothes and shoes; food packed for school; transportation; extracurricular activities and school trips; private tutoring in preparation of different graduating exams (which is a common practice among middle-class parents in the Central and Eastern Europe countries); etc. Beyond these indirect costs of full participation in education there are also the direct costs of early childhood education and care services, which in many cases are not free of charge. Even if ECEC is limited to preschool education (which is oversimplifying the concept), this is not free of charge in most of the countries beyond one or maximum two years of compulsory preschool. This is especially so when the preschool offers a long programme, including children sleeping and eating in the preschool institution.

Quantifying the investments that Romani parents need to make to enable their children to access good quality schools becomes extremely relevant when thinking about models of educational inclusion for Roma and where the focus of Governmental investment should be. As shown before, the disparity in earnings between Roma and non-Roma in the

labour market points to the argument of compensating for the unfair distribution of wages from an ethical point of view. From a perspective purely concerned with efficiency, it seems also that the best placement for investments in Roma education would be mainly at the level of family. Recent studies show that when designed and implemented properly, the benefits of Conditional Cash Transfers (CCT) dependent upon school attendance and achievements could be efficient and at the same time could help families to get out of poverty in the short to medium term.

Investments in CCT or related programmes require that several preconditions be taken into account. First, CCTs should be additional benefits; not existing schemes being transformed in conditional benefits. The simple argument for this precondition is that if the money transferred to the family is not an additional benefit, the transfer fails in its role as an incentive and loses the capacity to support the direct and indirect costs associated with full participation in quality education. Second, CCT programmes stimulate the demand for education while leaving the supply side untouched. In educational systems where the quality of education is fair and evenly distributed, CCT programmes could presumably operate well. In educational systems where there are bigger inequalities in education, CCT programmes, for primary education at least, could bring serious negative effects. The most important negative effect is to increase the enrolment in low quality schools with no prospects for acquiring skills and knowledge and low prospects for qualified and well paid employment.

The supply side of education is extremely important in the case of Roma as studies show that significant segments of the Romani population are learning in segregated schools and classes offering an inferior quality of education, including special education school systems. With regard to education, desegregation is the key towards meaningful educational inclusion of Roma. Segregated education is merely reproducing and reinforcing the social, economic, political and civic exclusion of Roma. And segregation is not decreasing. This was shown in recent studies from the Roma Education Fund (REF) and the European Roma Rights Centre (ERRC) in Slovakia and the Czech Republic and a study conducted by the Open Society Institute (OSI)

20 Decade of Roma Inclusion is an international initiative that brings together governments of 12 countries, intergovernmental and nongovernmental organisations, as well as Romani civil society. The aim of the Decade is to accelerate progress toward improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.

in Serbia. Taking into account this fact, CCT programmes should be developed in coordination with desegregation efforts and the money allocated through CCT programmes could be made dependent on the quality of the school attended. The financial transfers could be used as an incentive for parents to choose good quality schools with mixed socio-economic and ethnic compositions.

Learning from past mistakes is essential when projecting the new generation of CCT programmes focusing on Roma or on the poor. A recent REF study about the effects of CCT programmes on Roma draws the attention of policymakers to pitfalls in the design and/or implementation of the programmes that should be avoided.<sup>21</sup> Among the most relevant recommendations provided by the REF study are:

- Prioritise supply-side interventions over CCTs for compulsory education (e.g. improve the quality of the educational system first);
- Focus educational CCTs on upper-secondary education (target the money towards secondary school students because levels of segregation are lower at this educational cycle);
- Address supply-side issues prior to or simultaneous with implementation of CCT programmes;
- Set benefit levels to cover the total costs of school attendance; and
- Channel payments to mothers.<sup>22</sup>

One final key condition for designing CCT programmes with a focus on Roma is to target benefits on the basis of socio-economic status.

As the REF study highlights:

Bearing in mind the considerable resistance of many Roma and non-Roma in Central and Eastern Europe to government initiatives that target Roma explicitly as well as the high proportion of Roma throughout the region living in conditions of poverty which make regular school attendance economically infeasible, CCT programmes for education should define eligibility in terms of family income or related non-ethnic criteria. Insofar as no CCT programme in Central and Eastern Europe has defined its target population in ethnic terms, targeting is an area of good practice in the region.<sup>23</sup>

In conclusion, the human dimension is equally as important as the financial considerations in investing in Roma education. Exclusion of Roma is not only bad economics; it also comes at the expense of social cohesion, which is one of the main goals of the European Union. From a research point of view, considering the costs that Romani parents pay to support their children's education would give a more balanced picture of the issue of investments and returns and may orient policymakers more practically in considering Romani families as recipients of the educational investment.

21 E. Friedman, E.G. Kriglerova, M. Herczog, and L. Surdu, *Assessing Conditional Cash Transfers as a Tool for Reducing the Gap in Educational Outcomes Between Roma and Non-Roma* (Budapest: Roma Education Fund, 2010), available at: <http://www.romaeducationfund.hu/documents/CCTs%20-%20Working%20Paper%204.pdf>.

22 *Ibid.*

23 *Ibid.*, 9



## Funding Challenges: Roma Organisations

We asked a panel of Roma and Traveller organisations across Europe about their funding challenge and successes:

**Russ Dijksterhuis, ERGO Network:** The ERGO Network wants to achieve equal opportunities for Roma in their societies and encourages them to take an active role in accomplishing respect for their rights as equal citizens. It has offices in Brussels, Belgium, and Utrecht, the Netherlands.

**Asmet Elezovski, National Roma Centrum:** The National Roma Centrum works for Roma rights in Macedonia and the Balkans.

**Marjia Demic, Roma Women’s Rights Centre (and ERRC monitor):** The Roma Women’s Rights Centre is based in Nis, Serbia.

**Damien Peelo, Irish Traveller Movement:** The Irish Traveller Movement is a national network of organisations and individuals working within the Traveller community.

**ERRC:** What types of financial support are available to your organisation: core funding or project funding? How has this changed over time and how does it impact your work?

**Russ Dijksterhuis, ERGO Network:** The ERGO Network receives only project funding; it has never received core funding. Our main donor is the Dutch Ministry of Foreign Affairs. They offer more flexible funding than the EU, which is only offered for activities, and they allow for a more flexible project proposal outline. We are also financed by some private donors in the Netherlands. But now, almost all donors have phased Europe out of their portfolio. This causes some difficulties for us because they used to be interested in the co-financing that is required by some projects. In the Netherlands, private donors consider Europe “finished”; they believe that there are no more problems. Government funding was also cut. The State considers that European States should meet their obligations to their citizens and that they don’t need to support it.

The ERGO Network is now using some EU funding and is also trying to attract foreign donors because the landscape has changed a lot. I think half of our staff is doing things like finance, evaluation and internal

management that are not related to the substantive areas of the project – so our team is not smaller, but they are all working on different things.

This is also reported by our partners, Romani NGOs in many countries who indicate that the management of these projects represents a huge burden of work. For the current EU project, we will be subject to three audits in the space of 18 months.

**Asmet Elezovski, National Roma Centrum:** We receive project funding. It has not changed over time and our work in relation to funding remains unchanged. There is an “atmosphere” however, in relation to calls for projects; there are fewer opportunities to receive funds.

**Marija Demic, Roma Women’s Rights Centre:** Core funding is available to us; that has been the case since we were founded in 2005.

**Damien Peelo, Irish Traveller Movement:** There is one main core funding stream from the Irish Department of Community, Rural and Gaeltacht Affairs. That is for basic running cost and support for a Director. After that funding streams become very difficult to find. We do get programme money from other Government Departments and from private philanthropic sources.

Money has been reduced year by year from the State, due to the economic conditions, and this impacts heavily on our work. The State's commitment to anti-poverty work has waned and a focus on service provision rather than advocacy and human rights [has developed]. This means shifting focus if we want State funding, which is something we have not done.

**ERRC:** How do the priorities of donors impact the kinds of work that you can implement?

**Russ Dijksterhuis, ERGO Network:** So far we have succeeded to stick to our mission. However, a successful five year programme supported by the Dutch Government called *Strengthening Roma Voice* is an area of concern - we now have to discuss whether and how to continue it. Although there are consultancy projects that we could do to survive, long-term projects are more difficult. You cannot do capacity building in a year – it takes long-term investment, training and networking. We arrange a lot of partners to work with and build a network. If you can only do two trainings, it doesn't work, you need the networks and that doesn't easily fit into a project proposal.

**Asmet Elezovski, National Roma Centrum:** Priorities of donors vary. Sometimes their priorities fit in with our work, sometime they are the opposite.

**Marjia Demic:** The priorities of donors do not impact on our work since we address donors which support the kind of activities that we would like to implement in order to achieve one or more goals that are predicted by the project proposal and the Statute of our NGO.

**Damien Peelo, Irish Traveller Movement:** We will only go after money that supports our work and we don't chase funding for funding sake. We have accepted support from funders to look at our work more strategically. Also, as donors have changed their focus away from Traveller work it has meant that we have not been able to continue with some excellent programmes.

**ERRC:** Do existing donors provide sufficient support for Roma rights watchdog activities?

**Russ Dijksterhuis, ERGO Network:** I think most money goes to Roma Rights organisations at the moment. In many countries, human rights work is better funded than community development work.

**Asmet Elezovski, National Roma Centrum:** Yes and No. Yes, there is sufficient information and there are enough papers being produced; there are a lot of experts. No, because there are very few situations when Roma rights violations are reported to institutions which then find the finances to redress the situation.

**Marjia Demic:** No.

**Damien Peelo, Irish Traveller Movement:** Some do.

**ERRC:** Do the funding sources that you can access provide adequate support for long-term work, including monitoring and evaluation?

