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Incluziunea romilor din România: politici, instituții, experiențe

Roma Inclusion in Romania: Policies, Institutions and Examples



Fondazione
CASA
della
CARITÀ
Angelo Abriani





EU INCLUSIVE

**Data transfer and exchange of good practices regarding
the inclusion of Roma population between
Romania, Bulgaria, Italy and Spain**

**Roma Inclusion in Romania:
Policies, Institutions and Examples**



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Description of the project

„EU INCLUSIVE – data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain” is a joint cross-border project, implemented by Soros Foundation from Romania, in partnership with Open Society Institute-Sofia from Bulgaria, Fundación Secretariado Gitano from Spain and Fondazione Casa della Carità Angelo Abriani from Italy.

The project objective is the development of cooperation practices in the field of Roma inclusion by cross-border transfer of data and exchange of local good practices in order to promote the inclusion of this vulnerable group on the European labour market, as well as to increase the capacity of organizations dealing with Roma integration in Romania, Spain, Italy and Bulgaria.

The project is aimed at achieving a diagnosis of the situation of Roma inclusion on the labour market of these 4 European countries and at converting the sociological data, thus obtained, in order to draft public policies of national and cross-border application.

We are trying to:

- generate a comparative statistical database regarding Roma inclusion and employment in each of the 4 partner countries;
- identify and promote successful practices discovered in the partner countries and to capitalize these practices in order to increase public policies relevance in the field of Roma inclusion;
- analyse and use the recent European history of Roma inclusion policies, as well as to increase their presence on the labour market, in terms of Roma migrants;
- develop a cross-border partnership, with long-term applicability, between organizations and countries with activities in the field of Roma inclusion.





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Partners

Soros Foundation, Romania (www.soros.ro) – our mission is to promote models for the development of a society based on freedom, responsibility and respect for diversity. As of year 2003, we have carried out framework projects dedicated to social inclusion, like Roma Inclusion Decade, Programme for Integrated Community Development; plus various sociological surveys regarding Roma population from Romania, one such extremely important survey being Roma Inclusion Barometer, as well as community development projects, like My Roma Neighbour, the Near Centre or Rures. Rural space and social economy in Romania.

Open Society Institute-Sofia, Bulgaria (www.osi.bg) – non-governmental, non-profit organization, established in 1990, with the following mission: to promote, develop and support the values, attitudes and practices of the open society in Bulgaria; to propose public debates and policies regarding the aspects essential to Bulgaria.

Fundación Secretariado Gitano, Spain (www.gitanos.org) – social inter-cultural non-profit organization, which ensures services required for the development of Roma community all over Spain and at European level. It started its activity in 1960 and was established as foundation in 2001. The mission of Fundación Secretariado Gitano is represented by the overall evolution of Roma community, based on respect for and support of their cultural identity. FSG performs activities beyond the borders of Spain, in Bosnia and Herzegovina as well as in Romania.

Fondazione Casa della Carità Angelo Abriani, Italy (www.casadellacarita.org) – is a non-profit foundation with social and cultural objectives. It was established in 2002 with the mission to generate opportunities of integration for any person living under cultural and social marginalization conditions: homeless persons, migrants, and asylum seekers, Roma persons, supporting their access to rights, services, opportunities and resources. It aims to contribute in the creation of new models of sustainable social inclusion, transferable on local and national level.



CONTENT

Summary	143
Summary in Romani	147
Methodology	151
Chap. 1. Roma population in the European Union and in Romania – size and characteristics	152
1.1. Roma minority from Romania – between statistics and estimated realities	153
1.2. Roma population specific problems	155
Chap. 2. Institutions and programmatic documents relevant for the Roma inclusion on the labour market	156
2.1. European Union Programmatic Documents	156
2.1.1. Programmatic documents dedicated to the Roma minority	158
2.2. National Programmatic Documents	163
2.3. EU financial resources supporting the Roma inclusion	171
2.4. European Institutions with responsibilities for Roma minority	173
2.5. National institutions with competencies related to the Roma minority – key moments in the institutional development of the national programmatic document implementation structures	175
2.5.1. National Agency for the Roma (NAR)	179
2.6. Programmes, projects, actions – good practice examples	184
Chap. 3. Public Policy Actions for Roma Social Inclusion in Romania	186
3.1. Access to education, health, housing – key public policies for the Roma social inclusion	188
3.1.1. Education	188
3.1.1.1. Affirmative actions in education, for Roma	188
3.1.1.2. Roma human resources in the Romanian educational system	189
3.1.1.3. Roma inclusion deficiencies in the Romanian education system	190
3.1.1.4. Positive practices in Roma children education	193
3.1.2. Health	195
3.1.2.1. Positive practices	198
3.1.3. Housing	200
3.1.3.1. Examples of good practices	202
Chap. 4. Roma employment between strategy and flexibility	206
4.1. Roma minority employment profile	206
4.2. Roma employment institutions and policies	209
4.3. Roma minority relation with the labour market	212
4.4. Projects and initiatives for Roma employment rate increase	216
4.4.1. Actions of public authorities	216
4.4.2. NGOs initiatives and projects	220
Chap. 5. Roma migration and mobility on European labour market – between realities and myths	223
5.1. Dynamics of migration in Romanian context	224
5.2. National policies – legal framework in Romania	225
5.2.1. „Fortress Europe” versus the European Union	227
5.3. National institutions involved in the management of migration from Romania	230
5.4. Migration – complexity of the reality faced by the research on Roma migration	231

5.5. Discourses on the typical Romanian and Roma migrant – stereotypes versus facts	235
5.6. Effects of Roma migration and methods to approach these effects. Trials of good practices	237
Chap. 6. Social services	241
6.1. National and European legislative framework	241
6.2. Programmatic framework for social services	246
6.3. Assessment of social services provided to Roma population for professional reintegration	247
6.4. Good practices in social services	248
Chap. 7. Conclusions and recommendations	253
7.1. National programmatic framework and institutional framework	253
7.2. Social Inclusion	256
7.3. Action lines, recommendations, examples of good practices in Roma employment	257
7.4. Migration	261
7.5. Social services	263
References	264
List of Boxes	
Box 1: Population and Houses Census – 20 October 2011	153
Box 2: Compared evaluation of the results obtained (2005-2006)	159
Box 3: Platform Setting Up Calendar	160
Box 4: Outcomes of the Project, „The national network of local Roma experts, a support mechanism for implementing the social inclusion actions for Roma, a vulnerable group exposed to social exclusion”	184
Box 5: Definitions related to social inclusion	186
Box 6: National Strategic Programmes including Roma employment among their priorities	209
Box 7: Restrictions on the access to labour market	228
List of Graphs	
Graph 1: Distribution of Roma minority in Europe	153
Graph 2: Evaluation of the household incomes: „they are not enough for covering the basic needs”	208
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Summary

During the communist regime, Roma population has been almost “invisible” for the public policies or programmatic documents. Together with the democratic changes occurred in the '90, Roma minority issue became a subject visible in the public debates, as well as on the national and European agenda, while the associative movement and the efforts of Roma identity reassertion were started again, after an absence of several decades¹.

The deterioration of the population's social-economic status, seen in the last years, has led to a decrease in the living standard and, implicitly, to an increase in the number of persons and families, including Roma, facing the risk of social exclusion.

The European Union and the Member States have a common responsibility in the field of Roma inclusion and, to this end, a wide array of tools and policies are available to them in their domains of responsibility. The European Union has developed the legal framework aimed at increasing the social integration of marginalized groups and at ensuring a higher protection against racism and racial discrimination. Within general strategies (Lisbon Strategy, Europe 2020 Strategy) or strategies designed specifically for this minority (Decade of Roma Inclusion 2005 - 2010, EU Platform for Roma Inclusion, EU Framework for National Roma Integration Strategies up to 2020), EU developed also specific actions for promotion of Roma persons. As EU's responsibilities in the field of Roma inclusion increased, more and more institutions undertook, inter alia, relevant attributions concerning Roma minority (the European Commission, the European Parliament, the European Court of Justice, the European Union Council, the Fundamental Rights Agency, the Council of Europe, Independent Networks of Experts, Directorate General for Social Cohesion – Roma and Travellers Department, etc.).

In Romania, the promotion policies for Roma social inclusion are included in a series of national documents which incorporate European elements: National Plan for Fighting Poverty and Promoting Social Inclusion, National Plan for Development 2007 - 2013, National Strategic Reference Framework 2007 - 2013, Sectorial Operational Programme – Human Resources Development, Governing Program 2009 - 2012 and a specific strategic paper „Strategy for Improving the Condition of Roma in Romania 2001 - 2010". The latest was reviewed in 2006 and then, in 2011, another document was drafted. The new „Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minorities 2011 - 2020" has the stated purpose of ensuring social-economic inclusion of Romanian citizens belonging to Roma minority, by implementing integration policies in the field of education, labour force employment, health, housing, culture and social infrastructure.