**Russ Dijksterhuis, ERGO Network:** In our previous five year project, yes. In the current EU pilot, there is a very strong monitoring and evaluation component. Since our work takes time so we'd be better off if we have three-to-five years in a project cycle at least.

Currently, it takes almost all of our resources to support the monitoring activities and also partly the management work. We are trying to learn and gather knowledge from this process to improve our work. But currently our capacity to do core work is far, far less because of the management and monitoring burden.

**Asmet Elezovski, National Roma Centrum:** Each project initiates some long-term support, however, in reality they are short-term. Monitoring and evaluation happen according to the planned project. However, NRC also performs its own monitoring and evaluation regardless of whether there is a project available or not.

**Marjia Demic:** No, the support for monitoring and evaluation is minimal.

**Damien Peelo, Irish Traveller Movement:** Yes, mainly the philanthropic sources.

**ERRC:** What capacity (in terms of finances or staff) is required to apply for or administer funding? Does this pose a barrier to your ability to access certain types of funding? Which ones?

**Russ Dijksterhuis, ERGO Network:** We have been really strict in this respect and we have focused on developing

this capacity among our partners. But for them to apply for European funding is nearly impossible, as they don't have the track record or the European project experience to be prepared. The budgets for such projects are also very big, while these organisations typically work on a smaller scale and more concretely. There is not a suitable format that fits the size and working methods of Romani NGOs.

Another barrier is the new tendency of the European Commission that although it wants to fund Roma projects, it is afraid to work with Romani NGOs. Rather it tends to work with intermediary organisations, which are given huge funds and a small part goes to Romani NGOs. This has to do with lack of trust.

**Asmet Elezovski, National Roma Centrum:** We need clearer and more transparent criteria for applying. We require training for working with projects that demand a different approach than the standard ones. In most cases it represents a barrier, but on certain levels it is easier.

**Marjia Demic:** The capacity that is required is not a problem in numbers; usually one person is required to deal with this, except for EU and EC projects where the terms are very strict.

**Damien Peelo, Irish Traveller Movement:** We need to have a Director and there are admin and office costs so we need a minimum of €120,000 per year. Yes, [this poses a barrier to accessing certain types of funding] as some funders will not cover salary or operational functions and only want to fund project work, [particularly where] a worker needs to be employed to carry out the actions.

**ERRC:** Compared to your goals, has the funding landscape enabled your organisation to achieve positive change in Romani communities?

**Russ Dijksterhuis, ERGO Network:** So far, within this funding landscape, we have been able to achieve the change without issues. But this is changing.

For example, a Romani organisation in Bulgaria opted to work on operational programmes. Now they are earning sufficient funds to continue, but they were not happy about this. They were working in strengthening

the programmes through capacity building and building networks in Romani communities. But in order to survive as an organisation they took up this project as an operational programme.

It's going to be a difficult time – from next year; most of our partners will have to make these decisions.

**Asmet Elezovski, National Roma Centrum:** Yes, and the changes are visible. The Romani population is more aware about their rights; there is a certain level of good organising and interest.

**Marjia Demic:** So far no, but in the future that will probably become a problem since our country aims to become an EU member.

**Damien Peelo Irish Traveller Movement:** Yes and no. Of course we would like to do more and have greater achievement of our goals but we are working in a difficult environment with issues that are not popular so it takes longer to see successes.

**ERRC:** What changes or reforms would you like to see in the funding structures and approaches?

**Russ Dijksterhuis, ERGO Network:** Direct work to build trust. The funding procedures for non-EU countries actually fit much better with our approach – they have experience with other types of programmes, both in their community development and human rights work. This approach to funding Roma issues would be helpful.

**Asmet Elezovski, National Roma Centrum:** Roma issues should be prioritised more. Funds need to be allocated for fighting poverty and prevention of political manipulation of the Romani community, and Romani NGOs should be enabled to be more self-sustaining.

**Marjia Demic:** Simplicity in the procedures and freedom in choosing the activities for achieving the goals.

**Damien Peelo, Irish Traveller Movement:** Multi-annual funding for staff costs. A commitment in Government budgets to human rights work, and support for evaluation and team development.



# The Legacy of D.H. and Others: Four Years After

STANISLAV DANIEL<sup>1</sup>

On 13 November 2007 in the case of D.H. and Others v the Czech Republic,<sup>2</sup> the Grand Chamber of the European Court of Human Rights in Strasbourg (ECtHR) confirmed that as a result of indirect discrimination significant number of Romani children in the Czech Republic are wrongfully diagnosed with mental disabilities and placed into special schools. Contrary to expectations, not much has changed in the reality of pupils since the decision. In 2010 the persistence of segregation was exposed by the Czech School Inspection and the Public Defender of Rights (Ombudsman).

In their 2010 research, the Czech School Inspection found that in the school year 2009/2010 there were at least 5,052 pupils educated according to special curriculum even though they had not been diagnosed with special educational needs.<sup>3</sup> On 20 April 2010 the Czech Ombudsman issued a statement in which he stated that: 1) the overrepresentation of Romani children in special education constitutes indirect discrimination; and 2) one third representation of Roma in the group of children with diagnosed mental disability is discrimination.<sup>4</sup>

To publicise these facts and bring the deserved attention back to the unimplemented *D.H.* judgment, the European Roma Rights Centre engaged in several joint and independent activities in November 2010 to mark the 3<sup>rd</sup> anniversary of the ECtHR judgment with the aim of reminding the Czech government of their responsibility to comply with the Court decision. On 9 November, the ERRC joined the

NGO coalition Together to Schools in a press conference targeting Czech media and organised another briefing for international journalists. Both events were well covered in the Czech and English-language media. The following day, the ERRC participated in a discussion with the Deputy Minister of Education on Czech Radio 1's *Echoes of the Day*.<sup>5</sup>

In advance of the 30 November meeting of the Council of Europe Committee of Ministers (CoM), the European Roma Rights Centre also organised a briefing for Prague-based diplomats to share information about developments in the Czech education system and the ongoing discrimination that Romani children face. During the well-attended meeting, which took place on 9 November, the ERRC encouraged the representatives of various embassies to encourage their Governments to express concern about the lack of implementation of the *D.H.* judgment to the Committee of Ministers. The briefing also aimed at making diplomats familiar with the state of segregated education and encouraging them to ask about anti-Roma discrimination issues at bilateral meetings.

On the same day the ERRC, the Open Society Justice Initiative and the Greek Helsinki Monitor presented a joint submission to the Committee of Ministers raising their concerns about the lack of implementation of three major European Court judgments addressing various forms of discrimination against Romani children in education: segregation into special schools (*D.H. and Others*, 13 November 2007), physical segregation

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- 2 European Court of Human Rights (ECtHR), *D.H. and Others v The Czech Republic*, Application no. 57325/00, 13 November 2007, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=825443&portal=hbkm&source=externalbydocnumber&table=?F69A27FD8FB86142BF01C1166DEA398649>.
- 3 Czech School Inspection, *Thematic Report: Concluding Findings from the Thematic Control of Former Special Schools* (Prague, March 2010), available (in Czech) at: <http://spolecnedoskoly.cz/wp-content/uploads/tematicka-zprava-csi.pdf>.
- 4 Public Defender of Rights, *Opinion of the Public Defender of Rights on the Suspicion of Discrimination of Romani Children and Pupils – Findings of the Report on Thematic Control Activities of the Czech School Inspection at the Primary Practical Schools* (20 April 2010), available (in Czech) at: <http://spolecnedoskoly.cz/wp-content/uploads/stanovisko-verejneho-ochrance-prav-k-diskriminaci-romskych-zaku.pdf>.
- 5 Czech Radio 1, *Echoes of the Day (Ozvěny dne)*, 10 November 2010, available at: [http://www.rozhlas.cz/\\_audio/v-ceske-republice-pribyvali-zavislych-na-drogach-a-ubyva-penez-na-potrebnou-prevenci-brno-povede-velka-koalice-cssd-a-ods-vyj--02185191.mp3](http://www.rozhlas.cz/_audio/v-ceske-republice-pribyvali-zavislych-na-drogach-a-ubyva-penez-na-potrebnou-prevenci-brno-povede-velka-koalice-cssd-a-ods-vyj--02185191.mp3) (Czech); discussion starting at 24:10.

of Romani and non-Romani pupils (*Sampanis and Others v Greece*; 5 June 2008), and segregation into Roma-only classes on the basis of alleged language difficulties (*Oršuš and Others v Croatia*; 16 March 2010).<sup>6</sup>

As a result of increased attention, a meeting with the Deputy Minister of Education was organised on 18 November to discuss the Ministry's plans for implementation of the judgment. The ERRC was later invited to meet and regularly exchange information with the Director of the Equal Opportunities Department at the Ministry. However, the Ministry of Education was meanwhile fraught with change and controversy, and seemingly positive inroads with Ministry officials were undone as people in key positions were replaced, new officials took a markedly less supportive position towards Roma inclusion and much of the work of the Ministry on Roma education stopped.

In 2011, the ERRC joined the initiative of the coalition Together to School in appealing to schools, parents and respective authorities to prevent automatic channelling of Romani children into special education in enrolment processes. In their widely published call, the Together to School Coalition encouraged Romani parents, civil society activists, social workers and other assisting professions to contact them for information or any kind of support.

Despite these positive steps, the Czech Government's reforms have been completely inadequate. Its National Action Plan of Inclusive Education (NAPIE), adopted in 2010, fails to embrace the fundamental principle of inclusive education whereby all children, Romani and non-Romani, those with disabilities and those without, should be educated together in a mainstream school setting with appropriate supports, and not separated out into schools or classes that carry the stigma of inferiority. The plan shows a lack of urgency in implementation. It was adopted in 2010 but has no concrete actions planned before 2014. At least two more classes of children will be wrongly placed

into special education before the Ministry of Education takes any first real steps to improve the situation.