¹ Subsequent to „the process of freeing the gypsies”, in 1856, their efforts towards identity reassertion in Romania manifested strongly between the two world wars but were cut-off suddenly during the Second World War and restarted after the 90s

Although some progress was made during the last years in this area, in terms of legislation and institutions, the reality shows that the vicious cycle of poverty continues to keep Roma in situation of social exclusion, with utmost grave consequences – difficult access to health and education services, low level of participation on the labour market, improper housing, decrease of community solidarity, etc.

These small accomplishments – far from desideratum – were inconsistent because of inefficient coordination between institutional structures at central, regional and local level, the institutional operation was difficult (due to the lack of infrastructure, human resources, frequent changes in the institutions' statute, high rate of governmental discontinuity and lack of funds), and all these aspects have negatively affected the efficient implementation of all drafted strategies.

Generally, the policies for Roma social inclusion were initiated due to the pressure applied by the European Union institutions and following the efforts undertaken by Roma organizations and civil society organizations, in general, and less due to an internalized need of the public authorities and politic decision-maker, based on impact analysis and demographic correlations or economic forecasts able to contribute to the improvement of citizens' life quality. Because of this situation, a careful analysis of the impact determined by certain policies would be required.

Affirmative policies in the *field of education*, focused on Roma, at all levels of public education, undoubtedly contribute to the development of this minority and, implicitly, to a better integration. Promotion of Roma language and culture, as well as the creation of an elite among the representatives of this minority are only stimulating and the level of integration. Despite all these efforts, the occurrence of segregation in education, school drop-out and absenteeism, doubled by an uncertain quality of the education process, especially in the poor areas, still are obstacles difficult to overcome without investments and major reforms in the education system of Romania.

The *health* condition of Roma population is a constant source of concern for the medical personnel but too little is being done to improve it. In the few existing public debates the focus is especially on the positive demographic growth of Roma, seen more as a concern in relation to the decreasing birth rate of the majority rather than being focused on the real issues of public health of the population. The model of Roma *sanitary mediator*, already transferred to the countries in the region, tends to become a panacea with regard to mediating the relation between Roma patient and health system.

Demonstrating the status of person enrolled in the public health insurance system person by Roma individuals is a major formal barrier when it comes to Roma access to public health services, the access to prophylactic services being virtually non-existent in the Roma communities. Poverty or formal barriers are forcing many Roma to access, mainly, the emergency healthcare services when their health condition is already deteriorated.

Although of major significance in the field of social inclusion, the issues related to poor *housing conditions* of Roma are left completely un-addressed. The investment in improving Roma housing conditions is a precondition for all the other public policies to produce the expected results. The lack of identity papers and ownership documents, the absence of property safety, the forced evictions without providing an alternative housing option for large number of Roma families and the lack of local authorities' interest in investment in the social housing stock designed for the vulnerable population categories, they all remain apparently insurmountable problems.

The models promoted by non-governmental private initiatives – integrated projects in the field of housing with the component of the beneficiaries' labour force employment and investments in education and health infrastructure – must be adopted and replicated by the local and central public authorities and promoted as public policies designed to solve the difficult issue of housing. Not least, issues like *discrimination, stigmatization and victimization* of the minority's members are major challenges that must be dealt with by the inclusion policies in the field of education, health, employment and housing.

The statistics on employment of Roma show a pre-existing underprivileged status while reality proves that Roma are approaching employment in terms of obtaining immediate income and, as such, their economic activities are, mainly, of non-formal type – day-laborer, temporary work, traditional or even illegal activities. Segregation by gender is perpetuated together with maintaining the traditional family models where the husbands and, later, the sons are responsible for ensuring the family livelihood. This also leads to involvement of children in occasional labour (children under the age of 14) generating, in turn, school drop-out. If the Men and young men justify school drop-out by the fact that they have to get involved in income-generating activities, in the case of girls, the justification relates to their domestic responsibilities once they get married. The precarious social-economic situation is a secondary justification.

The response of employment public policies is, more and more, a dedicated one, replicating or complementing the initiatives of NGOs. The flexible approach was initiated, naturally, by the NGOs but flexibility in the response to the specific complex need of Roma persons appeared as an imperative element in various community surveys, and it finally became a program guideline.

The directions of the intervention are focused around the need of education for change, targeting both Roma and their relationship with the majority. A successful project to increase the employment rate involves much more than overcoming the barriers of discrimination and prejudice, and we can say that it roots at the community level, in non-occupational initiatives: formal, sanitary or civic education, social services, and personal development. Specific policies for employment strengthen initiatives already undertaken, to the extent they prove to be adapted to the local labour market: in terms of skills acquired, certifications, learning the relation with the tax system, support for non-local approach of a business and, only subsequently, financial support.

International migration, regardless of its type, continues to represent a subject of interest not only among researchers but also among the representatives of various national and international institutions due to the fact that migration consequences went beyond the *local* level and become an extremely *complex* occurrence, of various shapes and multiple effects on the social, economic and even political life of the countries. The need to rethink classical approaches of the theories on migration appeared, especially, in term of public policies. The arguments emphasizing this need are the following: in the last decades, the number of migrants has increased, the type of migration become more divers, the dynamics of migration become more heterogeneous.

These changes were followed by an increased mass-media attention directed towards migrating populations, because the political and social effects of migration in the destination countries as well as in the origin country have intensified, and the institutionalized management of migration does not reflect current social changes and necessities. The processes of rapid change of the legislation on border crossing management and management of rules for coordination of population movement on the international labour market also show the need of change in migration related approach, locally as well as internationally. Researches and surveys regarding the migration of Roma from Romania could be a source of information supporting the public policies development and implementation with sustainable results.

Statistical information, regarding the type and method of providing certain integrated social services for the purpose of increasing employment and social inclusion, are still deficient and, as such, it is difficult to quantify the impact of the policies applied in this field. A certain parallelism persists in the training of experts with similar responsibilities (sanitary mediator, school mediator by comparison with the social worker), which leads to unclear powers and responsibilities. Using certain non-standardized work tools, as well as non-compliance with the intervention methodology for providing and ensuring mediation and professional guidance services, is only generating confusion in the future application of relevant policies. Non-correlation of social realities in European and international context and allocation of human and financial resources without analysing the potential impact leads to the social services inefficiency.

The process of decentralizing social services in the public system – permanent objective of various administrations and a constant recommendation of strategic documents – is carried out with high difficulty, a fact fully proven by the reality. Non-governmental organizations are still at the forefront of social services development but the sustainability of these services remained an important issue, the monitoring activity being an insufficiently developed process. Non-compliance with the social service – social contribution ratio is one of the most important problems existing in the professional domain of the social worker. Social benefits cannot ensure the basic needs but higher levels of social development are desired to be accessed through the offer of services.

Rezùmato

Le roma reprezentisardine jekh rig populaciaqi kaj na dikhel pes anθ-āl pùblico politike vaš dokùmenturā programātike de anθ-o timpo e regimosqo komùnisto. Sar aviline le paruvimata demokrātike anθ-e le berša '90 i problématika la minoritètaki romani kerdās pes jekh subièkto but dikhipnasqo vi anθ-o pùblico diskùrso vi anθ-i politikenqe lista themesqi thaj evropnikani thaj o civilo khethanipen sar vi le pharimata te palemafirmsarel pes i identitèta e romenqe, palem lini pala but berša².

O ikhearimos le statùtosqo sociàlo-ekonomikano la populaciaqo anθ-e kadale berša, ingerdāv te tiknārel pes o nivelò e tràjosqo thaj vi barilāv o gin le manušnqo thaj le familienqo kaj arasen te aven anθ-o sociàlo inkeripen, vi e manuša katar i etnia le romenqe.