In September 2011 the Czech Government adopted a Strategy for Combating Social Exclusion 2011-2015 (Strategy).<sup>7</sup> This Strategy is vastly superior to the NAPIE, but many of its key provisions (such as the need to abolish the system of practical schools) were subsequently repudiated by Ministry of Education officials, though they had been consulted in its development. Moreover, no budget has been allocated to put the Strategy into practice. European Union structural funds have not been deployed by the Government in support of meaningful reform.

The political context around school reform is turbulent, as evidenced by the contradictory policies contained in the NAPIE and the Strategy. This turbulence can be seen at the staff level as well. Since 2007, the team responsible for inclusion policy and programmes at the Ministry of Education has been decimated by restructuring, and several reformist staff members have resigned in protest against its failure to address segregation, including the Director of the Department for Special Education and Equal Opportunities.

Recently adopted legislation legalises the status quo, perpetuating the placement of children without disabilities into classes established for children with disabilities. Decree 147/2011 Coll. stipulates that a pupil without a disability can be placed into a class for children with a medical disability if he/she "is a pupil with social disadvantage and was continuously failing at mainstream school in the long term even with respect to special educational needs and use of equalising measures."<sup>8</sup>

A new testing regime, proposed by the Ministry of Education for implementation in 2013, could also encourage segregation.<sup>9</sup> Tests will only assess aggregated school results from each school, and will not take into account the learning

6 Full submission is available at: <http://www.errc.org/cms/upload/file/fourth-communication-to-the-committee-of-ministers-on-judgment-implementation-30112010.pdf>.

7 Czech Agency for Social Inclusion, *Strategy for Combating Social Exclusion for the period 2011-2015* (Prague, September 2011), available at: [http://www.google.ca/url?sa=t&rect=j&q=&esrc=s&source=web&cd=3&ved=0CEgQFjAC&url=http%3A%2F%2Fwww.socialni-zaclenovani.cz%2Fdokumenty%2Fstrategie-boje-proti-socialnimu-vyloucenim%2Fstrategy-for-combating-social-exclusion-for-the-period-2011-2015%2Fdownload&ei=ZIIuUPurCcfYAGG9oDYDg&usg=AFQjCNHWBomurozdQfRwjMPbBD\\_r6P9oKg&sig2=tUpfgl2StV\\_uRPT5dCE4DQ](http://www.google.ca/url?sa=t&rect=j&q=&esrc=s&source=web&cd=3&ved=0CEgQFjAC&url=http%3A%2F%2Fwww.socialni-zaclenovani.cz%2Fdokumenty%2Fstrategie-boje-proti-socialnimu-vyloucenim%2Fstrategy-for-combating-social-exclusion-for-the-period-2011-2015%2Fdownload&ei=ZIIuUPurCcfYAGG9oDYDg&usg=AFQjCNHWBomurozdQfRwjMPbBD_r6P9oKg&sig2=tUpfgl2StV_uRPT5dCE4DQ).

8 Decree 147/2011 Coll., Section 3, available at: [http://www.msmt.cz/file/16097\\_1\\_1/](http://www.msmt.cz/file/16097_1_1/).

9 Ministry of Education, Youth and Sport, *A Concept of the Regional Education Financial System Reform* (28 November 2011), available at: <http://www.msmt.cz/file/18871>.

difficulties of individual children. This broad testing methodology may have an impact on schools' efforts towards inclusion. Schools may be even more reluctant to accept children from socially disadvantaged backgrounds, for fear of losing funding if they don't score well on the tests.

Lack of data on the placement of Romani children into practical schools is an ongoing issue, which hinders effective

decision making and policy development. As such, the ERRC will maintain its heavy focus on promoting equal education for Romani children in the Czech Republic for the foreseeable future. Significant research and advocacy plans are in place for 2012, and concerted efforts to launch new cases challenging the continued segregation of Romani children in inferior, segregated education are being made.





## Legal briefing: The Right to Housing

IDAVER MEMEDOV AND ANDREA ČOLAK<sup>1</sup>

The right to adequate housing is a fundamental right and a prerequisite for the enjoyment of other economic, social and cultural rights. The right to adequate housing is recognised by a number of international human rights instruments. The right to housing was first stipulated in the Universal Declaration of Human Rights (UDHR): “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services [...]”<sup>2</sup>

Since then, the right to housing has been reaffirmed in a number of other international and regional human rights instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>3</sup> General Comments No. 4 and No. 7 on implementation of the ICESCR adopted by the United Nations Committee on Economic, Social and Cultural Rights (CESCR or the Committee) establish detailed standards that should guide State parties in the implementation of this legally binding instrument. In particular, in General Comment No. 4, the CESCR enumerates several elements of the definition of adequate housing such as: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.<sup>4</sup>

Moreover, the Committee indicated that “forced evictions are *prima facie* incompatible with the requirements of the Covenant [...]”<sup>5</sup> General Comment 7 defines forced evictions as “the permanent or temporary removal against their

will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” It goes further, clarifying that the State has an obligation to prevent harm resulting from evictions:

Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.<sup>6</sup>

The CESCR defined appropriate protections from forced evictions as including the following:

(a) An opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, should be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives should be present during an eviction; (e) all persons carrying out the eviction should be properly identified; (f) evictions should not take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) the provision of legal remedies; and (h) the provision, where possible, of legal aid to persons who require it in order to seek redress from the courts.<sup>7</sup>

1 At the time of writing Idaver Memedov was an ERRC lawyer working on cases in Serbia. Andrea Čolak is currently a legal consultant for Serbia at the ERRC.

2 United Nations, the 1948 Universal Declaration of Human Rights, Article 25.1.

3 United Nations, the 1966 International Covenant on Economic, Social and Cultural Rights, Article 11.1.

4 CESR, *General Comment 4 (1991): The right to adequate housing (Article 11, para. 1 of the Covenant)*, para 8.

5 CESR, *General Comment 4 (1991): The right to adequate housing (Article 11, para. 1 of the Covenant)*, para 18.

6 CESR, *General Comment 7 (1997): The right to adequate housing (Art.11, para. 1 of the Covenant): Forced evictions*, para 16.

7 CESR, *General Comment 7 (1997): The right to adequate housing (Art.11, para. 1 of the Covenant): Forced evictions*, para 15.

In addition to the ICESCR, the right to housing, particularly in respect to different vulnerable groups, is also fully or partially reaffirmed in several other international and regional instruments: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),<sup>8</sup> the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),<sup>9</sup> the Convention on the Rights of the Child (CRC),<sup>10</sup> the Convention Relating to the Status of Refugees (CSR),<sup>11</sup> the European Convention on Human Rights<sup>12</sup> and the (Revised) European Social Charter.<sup>13</sup>

In a number of countries in Europe, the right to housing is also incorporated in the national laws.<sup>14</sup> However, nowadays the vast majority of Roma across Europe live in substandard living conditions without basic amenities such as water, electricity and sewage system, in segregated settlements. In addition, they are very often victims of forced evictions.

This was confirmed in a recent ERRC study related to the housing situation of Roma in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia developed within the project, *Empowerment of Roma to Fight Rights Deprivation*, supported by the United Nations Democracy Fund.<sup>15</sup> This study showed that the vast majority of Roma across the target countries live in substandard housing conditions, in overcrowded residences, and in hazardous areas without access to infrastructure. These conditions are further exacerbated by the lack of security of tenure and vulnerability to forced evictions. Roma are often unable to escape these environments, as they face racism and discrimination in seeking private accommodation and accessing social housing, as well as restrictive eligibility criteria for the latter.

The ERRC is involved in several strategic litigation cases emphasising different aspects of the right to housing for Roma around Europe. The following are a few cases that emerged from the research carried out within the study mentioned above in which authorities in Serbia have violated or failed to protect the right to housing for Roma. Through these cases the ERRC challenged different aspects of the right to housing – access to social housing, obligation to provide alternative accommodation in case of eviction, adequacy of accommodation, etc.

### **Constitutional court submission against discriminatory conditions in access to social housing in Belgrade**

On 19 October 2010 the ERRC and the Belgrade-based Minority Rights Center (MRC) submitted an initiative<sup>16</sup> to the Constitutional Court of Serbia for assessing the constitutionality and legality of the decision on criteria for awarding social apartments in the City of Belgrade (Decision).<sup>17</sup> ERRC and MRC analysis of the Decision indicated that the criteria for accessing social housing included therein have a discriminatory effect with respect to Romani residents in Belgrade, in particular the following criteria: number of household members (Article 42), work history (Article 43) and importance of the workplace (Article 44).

The Decision establishes a point-based eligibility system, assigning points to different characteristics of the applicant. Article 42 of the Decision stipulates that an applicant receives 20 points for each family member, up to a maximum of 100 points per household. Therefore, a family of six,

8 United Nations, the 1965 International Convention on Elimination of All Forms of Racial Discrimination, Article 5.e.iii.

9 United Nations, the 1979 Convention on Elimination of all Forms of Discrimination against Women, Article 14.2.

10 United Nations, the 1989 Convention on the Rights of the Child, Article 27.3.

11 United Nations, the 1951 Convention Relating to the Status of Refugees, Article 21.

12 Council of Europe, the Convention for Protection of Human Rights and Fundamental Freedoms, Article 8.

13 Council of Europe, the Revised European Social Charter, Article 31.

14 For example, in France, Law no 90-449 for the Implementation of Housing Rights, Article 1.

15 ERRC, *Standards Do Not Apply: Inadequate Housing in Romani Communities* (Budapest, December 2010), available at: [http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article\\_id=3808](http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3808).