I Evroputni Ùnia thaj laqe thema si len jekh responsabilitèta anθ-o andripen e romenqo thaj anθ-o kadava res si len but instrumenturā thak politike anθ-e lenge riga responsabilitètaki. I Evroputni Ùnia kerdās jekh thami kaj kamel te barārel o sociàlo andripen e grùpurenqe marginalizome thaj te but brakhel le manuša te maj kerel pes rāsismo thaj diskriminàcia rāsaqi, thaj aver specifiko àkcie te kerel pes o sociàlo andripen e romenqo, anθ-āl maj bare generàle dikhimata strategikane (i Strategia Lisabona, i Strategia Evropa 2020) vaš vi kerde de anθ-i kadaja minoritèta (10 berša anθ-o adripen e romenqo 2005 -2010, I evropnikani plàtforma k-o adripen e romenqo, o Evropnikano kadro de anθ-e le themenqe strategie anθ-o andripen e romenqo - 2020). Sar le responsabilitèta la Ùniaqe bariline anθ-i rig le romenqo andripen, sar maj but institùcie primisardine, maškar aver butā vi butā kaj dikhen i monoritèta romani (i Komisia Evropnikani, o Evropnikano Vakerlin, i Avlin Evropnikani Thamikani, o Koncilū la Evroputnāqi Ùnia, i Agencia anθ-ël Bazutne Xakaja la Evropaqo Koncilū, Rècele korkore expèturenqe , O Dirèktorato anθ-i Sociàlo Kohesiunā – Romenqe thaj Phirutne Direkcia etc).

Anθ-i Rumùnia le politike kaj promovin o sociàlo andripen e romenqo arakhen pes anθ-e jekh rend themeqe dokùmenturā kaj len le evrponikane butā: O Plāno Themesqo anθ-o Maripen e Ćorripenasqo thaj kaj kerel o Sociàlo Andripen, O Themesqo Plāno Barārimasqo 2007 -2013, O Stratégikano Themesqo Rèferenciaqo 2007 – 2013, O Sektorialo Progrāmo Operaciònalo -O Barārimos le Manušenqo, O Rajipen Progrāmo 2009-2012, thaj jekh specifiko stratègia „ I Lačharimasqe Strategia anθ-i situàcia e romenqe katar i Rumùnia 2001-2010”, dokumènto kaj sasas paledikhlo butivar anθ-o berš 2006 thaj pale anθ-o berš 2011, kana kerdās pes aver dokumènto „I Strategia e Rajipenasqi la Rumùniaqi anθ-o andripen e rumùnikanenqe themutne katar i minoritèta romani maškar le berša 2011-2020”, le reseça phendo te kerel o sociàlo-ekonomikano andripen e rumùnikanenqe themutne kaj si von katar i minoritèta

² Pala „o desrobimos e romenqo” anθ-o berš 1856 le pharimata te palemafirmsaren i indentitèta kadalenqe anθ-i Rumùnia kerdine pes anθ-i interbelikani rig, no sasas sigutne mukhle kana avilāv o Dujto Maškarthemutno Maripen, palem line pala le berša '90.

romani ,kerindoj integrisarde politike anθ-i edukàcia, i okupacia e manúŝenqe kaj roden buti, sastipen, thanàripen, kultura thaj sociàlo infrastruktura.

Vi ke anθ-o kadava avlin anθ-àl kadale berŝa kerdinà pes vastne thamikane thaj institùcionale prògresurà, i realitèta anθ-o nasulipnasqo maŝkar e ÷orripenasqo va3e mukhel e romen anθ-o sociàlo inkalaipen, butànça savenθar maj nasul – pharo barbar k-o sastipen thaj edukàcia, but tikno nivelò kaj buti diz, thanàripen anθ-àl phare kondicie, tikni solidaritèta komunitarò, thaj aver maj dur.

Kadale tikne realizacie – dur pala sar trebun te aven - sasas korkore k-e le themesqe, regionale thaj thanutne institùcie na sas but phangle maŝkar lenθe, lenqo 3ãmos na sas laçho (k-e na sas len infrastruktura, manúŝa, but paruvimatae statùtosqe, o rajipen sas butivar paruvθo thaj vi k-e ni sas len love) haj sea kadala but negativo maladine le strategie kerdine.

Jekheste generàlo nivelò, e politike anθ-o sociàlo andripen e romenqo sasas kerde kana la zoræça la Evroputnáki Ònia, thaj pala so kerdine but butà e organizaciënθar e romenqe thaj i civilo khethanipen, jekheste generàlo nivelò, thaj maj xancĭ p-a jekh andrutno res e publikenqe rajimata thaj e politikenqe, bazutne p-al so daŝtin te keren e analize, dikhimos la demografiaqo, ekonomikane analize, kaj te laçharen o tràjo le manúŝenqo. Kadalatar, trebulas kerdini jekh analiza anθ-o xurdipen kadalenqe politike.

E afirmative politike anθ-i edukàcia kaj malaven e romen, anθ-o angleuniversitèta thaj universitèta sikajmos, keren, bi alavenqo, i emancipacia kadalaqe minoritèta etnikani, thaj vi kerel laqe jekh maj laçho andripen. I promovacia la çhibaqi thaj i kultùra romani, vi o kerimos jekhaqi èlita etnikani na kerel k-e baràrel thaj te astarel o nivelò k-o andripen. Sea kadalença butà, i segregàcia anθ-i edukàcia, o mukhimos školàtar thaj o biavilimos školàti, dujvares baràrdäv jekh edukàcia but tikni kalitàtivo, maj but anθ-àl ÷orre thana, si va3e lupunzimata phares te aven nakhade bi te kerel pes investicie sistemàtike thaj bare paruvimata anθ-o sistemo la edukàciaqo katar i Rumùnia.

O sastipen la popùlaciaqe romani si jekh thavdini preokùpacia e dòktorurænqe, vaŝ kerel pes but xancĭ te laçharel pes. Anθ-e le xancĭ pùblike konferènçe kerde, but kamel te dikhel pes o but laçho gin e çhavorrenqo kaj keren pes, sikavdo maj but sar kana jekh darajimos sar o gin e baredripenqo çhavorre kaj keren pes tiknàrel pes, vaŝ k-e te avel miŝto kerdi p-al sastimasqe çhace problèmuræ la popùlaciaqe. O modelò e sastràrutnesqo maŝkaràrno, lino katar aver thema karar i regiunã, arasel te avel jekh universalo buti kaj kerel maŝkarimos maŝkar o rom thaj o sastimasqo sistemo.

Te sikaven k-e si asigurime de anθ-àl roma si jekh baro lupunzipen, thamikanes, kana das дума e barbarbarestar e romenqo k-o pùbliko sastipen, o barbarbar kaj i profilakcia si lu biprin3ardo anθ-àl romane komunitète. O çhorripen vaŝ e thamikane lupunzimata, keren e romen te arasen te mangel e urgenciaqe serviçuræ, kana lenqo sastipen musardàs pes.

Vi k-e si but vastne anθ-o sociàlo andripen, e promlèmuræ le çhorrestar *thanàripen* e romenqo ni si len but dikhle. Jekh anglekòndicia kaŝte le pùblike politike te arasen lenqe reseste, si i investicia anθ-o laçharimos e romenqe thanàripenasqe kòndicie. Kaj

naj len dokumènturæ identitètaki thaj theripnasqe, kaj naj len garancia k-0 theripen, le inkalaimata de p-ål thana zoræça, vi te del len aver khera e familienqe butença manuša, vi ke o rajipen na si les intereso te kerel sociåle khera de anθ-i populacia vulneråbilo, ašen promlèmuræ kaj ni daštín te aven nakhavde.

E mòdele kerde katar e iniciåtive privåturæ, katar i birajipen rig – projèturæ jekh thaneste anθ-o thanåripen , la rigaça le profitøre te arakhen pes k-e buti, anθ-i infrastruktura la edukåciaqi thaj le sastimasqi – trebun te aven line le katar o pùblico rajipen thaneste thaj themeste nivelò, sikavde sar pùblike politike kaj kamen te rezolvisaren i but pahri problèma e thanåripnasqe. Na anθ-i ùltimo rig, problèmuræ sar *i dikriminåcia, stigmatizåcia, marginalizåcia thaj viktimizåcia* e manuşenqe la minoritetaqi si but phare butå kaj le politike anθ-o andripen trebun te laçharen, anθ-i edukåcia, sastipen, okupacia e manuşenqe kaj roden buti, thanåripen.

E statistike anθ-i okupacia e romenqe sikaven jekh nasul sitùacia kaj ašel butivar, thaj i realiteta sikavel k-e le rom roden okupacia kašti aven len akanutne venituræ, vaş e aktivitete kerde si aktivitete ges gesestar, oportunitetaqi, tradiciònale orj kaj naj thamikane. I segregåcia lingosqi kerel pes jekh dàta kana dikerel pes i familia tradicionalo, kaj o rom, thaj pala le çhave trebun te dikeren i familia. Kadaja buti anel laça le çhavoren kaj trebun te keren butå okaziaqe (maj xanci sar 14 berša) kaj ingerel maj dur te mukhen pes školåtar. Kana le rom thaj le çhave sikaven star te mukhen pes školåtar , k-e trebun te keren butå kaj anen love, le çhaja phenen k-e trebun te aven len responsabilitete maşkar lenqe familie sar prandisarel pes. Lenqe sitùacia sociålo-ekomomikani but nasul si lenqo baro argumènto.