16 Initiative for initiating procedure for assessing constitutionality and legality of the Decision on conditions and manner of distributing apartments built based on the project of construction of 1,100 apartments in Belgrade (Official Gazette of City of Belgrade No. 20/03, 9/04,11/05,4/07,29/07,6/10,16/10 and 37/10), Constitutional Court of the Republic of Serbia, IUo – 428/03.

17 Decision on conditions and manner of distributing apartments built based on the project of construction of 1,100 apartments in Belgrade (Official Gazette of City of Belgrade No. 20/03, 9/04,11/05,4/07,29/07,6/10,16/10 and 37/10).

seven, eight or more members receives the same number of points as a five-member household even though their housing needs are not the same. The available information on poverty levels by household size demonstrates that the most impoverished families, and therefore those with the greatest need, are in fact those with six or more members.<sup>18</sup> Moreover, research has shown that in Serbia 51.6% of Romani households have six or more members comparing to 21% of non-Romani families.<sup>19</sup> Taking into consideration the above facts, the criteria set out in Article 42 of the Decision discriminates against larger households and, subsequently, many Romani families.

Furthermore, Article 43 of the Decision determines the number of points awarded based on the employment history of the applicant. The applicant is awarded three points for each completed year of work, up to a maximum of 120 points. The only accepted evidence of length of employment is official employment records or those certified by competent authorities. The vast majority of Roma in Serbia are either unemployed or engaged in informal work; only 12.1% of Roma have a personal income, while 34.6% of Roma don't have a regular employment status.<sup>20</sup> As a result, they are not registered as employed and do not have official employment records or any other document that proves their length of service. Given that the purpose of this Decision is to identify and address the housing problems of people in need, it is unclear how length of employment is a relevant criterion for determining an applicant's social and housing vulnerability. Article 43 of the Decision discriminates against longer-term unemployed persons, among whom Roma are disproportionately represented.

Article 44 of the Decision stipulates the importance of the workplace as a criterion which determines the applicant's level of education, awarding a maximum 100 points to an applicant holding a university degree. The Romani population in Serbia is characterised by extremely low educational outcomes in comparison to non-Roma; 61.87% of Roma in Serbia have not completed primary education compared to 21.85% of non-Roma, while only 0.31% of Roma have

a post-secondary degree compared to 11.03% of non-Roma.<sup>21</sup> It is therefore obvious that this criterion places marginalised Romani families at a disadvantage, even compared to vulnerable non-Romani families, because of the differences in educational levels. On the basis of this provision, again Romani families are at a disadvantage compared to non-Romani families.

In response to these provisions, the ERRC and MRC decided to initiate the procedure before the Constitutional Court of the Republic of Serbia. The initiative pleads violation of the Serbian Constitution, the Law on Prohibition of Discrimination and the Law on Social Housing. In November 2010 the City of Belgrade abolished the "importance of workplace" as a criterion and minimised the maximum number of points awarded to the employment history criterion to 40 points (one point for each year of employment). In early 2012, MRC and ERRC received a conclusion from the Constitutional Court dismissing the initiative. The organisations have since submitted a letter to the President of the Constitutional Court arguing that the conclusion to dismiss had substantial errors since it did not refer to the disputed articles.

## Forced evictions and the right to adequate housing

*Vojvodjanska Street, Belgrade:* On 7 October 2010, eight Romani families, including 16 children, three babies and one pregnant woman were evicted from a building in Vojvodjanska Street No. 25 in New Belgrade. All 33 individuals concerned are Serbian citizens and residents of the City of Belgrade. Prior to eviction, the families in question gave statements at an administrative procedure hearing at the municipal offices. They were informed there that the Belgrade Land Development Public Agency (BLDA) had requested their eviction from the building which was previously provided to them as temporary accommodation in 2003 after they were forcibly evicted from "Betonjerka", an abandoned factory in Dorcol, Stari

18 Government of the Republic of Serbia, *Second report on the implementation of the Strategy on decreasing poverty* (August 2007), available at: [http://www.inkluzija.gov.rs/wp-content/uploads/2009/10/Drugi\\_izvestaj\\_o\\_implementaciji\\_SSS\\_2\\_8\\_2007.pdf](http://www.inkluzija.gov.rs/wp-content/uploads/2009/10/Drugi_izvestaj_o_implementaciji_SSS_2_8_2007.pdf).

19 "Ромска насеља, услови живота и могућности интеграције Рома у Србији", Министарство за људска и мањинска права СЦГ и Центар за истраживање етничитета, децембар 2002. године, стр. 46-47.

20 "Национални састав Републике Србије и Града Београда – ромска етничка заједница кроз статистику", Завод за информатику и статистику, Градска Управа, Град Београд, фебруар 2005, стр. 5, available at: <https://zis.beograd.gov.rs/upload/Romi.pdf>.

21 *Ibid.*, table no. 5.

Grad Municipality, Belgrade.<sup>22</sup> However, this time no alternative accommodation was offered to the families.

The first execution of the eviction order was scheduled for 28 September 2010, but postponed until 7 October 2010. On the night the eviction took place, after protesting all day in front of the City Hall, women and children were offered shelter in a “maternal home”, a shelter for young single mothers, while the affected men were offered space in a homeless shelter. Finally, after a few days of negotiations and pressure from other institutions and NGOs, six of the families were provided with alternative accommodation in metal containers each measuring around 16m<sup>2</sup>.

In response to the eviction, the ERRC prepared and sent a letter to the New Belgrade municipal authorities reminding them of their obligation to provide these families with adequate alternative accommodation. The ERRC also submitted a complaint against the eviction order brought by the DPLAH on behalf of four families that were interested in formally complaining. In two of four cases, in November 2010 the City of Belgrade Secretariat for Property Rights, Building and Urban Inspection (the second instance administrative body) announced a decision nullifying the eviction orders brought by the DPLAH based on the lack of evidence of the legal interest of the BLDA to initiate the administrative procedure for eviction and ordering DPLAH to renew the procedure and bring a new decision on this matter. However, the second instance decision came too late, as the Roma had already been evicted and their homes demolished.

*Nikolic Family, Sabac:* In November 2010 local authorities in Sabac, a city situated in northwestern Serbia, evicted and demolished the homes of a Romani family, including nine persons: one pregnant woman and eight children under 10 years of age. Their homes were illegally built on the municipal land together with another 190 houses, but only their homes were demolished. When invited to the office of communal inspection to sign the decision on demolition, the Nikolic family was “persuaded” that there is “no one to appeal to” and “that it’s only a waste of time” and were threatened by the police if they refused to sign the decision. The City of Sabac did not offer any form of alternative accommodation

to the affected individuals leaving them homeless. The family was forced to sleep out in the streets, abandoned cars, at their neighbours until they finally settled in an abandoned building without a roof, electricity or running water. In February 2011 the ERRC and MRC initiated the civil procedure for compensation of material and non-material damages before a national court, pleading the violation of the Serbian Constitution, the Law on Prohibition of Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Revised European Social Charter, the Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention of the Rights of the Child.<sup>23</sup> The case is pending before the First Basic Court in Belgrade.

*Old municipality, Obrenovac:* In April 2011, 17 predominantly Romani families (78 people, including 35 minors and four elderly people over the age of 65) who lived in buildings owned by Obrenovac Municipality of the City of Belgrade were informed by the municipal authorities that they were planning to resettle the families and move the community to metal containers on the outskirts of Obrenovac due to the deterioration of the building. Some of the families had been living there for over 40 years, paying utility costs and having contracts with the municipality to utilise the apartments for an indefinite time period. The entire complex consists of several ground floor buildings that used to serve as a municipal administration building in downtown Obrenovac. After moving to another location in the 1950-60s, these municipal offices were turned into social apartments of 16-30m<sup>2</sup> (mostly without sanitary facilities). Over the years residents renovated and expanded the apartments, but there was no major construction investment on the facade, a responsibility of the owner, causing the building to deteriorate and worsening of living conditions for people residing there. The municipal officials planned to resettle people in metal containers, but most refused these containers as inadequate. On behalf of five plaintiffs who opposed being placed in metal containers, the ERRC and MRC submitted a lawsuit to the Second Basic Court in Belgrade against the Municipality of Obrenovac with a request that the Court to establish the right to provision of *adequate* accommodation in the event of eviction.<sup>24</sup> The families are still living in this location, while the case is pending before the Serbian court.

22 “Romi iz Vojvodjanske iseljenji buldozerima”, *E-novine*, 7 October 2010, available at: <http://www.e-novine.com/drustvo/41226-Romi-Voivoanske-ulice-iseljeni-buldozerima.html>.

23 *Nikolic v Rep. of Serbia and City of Sabac*, 35P-3205/11, First Basic Court in Belgrade.

24 *M.I. vs Obrenovac Municipality* (P-1897/11), *D.L. vs Obrenovac Municipality* (P-1899/11), *Z.M. vs Obrenovac Municipality* (P-1896/11), *G.V. vs Obrenovac Municipality* (P-1900/11), *B.N. vs Obrenovac Municipality* (P-1898/11) Second Basic Court in Belgrade.

# Gender Equality and Social Inclusion in Focus at Human Rights Training

ANCA SANDESCU<sup>1</sup>

*“Who is Mary? Like so many women, she has been whoever other people needed her to be at the time.”<sup>2</sup>*

In 2010, the ERRC delivered a three-day training of trainers in gender equality to 20 Romanian Romani women engaged in social work in their communities. The training was part of a project led by the Association of Romani Women in Romania and supported by an EU Structural Funds project entitled *Social Inclusion of Roma Women*, which aims to promote the empowerment and social inclusion of Romani women in Romania.