E pùblike politike okupaciaqe astaren maj but butå, len le initiative orj keren parteneriåto åkciença le organizåcienqe birajipenasqo . Kadava modò kerimasqo sasas inkalado kadalenθar organizåcie, no i flexibiliteta, sar sas adoptisardi pala sar mangenas e roma , kerdå pes jekh buti but importånto anθ-ål stùdiuræ komunitetaqi, kaj arasli te avel jekh progråmatiko rig.

E intervenciaqe riga 3an p-ai edukåcia te avel transformime, e romenqe thaj i relåcia lença. Jekh baxtogor projèkto kaj barårel i rata la okupaciaqi kerel maj but sar te nakhel pes p-al lupunzimata dikriminåciake thaj le stereotipuræ, thaj daštåsa te phenas ke si le phuvardi anθ-i komuniteta, anθ-ål bipkupaciaqe initiative: edukåcia školåqi/sastimasqi/civiko, sociåle serviçurå, 3enutno baråripen. E politike specifike okupaciaqe baråren le initiative okupacionale line, kana von si le adaptisarde le thanutnesti butåqi diz: kalifikåcia, autorizacie, te sikòl pes i relacia e sistemoça fiskalo, žutipen te kerel pes jekh buti kaj anel love thaj na si thanesqe, thaj pala kadja te avel o žutipen loværimasqo.

I migracjia e manuşenqe – bi laqo felò- reprezentisarel vi akana jekh interesosqo subièkto na nùmaj de anθ-ål manuša kaj keren rodimata, vi anθ-ål manuş kaj reprezentisaren vareso themutnikane orj maşkarthemutnikane institucie, ke i migracjia nakhadåv o nivelò *thanutno*, thaj kerdåv pes jekh but *komplèto* thaj anθa maj but riga, but butånça anθ-o sociålo tràjio, ekonomikano vi politikano e themenqe. Kerdå pes i idèa te palegindisarel pes i tèoria la migracjiaqe , maj but anθ-e le pùblike politike. Le argumenturå anθ-e kadaja rig si: anθ-e le berša kaj nakhline o gin e

manušenqo kaj keren migracjia barilāv, i migracjia si la maj but felūræ, thaj i i dinàmika la migracjiaqe araslāv te amāl.

Kadale pharuvimata sasas nakhle pala i o barimos e rodimasqo katar i mas-mèdia anθ-e le populacie kaj keren migracjia, k-e o sociàlo thaj politiko rezultaturæ la migracjiaqe, vi anθ-āl than kaj 3an, vi anθ-āl thana katar 3antar, bariline thaj o tradipen la migracjiaqo institucionalizime ni sikavel e pharuvimata thaj i sociàlo realitèta de akana. E procèsuræ kaj keren sigutne pharuvimata anθ-e le thamæ anθ-e kaj sikaven sar nakhel pes anθ-e aver thema thaj e sar phirel i populacia p-ai maškarthemutni buti diz sikavel pale ke trebul te kerel pes paruvimata anθ-e sar kerel pes i migracjia, anθ-o themesqo kontèksto, vi k-o maškarthemutno kontèksto. E rodimata thaj le anketurā kerde anθ-i migracjia e romenqe katar i Rumùnìa, daštin te aven jekh sursa informacienqe, pe anθ-āl kaste le pùblike politike te aven barārde that bazutne p-al but lače rezultaturæ.

E informacie statistike kaj sikaven o tipo thaj o éhand kaj den pes e sociàle sevičurā anθ-e jekh than le reseça te barōl i okupacia thaj o sociàlo andripen si va3e xancī, vaš si but pahro the avel sikado o impaktò le politikenqo kerde anθ-o kadava avlin. Ašel jekh paralelismo te formisaren pes manuša specilizome sa kade butānça (o sastrārutnesqo maškarārno, školàqo maškarārno kaj si lu anθ-i rèlacia e sociàloça asistentò) buti kaj anel bidudale atribuci thaj responsabilitète. O istemlaipen e instrumentenqo bukiaqe kaj naj len standardo vi ke ni respèktisarel pes i metodologia intervenciaqe kana trebul te den pes e maškarārne sevičurā thaj profesionalo svato na keren ke musaren o modò sar e politike si von aplikime anθ-o kadava avlin. Kana ni 3anel pes le sociàle realitète anθ-o evropnikano thaj themutnikano kontèksto thaj o dinipen e lovenqo that manušenqo, bi te avel kerdini jekh konkreto analiza e impaktòsqe, anel le sociàle sevičurā te na maj aven lače.