The course included three main components:

1. Concepts related to gender - gender equality, gender mainstreaming, power imbalances and gender-based violence – and the legal framework for women’s rights both at international and national levels;
2. Different types of methodologies that can be used in non-formal educational settings;
3. Concrete tools that can be used into fostering partnership between men and women in all spheres of live.

The participants shared their professional experiences and many personal stories that enriched the dialogue and idea sharing process. This also provided material for analysis and debate within the group. ERRC trainers offered information about concrete legal and advocacy tools for addressing women’s rights abuses. The course included small group activities to develop understanding of the practical implementation of gender mainstreaming and other analytical methods. After each activity, the group debriefed to develop the participants’ skills as trainers using the “learning by doing” and participatory education principles.

Gender equality has a variety of definitions. We used the Council of Europe definition for the training course: “Gender

equality means an equal visibility, empowerment and participation of both sexes in all spheres of public and private life. It means accepting and valuing equally the complementarity of women and men and the diverse roles they play in society.”<sup>3</sup>

In the course evaluations, participants revealed a pressing need for sustained integration efforts from both Government and NGO structures to address the gender issues experienced by Romani women in Romania. Particularly, the responses shed light on the level and extent of multiple discrimination affecting Romani women in Romania both in Romani and non-Romani environments.

The discourse of Romani women’s rights and ethnicity is not a new one; gender discrimination is a recognised phenomenon, occurring in society at large as well as in Romani communities. While some progress has been made, gender discrimination “continues everywhere, which not only harms women but holds back society’s potential too.”<sup>4</sup> In today’s society, gender discrimination remains an ugly and subversive phenomenon.

In Europe, the empowerment and emancipation movement of women in general, and of Romani women in particular, has brought some successes; especially legislative improvements in national, regional and international law. The issues of gender and ethnic discrimination still occupy a focal position in the efforts of civil society to bring about a more just society, as well as in national Governments and international organisation efforts to create policies and strategies for combating and preventing discrimination.

The training course held by ERRC in Romania integrated all these perspectives into the theoretical knowledge sharing

<sup>1</sup> Anca Sandescu is the ERRC’s Human Rights Trainer.

<sup>2</sup> Holly Brubach, “Immaculate Perception”, *International Herald Tribune*, 5 December 2010, available at: <http://tmmagazine.blogs.nytimes.com/2010/12/05/immaculateperception/?scp=1&sq=immaculate%20perception&st=cse>.

<sup>3</sup> Council of Europe, *Equality Between Women and Men*, available at: [http://www.coe.int/t/dc/files/themes/equality/default\\_en.asp](http://www.coe.int/t/dc/files/themes/equality/default_en.asp).

<sup>4</sup> “Putting Women in their Right Place”, *OECD Observer* No 278 (March 2010), available at: [http://www.oecdobserver.org/news/fullstory.php/aid/3236/Putting\\_women\\_in\\_their\\_right\\_place.html](http://www.oecdobserver.org/news/fullstory.php/aid/3236/Putting_women_in_their_right_place.html).

process and provided the Romani women that participated with concrete tools to use in bringing change within their own communities.

The issue of early marriages with its harmful implications for both women's and men's health and education were raised in relation to gender equality. The links and implications of community practices and social ostracism were analysed and deconstructed with the help of rights based tools ranging from advocacy to gender mainstreaming, from research to conflict resolution, from monitoring to strategic litigation. One complexity was to integrate the theory of gender into practice with most of the participants grasping the socially constructed term of "gender" but having difficulties in transferring it to day-to-day reality. An example was the very sensitive topic of domestic violence where many gender stereotypes mostly connected to the traditional roles of men and women came strongly to light. Women were seen as needing to be submissive and know their place in the family, the paternal figure of a male head of the family was strongly defended and most of the solutions tended not to go to the root of the problem. This issue underlined the general approach towards violence against women generally, with the gender stereotypes being neglected or not approached at all with "band-aid solutions" and not a real, sustainable cure to this widespread practice. While all women, when asked, are in favour of "valuing equally the complementarity of women and men and the diverse roles they play in society,"<sup>5</sup> when it comes

to practice they still put themselves in a submissive, secondary position to men; the status quo position that allows them to tackle the results of violence but not its roots.

While the training aimed at providing participants with relevant tools in tackling gender equality in their communities, most of the content of the training took the participants on the path of reflection, personal sharing and personal growth. The training was highly emotional due to the difficulty of the topics addressed. Topics that need not only theoretical understanding but also translation into day-to-day practice. It is very difficult to speak about women's rights when the concept of gender, with all its extended family, is often just touched upon, without a real understanding of where practices and customs and learned behaviours come from.

While the training course focused on gender equality and gender-based discrimination, we could not avoid the issue of multiple discrimination. This topic was received both with bewilderment and excitement. All of the participants were sharing personal stories in which several grounds of discrimination overlapped. This offered a unique opportunity to briefly touch on the definition and elements of multiple discrimination.

The discussions that took place within this training of trainers showed that it is very challenging to raise issues of gender equality in communities that still hide many harmful practices for its female members behind the "culture wall".

5 Council of Europe, *Equality Between Women and Men*, available at: [http://www.coe.int/t/dc/files/themes/equality/default\\_en.asp](http://www.coe.int/t/dc/files/themes/equality/default_en.asp).

# The Importance and Legal Basis for Collecting Data on Ethnicity to Improve Access to Education for Romani Children

HILLARY WALDRON<sup>1</sup>

All EU Member States produce population-wide statistics on employment, level of education, income, health and wealth. These statistics provide important information on the socio-economic status of a population, and if broken down by age, disability, racial or ethnic origin, and/or religion or belief, they can provide for a point of entry for the analysis of the situation of groups vulnerable to discrimination.<sup>2</sup> Collecting data disaggregated by ethnicity is crucial to measure the success of programmes created to support equal opportunities for ethnic minorities. The collection of such data should be used to enable effective protection against discrimination in the form of placement in segregated schools. Today the lack of data about Romani communities remains the biggest obstacle to conducting any thorough assessment of how governments are meeting their international obligations when it comes to protecting ethnic minorities. States are not collecting data, despite widespread agreement among governments, such as those participating in the Decade of Roma Inclusion<sup>3</sup> about the crucial need to generate data disaggregated by ethnicity in order to assess and guide policy.<sup>4</sup>

## The legal basis for the collection of ethnically disaggregated data

During a December 2007 conference, United Nations Economic Commission for Europe<sup>5</sup> researchers recommended that particular attention be paid to minorities when it comes to disaggregating information by gender.

The researchers explained that it is currently unusual for governments to collect information by ethnicity, and that such information is crucial to identifying additional barriers that may face minority groups. Even when ethnic data is collected, it is usually not done systematically and consistently enough to allow for comparisons to be made across gender, groups, countries and over time.<sup>6</sup> Furthermore, when it comes to education the data tends to focus on attendance rather than achievements.<sup>7</sup> Human rights bodies including the UN Committee on the Elimination of All Forms of Racial Discrimination and the UN Committee on Economic, Social and Cultural Rights consistently request that governments provide ethnic information on population, on education and employment in their reports to the Committees. There has also been a considerable effort in the last couple of years to advocate for disaggregated data within the Decade of Roma Inclusion as a means to determine the depth of exclusion and to determine progress in implementing the National Action Plans.<sup>8</sup>

Although the practice of collecting data disaggregated by ethnicity differs from country to country throughout Europe, agreements at the European level have recognised the importance of such data collection. The Council of Europe's Resolution 1740 (2010) provides for the collection of reliable statistical data, including ethnic and gender disaggregated data, with the necessary strict safeguards to avoid any abuse, in line with the European Commission against Racism and Intolerance's recommendations and the opinion of the Advisory Committee on the Framework Convention

1 Hillary Waldron was an ERRC intern between November and December 2010.

2 T. Makkonen, *Measuring Discrimination - Data Collection and EU Equality Law* (20 February 2007), 43, available at: <http://ec.europa.eu/social/main.jsp?catId=423&langId=en&pubId=7&type=2&furtherPubs=yes>.

3 The states which participate in the Decade of Roma Inclusion are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain. See: Decade of Roma Inclusion, available at: <http://www.romadecade.org/about>.

4 Open Society Foundations, *No Data – No Progress* (New York: Open Society Institute, 2010).

5 See: <http://www.unece.org/>.

6 Govinda Dahal, Angela Me and Enrico Bisogno, "Challenges in measuring gender and minorities" (United Nations Economic Commission for Europe (UNECE), Statistical Division, Global Forum on Gender Statistics, Rome, Italy ESA/STAT/AC.140/2.3, 10-12 December 2007).

7 Zöe Gray, *The importance of ethnic data for promoting the right to education* (Minority Rights Group, 2009), 55-59, available at: [www.minorityrights.org/download.php?id=659](http://www.minorityrights.org/download.php?id=659).

8 *Ibid.*

for the Protection of National Minorities, and for the careful analysis of this data to assess the results and to enhance the effectiveness of the existing plans and programmes.<sup>9</sup>

At the domestic level, there are three possible primary sources of data: population censuses, household surveys and administrative records. Censuses, which are conducted in almost all countries of the world on a regular basis, provide a primary source of social and demographic statistics. A census will usually provide information on the size, composition and spatial distribution of the population in addition to socio-economic and demographic characteristics. Household surveys are a more flexible method of data collection, and have become a key source of data on social phenomena in the last 60-70 years. In sample surveys, authorities collect data from part of the population, and use it to make inferences about the whole population. In addition to census and household surveys, many types of social statistics are compiled from various administrative processes, such as population data from the central and local population registers or education statistics from enrolment reports by ministries of education. Administrative records have the benefit of providing accurate and up-to-date information, as they are based on continuous processes. The combination of different administrative records can be a very rich source of information.<sup>10</sup>

The extent to which data exists varies from country to country. The decision to collect and disseminate information on ethnic or national groups among the population in a census is dependent upon factors such as national circumstances, including the need for such data domestically, and the cultural suitability and sensitivity of asking questions related to ethnicity in a country's census. The method and the format of the question used to measure ethnicity can influence the choices that respondents make regarding their ethnic backgrounds and current ethnic identification. The subjective nature of the term requires that information on ethnicity be acquired through self-declaration of a

respondent and also that respondents have the option of indicating multiple ethnic affiliations.<sup>11</sup>

The British system can be considered the most elaborate when it comes to collecting data based on ethnicity. In 2001 the British census was widened to include a larger list of ethnic groups for the population to identify themselves with. The question on ethnicity presented respondents with 16 tick boxes and asked them to select just one ethnic group. The 16 tick boxes were grouped under five sub-headings describing major categories: White; Mixed; Asian or Asian British; Black or Black British; and Chinese or other ethnic group. Each of these main groups included an "Other" tick box: Other White; Other Mixed; Other Asian; Other Black; and Other Ethnic Group. Respondents ticking these "Other" boxes were requested to "please write in" their ethnic group. Len Cook, the National Statistician, recognised the complexities surrounding the classification of ethnic identity and the need to compare the census and other data sources. The decision to introduce a new national statistics standard classification acknowledged the importance of the census as a benchmark for policy formation and target setting which as part of the Government's diversity agenda.<sup>12</sup>

According to the national anti-discrimination policy, the parents of pupils in the United Kingdom are requested to fill out a form where they declare the ethnicity of the child. The form also contains a warning that if parents do not fill in the form, school employees will assign their child to a group based on their own consideration. If the parents do not want the teachers to know the information they give on this form they can deliver it to the given registration centre themselves.<sup>13</sup> The collection of data on ethnicity in the UK is based on laws and regulations which govern the production of these statistics, and which make collection not only possible, but mandatory. The collection is jointly supervised by data protection authorities, the statistical institute and agencies specialising in the protection of minorities.

9 Parliamentary Assembly of the Council of Europe, *Resolution 1740: The situation of Roma in Europe and relevant activities of the Council of Europe* (2010), Section 15.7, available at: <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ERES1740.htm>.

10 T. Makkonen, *Measuring Discrimination - Data Collection and EU Equality Law* (20 February 2007), 44-45.

11 P. Simon, "Ethnic" statistics and data protection in the Council of Europe countries Study Report (2007), 28-29, available at: [http://www.coe.int/t/dghl/monitoring/ecri/activities/themes/Ethnic\\_statistics\\_and\\_data\\_protection.pdf](http://www.coe.int/t/dghl/monitoring/ecri/activities/themes/Ethnic_statistics_and_data_protection.pdf).

12 Office for National Statistics, *Data collection and research* (2008), available at: <http://www.ons.gov.uk/about-statistics/classifications/archived/ethnic-interim/data-collection/index.html>.

13 Liga Lidskych Prav, *The collection of ethnic data: support for ensuring the full value of education of Roma children and for good management of state finances* (Czech Republic: League of Human Rights Office, 2010), 15-16.



## Challenges in collecting data on Roma

Throughout Europe, many Romani families are reluctant to reveal their ethnicity to officials. In many countries the freedom to proclaim one's identity only came about post-1989: for example, in the Czech Republic and Slovakia it was the 1991 census that first listed "Romany" as an ethnic category. Unsurprisingly, only 114,116 people chose to tick that particular box in 1991 and official figures have not increased much in the last two decades. In today's society, where Roma face great discrimination and stereotyping, many feel no good can come out of declaring themselves to be Romani. Past experiences have particularly contributed to this fear of identification; Roma have been especially sensitive about data collection of any kind since Nazis used official data to target Roma and Jews during the Second World War. Numerous censuses were conducted during World War II in order to identify and locate Romani groups for deportation to Nazi concentration camps such as Auschwitz in Poland. Estimates vary regarding how many Roma were murdered, but reliable estimates suggest half a million Roma died in this time.<sup>14</sup>

Today, various other factors may prevent Roma from identifying themselves as such. In many countries, fear of discrimination results in Roma not trusting the State census because of their experiences with discrimination, segregation and violence. Some Roma also fear that their personal data may be misused, as figures purporting to show Roma "misbehaviour" have been used by some governments as a basis for declaring Roma unfit for citizenship or to justify the expulsion of European Union citizens. The request for more data on Roma by Central and Eastern European governments is connected with efforts to control the migration of Roma, which they perceive as dangerous, so a fear of data being used to limit their right to freedom of movement has emerged. There is a general fear of data being used against them; for many Roma, even official statistics are perceived as an instrument of power that can be used against them. Roma and non-Roma alike may be unaware of or unclear about the legal standards for the protection of personal data which results in a corresponding reluctance to

give information. The idea of collecting disaggregated data based on ethnicity is also fairly new so many are not only afraid, but also unaware of any potential benefits.<sup>15</sup>

## The importance of data collection for Roma education

Following the collapse of Communism, the countries of Central and Eastern Europe have been faced with a dramatic rise in overt racism and economic challenges, most recently the financial crisis. This has had some major implications on human rights, particularly for Romani children in the education systems of these countries. Romani children face many problems with regards to racism in schools. Many Romani students suffer abuse in the normal school system; they face physical, verbal or emotional harm from other students and even from teachers. In some cases, school authorities fail to act appropriately to prevent the mistreatment of Romani children or to punish the offenders. Secondly, most of the countries of Central and Eastern Europe feature school systems which are practically segregated or totally segregated with Roma in different classes, or even different schools.<sup>16</sup>

Mayors and local school authorities in Central and Eastern European countries still favour the segregation of Romani children in their educational systems, despite national desegregation policies adopted by some central governments. In Slovakia, for example, segregation in the Slovak education system happens in two ways. Large numbers of Romani children continue to be segregated into Roma-only schools and classes. But there are also many Romani children inappropriately placed in "special schools" for children with physical or mental disabilities. Studies suggest that as many as 80% of children placed in special schools in Slovakia are Roma, according to data reported in 2006 by the Commissioner for Human Rights of the Council of Europe. In these special schools, Romani children not only receive a substandard education, but have very remote possibilities of reintegrating into mainstream education or of advancing beyond compulsory education.<sup>17</sup>

14 C. Clark, *Counting Backwards: the Roma 'numbers game' in Central and Eastern Europe* (1998), available at: <http://www.radstats.org.uk/no069/article4.htm>.

15 A. Covrig, *Why Roma do not Declare their Identity – Careful Decision or Unpremeditated Refusal?* (2004), available at: [http://www.jsri.ro/old/html%20version/index/no\\_8/ancacovrig-articol.htm](http://www.jsri.ro/old/html%20version/index/no_8/ancacovrig-articol.htm).

16 Č. Fényes et. al., *The Roma Education Resource Book* (1999), 20, available at: [http://www.osi.hu/esp/rei/downloads/roma\\_resource\\_book\\_1.pdf#page=20](http://www.osi.hu/esp/rei/downloads/roma_resource_book_1.pdf#page=20).

17 Amnesty International, *Still separate, still unequal: Violations of the right to education of Romani children in Slovakia* (2007), 1-2, available at: <http://www.right-to-education.org/sites/r2e.gn.apc.org/files/Slovakia%20Still%20Separate%20Still%20Unequal.pdf>.

A study by the European Roma Rights Centre in 2007 found that segregated education of Roma remains a prevalent feature of the educational systems in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. It found that existing legal and policy tools, including targeted actions focused on Roma education, are not effective in challenging ingrained patterns of school segregation. Neither anti-discrimination laws nor other relevant legislation require public authorities to undertake specific actions to eliminate segregation in education. School segregation of Roma is the result of both individual decisions as well as the complexity of rules, practices and traditions which make up the educational systems in these countries. Roma-specific actions in the field of education are rarely related to general educational policies. They are often designed as stand-alone initiatives without strategic focus or systematic implementation. Due to the absence of reliable data disaggregated by ethnicity, there is no real way to measure the effects of these measures on the educational achievement of Romani children and there is a high probability that results will be short-lived as long as the improvement of educational achievement is sought within the segregated settings.<sup>18</sup>

### Implementation of anti-discrimination policy

Ethnic data and statistics can play an important role in the elaboration, implementation and assessment of policies aimed at combating racial and ethnic discrimination. However, many European countries remain reluctant to collect data on racial or ethnic origin. The main objection raised is that processing such data would infringe upon the right to privacy.<sup>19</sup> The right to the protection of privacy is guaranteed in a number of international human rights conventions. The most important of these in the European context are the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political rights (ICCPR). Article 8(1) of the ECHR provides that “everyone has a right to respect for his private and family life”, which encompasses the right to respect for

information relating to private life. Collection, storage, usage and disclosure of personal data fall within the scope of this article. Processing of personal data without the consent or knowledge of the data subject is likely to constitute an interference with the rights provided for in Article 8, especially if the data are of such nature that they could cast the data subject in a negative light or could result in a restriction of the data subject’s freedom of choice. Right to respect for private life is not an absolute one and interference may be justified under Article 8(2). The interference must (i) have been in accordance with the law, (ii) pursue a legitimate aim, and (iii) be necessary in a democratic society in order to achieve that aim. Article 17 of the International Covenant on Civil and Political Rights provides that no one shall be subjected to arbitrary or unlawful interference with his privacy, and that everyone has the right to the protection of the law against such interference. To be legal, an interference with privacy must therefore be based on a law, which must itself be in compliance with the provisions, aims and objectives of the Covenant and must be reasonable in the particular circumstances.

The Council of Europe Convention 108 specifies certain conditions for the processing of personal data and in order for the collection of ethnic data to be legitimate and lawful, these requirements must be fulfilled. The principles include a mandate that data is obtained fairly, lawfully and for specified and legitimate purposes. In addition to these conditions, data must also be accurate and adequate, relevant and not excessive in relation to the purposes for which it is stored. Data must be anonymous; as soon as it has fulfilled its purposes it can no longer be linked to an identifiable person. The aim of these laws is to protect individuals against data collection violating the right to privacy or against misuse of the data.<sup>20</sup>

European Union Directive 2000/43/EC, also known as the Racial Equality Directive, deals with discrimination on grounds of racial or ethnic origin in a wide number of areas from employment to social protection and access to goods and services.<sup>21</sup> It prohibits both direct and indirect

18 European Roma Rights Centre, *The Impact of Legislation and Policies on School Segregation of Romani Children* (Budapest, 2001), 8-9, available at: <http://www.errc.org/cms/upload/media/02/36/m00000236.pdf>.

19 J. Ringelheim, *Processing Data on Racial or Ethnic Origin for Antidiscrimination Policies: How to Reconcile the Promotion of Equality with the Right to Privacy?* (2007), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=983685](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=983685).

20 European Roma Information Office, *Survey on Ethnic Data Collection Risk or opportunity?* (2008), 16, available at: <http://erionet.org/site/upload/surveys/Data%20Collection%20Survey.pdf>.

21 European Union, *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* (2000), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.

discrimination on the grounds of ethnic or racial origin; it also recognises harassment and instruction to discriminate as forms of discrimination. European Union Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data generally prohibits the processing of special categories of data, which include “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life”.<sup>22</sup> However, there are certain exemptions to this rule such as where “the data subject has given his explicit consent to the processing of those data” or “processing is necessary for the purposes of carrying out the obligations and specific rights of the controller in the field of employment”. Furthermore, “subject to the provision of suitable safeguards, Member States may, for reasons of substantial public interest, lay down exemptions”. Therefore it is for the Member States to decide whether or not ethnic data should be collected to produce statistics for combating discrimination.

The importance and legal basis for ethnically disaggregated data is clear. Without comprehensive data to evaluate Government efforts and guide policies, the overrepresentation of Romani children in special schools in many European countries is likely to remain unchanged. Improving data about the living standards and conditions of Romani communities is an achievable goal that can provoke a positive and long-term impact on projects, policies and people. The support, resources and independent data necessary for such an effort exist. It is largely a matter of taking action, mustering the political will to collect the data and openly confronting

what the data reveals. In recent years, the need for statistics on Roma has become more important, particularly as governments have begun to develop special programmes related to Roma. A common defect of all these programmes is that they are not based on reliable demographic, labour, health, education and housing statistics broken down by ethnicity.

An article published by the ERRC in 2004 identified the reasons for the lack of Roma-related data, and little has changed in the interim. The reasons included:

1. The misperception that personal data protection laws prohibit the gathering of ethnic data;
2. Failure to understand the strategic importance of ethnic monitoring for the fight against discrimination;
3. Fear that ethnic statistics can be misused to harm the respondents;
4. Weak political will of governments drafting programmes for Roma integration, lack of vision of genuine reform based on quantitative assessment of needs and readiness to allocate adequate resources;
5. Fear by governments that they may be embarrassed if statistics reveals negative results;
6. Methodological difficulty of the question: who should be counted as Roma; and
7. Methodological difficulty of dealing with the refusal of Roma to “admit” their ethnic belonging.<sup>23</sup>

It is not only legal and important to collect data. It is also important to ensure there is a high level of transparency and that Roma are assured that this data is there to improve their situation rather than to disadvantage them in any way.

22 European Union, *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (1995)*, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>.

23 Dimitrina Petrova, *Ethnic Statistics* (Budapest: European Roma Rights Centre, 2004), available at: <http://www.errc.org/cikk.php?cikk=1935>.



## Chronicles

### ERRC CAMPAIGNING, CONFERENCES, MEETINGS AND TRAININGS

- 30 JUNE - 7 JULY 2010:** Conducted field research on Romani issues: Kiev, Odessa and Uzgorod, Ukraine.
- 22-23 JULY:** Made a presentation concerning the use and misuse of Romani language to further education segregation at the OSCE Supplementary Human Dimension Meeting on “Education of Persons Belonging to National Minorities: Integration and Equal Opportunities”: Vienna, Austria.
- 22 JULY:** Convened a meeting with the US Delegation to the OSCE on Roma education and trafficking issues: Vienna, Austria.
- 21 JULY:** Hosted German MP Manuel Sarrazin at the ERRC office to discuss the situation of Roma in Hungary: Budapest, Hungary.
- 25 JULY- 4 AUGUST:** Hosted the ERRC’s annual Roma Rights Summer School for Romani, Traveller and Sinti activists: Budapest, Hungary.
- 2 AUGUST:** Attended a ceremony on the occasion of Roma Holocaust Remembrance Day at the Holocaust Memorial: Budapest, Hungary.
- 4-6 AUGUST:** Conducted field research and met with NGOs in relation to the expulsion of migrant Roma from France: Paris, France.
- 6 SEPTEMBER:** Hosted a delegation of the Swedish Ministry of Integration to discuss the situation of Roma in Europe: Budapest, Hungary.
- 6-7 SEPTEMBER:** Participated as a trainer at the European Court of Human Rights for lawyers involved in providing legal aid to Roma and Travellers: Strasbourg, France.
- 7-11 SEPTEMBER:** Participated as a trainer at the EYF Diversity Training: The Hague, Netherlands
- 8-9 SEPTEMBER:** Documented forced evictions of Roma and discussed Roma housing with the Prefect of Milan: Milan, Italy.
- 11 SEPTEMBER:** Participated in a public debate organised by the Council of Europe on the situation of Roma and Travellers in France: Metz, France.
- 14 SEPTEMBER:** Organised, presented at and participated in workshop on Serbian anti-discrimination law: Belgrade, Serbia.
- 17 SEPTEMBER:** Participated in a strategic planning meeting of the European Roma Policy Coalition: Madrid, Spain.
- 17 SEPTEMBER:** Hosted the President of the European Parliament to discuss work of the ERRC and situation of Roma in Europe: Budapest, Hungary.
- 20 SEPTEMBER:** Attended a training delivered by the Mental Disability Advocacy Center on litigation under the Convention on the Rights of Persons with Disabilities: Budapest, Hungary.
- 20 SEPTEMBER:** Met the Romanian State Secretary for Employment to discuss the integration of Roma returned from France and measures by the Romanian Government to protect the rights of its citizens in France: Bucharest, Romania.
- 23-24 SEPTEMBER:** Conducted a field mission to interview Roma expelled from France and collect evidence of forced evictions, police abuse, data protection concerns and children’s rights violations: Bihor County, Romania.
- 30 SEPTEMBER – 1 OCTOBER:** Made an intervention on the situation of Roma in France and discussed the EU Roma Strategy on behalf of the European Roma Policy Coalition at a meeting of the International Steering Committee of the Decade of Roma Inclusion: Prague, Czech Republic.
- 5 OCTOBER:** Attended a consultative meeting of the OSCE Contact Point on Roma and Sinti Issues prior to the Plenary Session on Roma at the OSCE Conference Review: Warsaw, Poland.

- 5 OCTOBER:** Meeting with the Ambassador Ida van Veldhuizen, Personal Representative of the Chairman-in-Office for the Strengthening of the Legal Framework of the OSCE on the Legal Framework of the OSCE and the situation of Roma in Europe: Warsaw, Poland.
- 5 OCTOBER:** Co-hosted a side event on the application of EU law on freedom of movement with the Contact Point on Roma and Sinti Issues at the OSCE Conference review: Warsaw, Poland.
- 6 OCTOBER:** Made a statement on Roma migration concerns on behalf of the Roma Delegation at the OSCE Conference Review: Warsaw, Poland.
- 8 OCTOBER:** Participated in a meeting of the European Roma Policy Coalition: Budapest, Hungary.
- 12 OCTOBER:** Accompanied the Council of Europe’s Commissioner for Human Rights on a field visit and interviewed local Roma returned from France: Barbolesti, Romania.
- 12-13 OCTOBER:** Attended the High Level Conference on the Contribution of EU Funds to Roma Integration: Bucharest, Romania.
- 19 OCTOBER:** Hosted a briefing for embassy officials on the implementation of education judgments of the European Court of Human Rights: Budapest, Hungary.
- 19 OCTOBER:** Briefed the Canadian Government on Roma migration and human rights violations of Roma in Hungary: Budapest, Hungary.
- 20 OCTOBER:** Hosted an internal work planning day for the 2011 programming period: Budapest, Hungary.
- 21-22 OCTOBER:** Held a strategic planning meeting on ERRC human rights education: Budapest, Hungary.
- 27-29 OCTOBER:** Conducted a gender equality training of trainers for Romani women within a project supported by the European Social Fund: Bucharest, Romania.
- 29 OCTOBER:** Participated in a strategic planning meeting of the European Roma Policy Coalition: Bucharest, Romania.
- 3-5 NOVEMBER:** Participated in a conference entitled “World Day of Romani Language and The World Symposium for Standardisation and Codification of Romani language”: Zagreb, Croatia.
- 9 NOVEMBER:** Hosted an informal briefing for journalists on Roma education and other matters: Prague, Czech Republic.
- 9 NOVEMBER:** Hosted a briefing for diplomats on Roma education and other matters: Prague, Czech Republic.
- 10 NOVEMBER:** Hosted an informal briefing for journalists on Roma housing and other matters: Milan, Italy.
- 10 NOVEMBER:** Discussed Roma housing developments with the Deputy Prefect of Milan: Milan, Italy.
- 8-13 NOVEMBER:** Hosted a Roma Rights Training Course for Romani and Sinti activists: Rome, Italy.
- 18-19 NOVEMBER:** Delivered a public advocacy skills training course for Serbian law students: Budapest, Hungary.
- 18-19 NOVEMBER:** Participated in the Public Interest Law Institute’s annual pro bono law conference and NGO marketplace: Paris, France.
- 22-23 NOVEMBER:** Delivered training sessions at the European Academy of Law on EU Race and Employment Equality Directives: Trier, Germany.
- 22-23 NOVEMBER:** Attended a conference on hate speech entitled “Modern Times, New Networking: Youth, Hate and Web 2.0” organised by the OSCE Office for Democratic Institutions and Human Rights, ZARA - Zivilcourage und Anti-Rassismus-Arbeit (Austria) and INACH: Vienna, Austria.
- 23 NOVEMBER:** Attended a roundtable discussion at the Ministry of Foreign Affairs on the report on the violent attacks against Roma issued by ODIHR in June 2010: Budapest, Hungary.
- 24 NOVEMBER:** Presented the position of the European Roma Policy Coalition on EU policy and Roma at an informal roundtable with civil society organised by DG Regio: Brussels, Belgium.

- 25 NOVEMBER:** Attended a UN regional consultation on health: Budapest, Hungary.
- NOVEMBER 26-28:** Attended a national conference on the social inclusion of Romani women organised by the Association of Romani Women in Romania within a project supported by the European Social Fund: Bucharest, Romania.
- 1 DECEMBER:** Attended a European Parliament hearing on the EU Strategy for Roma Inclusion: Brussels, Belgium.
- 13-15 DECEMBER:** Delivered a training course for human rights lawyers: Krasnodar, Russia.
- 10-13 JANUARY 2011:** Organised a legal training with a regional Roma NGO aimed to Russian lawyers, NGO activists and government officials about the current situation of the Romani population in Russia and provided an overview of the main international mechanisms for human rights protection: Krasnodar, Russia.
- 17 JANUARY:** participated in a public debate condemning the treatment concerned by local authorities, regarding Roma after their forced relocation to social housing outside the city, in a location called Pata-Rât: Cluj-Napoca, Romania.
- 21 JANUARY:** Hosted a meeting as co-chair of the European Roma Policy Coalition (ERPC) with the Hungarian Permanent Representation and Presidency to the EU to inform them about the Coalition's position on the EU Framework for National Roma Integration Strategies (EU Framework). ERPC advocated that the focus should be on "active citizenship" as opposed to "providing assistance to Roma": Brussels, Belgium.
- 21 JANUARY:** Hosted MEP Kinga Goncez in the ERRC offices to discuss EU Roma policy and the European Parliament: Budapest, Hungary.
- 27 JANUARY:** Hosted a series of meetings for Council of Europe Commissioner for Human Rights Thomas Hammarberg and updated him on violations of the human rights of Roma: Budapest, Hungary.
- 9 FEBRUARY:** Hosted a meeting to facilitate brainstorming and coordination of NGO actions related to the Hungarian Presidency to the EU and the soon-to-be adopted European Framework: Budapest, Hungary.
- 10-11 FEBRUARY:** Launched a women's rights action in compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Also held a course on conducting field research on women's rights issues for Italian and former Yugoslavian Romani women, selected in cooperation with grassroots NGOs from the north, centre and south of Italy: Italy, Rome,
- 2-3 MARCH:** Conducted an internal training of trainers in Human Rights Education course for ERRC staff. Budapest, Hungary.
- 6-9 MARCH:** Held a media event: Prague, Czech Republic.
- 13-20 MARCH:** Conducted research documenting continuing violations of freedom of movement: Paris and Lyon, France.
- 8 APRIL:** Presented the position of the European Roma Policy Coalition on the European Framework for National Roma Integration Strategies at the European Roma Platform meeting, organised by the Hungarian Presidency to the European Union and the European Commission: Budapest, Hungary.
- 10-11 APRIL:** Participated in a seminar for legal practitioners entitled "Recent developments in EU anti-discrimination law", organised by the Academy of European Law in cooperation with the European Commission: Trier, Germany.
- 10-11 APRIL:** Hosted a human rights monitoring training: Budapest, Hungary
- 14-15 APRIL:** Attended the annual meeting of the Fundamental Rights Platform a network of civil society organisations engaged with the European Union Agency for Fundamental Rights: Vienna, Austria
- 27-29 APRIL:** Provided legal training on hate crimes law and international anti-discrimination law: Odessa, Ukraine.
- 5 MAY:** Launched report on child protection, highlighting overrepresentation of Romani children in state care. Followed up with 24 local roundtables with authorities and other stakeholders to discuss the findings of

the research in Italy, Czech Republic, Slovakia, Hungary, Romania and Bulgaria.

**12 MAY:** Participated in the annual EU progress report meeting to discuss the situation of human rights in the EU accession states: Brussels, Belgium.

**9-13 MAY:** Conducted field research meets various Government institutions, NGOs and MEPs to discuss the situation of Roma in the country, focusing on housing: Braganca and Vidigueira, Portugal.

**23 MAY:** Facilitated a meeting of the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Mr. Githu Muigai, with Romani and other NGOs to discuss human rights matters: Budapest, Hungary.

**23 MAY- 2 JUNE:** Met local NGOs, activists, lawyers and journalists, visiting formal, informal and semi-formal camps with the local monitor, also met the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg: Rome and Milan, Italy.

**28-31 MAY:** Hosted a training course for Roma and Sinti on how to build a human rights campaign and situational testing to prove discrimination: Rome, Italy.

**1 JUNE:** Held a media event: Budapest, Hungary

**13-22 JUNE:** Hosted Ms Sorina Sein and Ms Manjola Veizi to support their Gender Research Fellowships providing the opportunity for interested individual activists working locally to conduct research on gender equality issues: Budapest, Hungary.

**30 JUNE:** Hosted Hosted an EU conference with partner organisations Bulgarian Helsinki Committee, Milan Simecka Foundation and osservAzione exploring policies and measures to be adopted by the EU and Member States to address the vulnerability of Romani children in institutional care: Brussels, Belgium.

**20 JULY:** Participated in a meeting organised by the National Democratic Institute about issues in Romani children education: Spišské Podhradie, Slovakia.

**21-31 JULY:** Hosted eighteen participants at eighth annual ERRC Roma Rights Summer School.: Budapest, Hungary.

**15-19 AUGUST:** Conducted a research mission to document Roma rights violations: Rostov-on-Don, Krasnodar, Russia.

**21-25 AUGUST:** Conducted a research mission to document Roma rights violations: Odessa, Ukraine.

**31 AUGUST:** Held a media event: Belgrade, Serbia

**26-29 SEPTEMBER:** Participated as a stakeholder in the first Council of Europe and Open Society Foundations conference for Roma youth, setting the framework for a Roma Youth Action Plan: Strasbourg France

**29 SEPTEMBER-1 OCTOBER:** Conducted field research in an evicted Romani community: Cluj-Napoca, Romania.

**5 OCTOBER:** Attended the OSCE's Human Dimension Implementation Meeting, moderating a session on enhancing the implementation of OSCE commitments regarding Roma and Sinti: Warsaw, Poland.

**10 OCTOBER:** Held a media event: Rome, Italy.

**10-15 OCTOBER:** Organised a training programme targeting lawyers and Roma rights activists: Lisbon, Portugal.

**23-26 OCTOBER:** Held a meeting with NGOs and State representatives for future cooperation and on-going research: Kiev, Ukraine.

**LATE OCTOBER:** Attended a meeting about coercive sterilisation with Life Together, the League of Human Rights and the Group of Women Harmed by Forced Sterilisation: Ostrava, Czech Republic.

**31 OCTOBER -1 NOVEMBER:** Participated in a seminar organised by the Netherlands Helsinki Committee (NHC) entitled "Bridging the Implementation Gap - Enlarging Civil Society's Role in the European Court of Human Rights' Implementation Process": The Hague, The Netherlands.

**8 NOVEMBER:** Participated in a conference on "National Roma Strategies: Ensuring a Comprehensive and Effective European Approach" at the European Parliament: Brussels, Belgium.



**17-18 NOVEMBER:** Participated in the 6th Meeting of the European Platform for Roma Inclusion on the contribution of all stakeholders in making the EU Framework a success: Brussels, Belgium.

**21 NOVEMBER:** Hosted a media briefing to publicise a judgment against Portugal in a collective complaint on the right to adequate housing brought before the European Committee of Social Rights: Lisbon, Portugal.

**20-27 NOVEMBER:** Participated as a trainer in a course on “Gender mainstreaming in human rights

organisations” organised by UNOY Peacebuilders: Schoorl, the Netherlands.

**12-13 DECEMBER:** Participated in the meeting of the informal group for the Roma Youth Action Plan, organised by the Council of Europe: Strasbourg, France.

**19 DECEMBER:** Participated in a media and awareness raising event to highlight the anniversary of a forced eviction of Romani families, along with community partners the Grupul de Lucru al Organizațiilor Civice (GLOC): Pata-Rât, Cluj-Napoca, Romania.

## EUROPEAN ROMA RIGHTS CENTRE

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

The ERRC has been the recipient of numerous awards for its efforts to advance human rights respect of Roma: in 2010, the Silver Rose Award of SOLIDAR; in 2009, the Justice Prize of the Peter and Patricia Gruber Foundation; in 2007, the Max van der Stoep Award given by the High Commissioner on National Minorities and the Dutch Foreign Ministry; and in 2001, the Geuzenpenning Award (the Geuzen medal of honour) by Her Royal Highness Princess Margriet of the Netherlands.

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