O procèso kaj descèntrol e sociàle servičurā anθ-o pùbliko sistemo – so kamel o rajipen te kerel thaj jekh rekomendàcia katar e stratègikane dokumènturā – kerel pes but pharimaça, thaj i realitèta but sikavel la. E organizàcienqe birajipenasqo si le šerutne kaj barären e sociàle servičuræ, no jekh bari problèma ašilāv i sustenabilitèta kadalenqe servičuræ, minotorizàcia lenqe si jekh procèso kaj naj mišto barārdo. Kana ni respèktol pes o rapòrto sociàlo serviču - sociàlo prestacia si jekh šerutni problèma kaj si anθ-o kìmpo e sociàlosqo asistentò. E sociàle prestacie na daštin te astaren e bazutne butā, vaš pe anθ-e le servičuræ kaj den pes, te avel pes bararbar butānθe superiøre anθ-o sociàlo barāripen.

Methodology

This report represents an intermediary stage within the activity, generically named in the project; „*Adapting shared experiences to each partner*”. The report briefly presents the national and European public policies and initiatives applied in the last two decades with regard to the Roma minority, seeking to identify the limitations and problems related to their success or failure, as well as the potential future solutions.

Practically, in the project’s philosophy, this activity aims to analyse and identify successful practices and experiences which could be duplicated or adapted to the particularities of partner organizations and countries, as well as the transfer of these good practices via information synthesized in a Country Report.

A significant number of documents, surveys and reports regarding this theme or themes related to it have been studied, including the relevant national and European legislation framework. In addition, the authors have studied a series of reports and information regarding certain completed projects or which are still being implemented and whose objectives were social inclusion and the increase of the employment rate of Roma.

To perceive this subject as realistic as possible, the Work Group experts held a series of meetings with decision-makers, public administration employees, as well as representatives of Roma organizations, to discuss the main issues they face and the existing statistical data, national policies and successive programmatic framework, as well as the European and programmatic legal framework afferent to employment, social inclusion, social services, public administration and migration. At the same time, certain projects/initiatives with good effects as well as unsuccessful ones, or projects briefly presented in the report, have been identified.

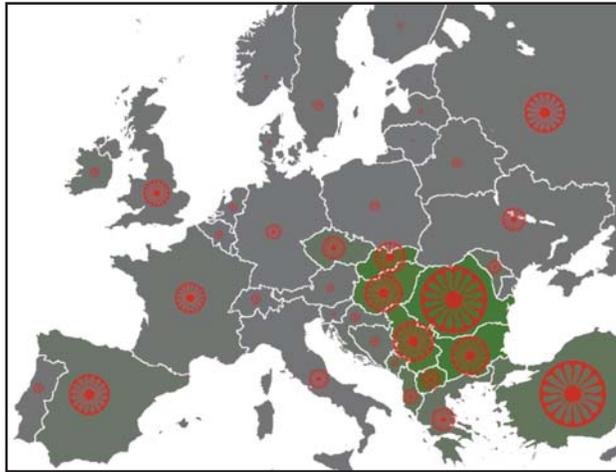
Chapter 1. Roma population in the European Union and in Romania – size and characteristics

Roma population represents one of the largest ethnic minorities of the European Union (EU): estimations show the existence of 10 - 12 million Roma living in various Member States, often under hard living conditions (EC, 2011). Discrimination, poverty, social exclusion, lack of education, lack of access to basic healthcare, lack of housing etc., are a few of the issues faced daily by Roma persons (EC, 2005).

Although in the last decade, anti-discrimination policies and initiatives regarding the improvement of living conditions and the social integration of Roma persons have been developed, on European level this minority represents the most discriminated group compared with other national minorities, as well as the one most exposed to social exclusion. According to the EU survey on minorities and discrimination, conducted in 2009, in average, 50% of Roma respondents were victims of a situation of discrimination in the last year, and 20% were the victims of a racial attack (EU-MIDIS, 2009). In addition, Roma also face the social-economic exclusion: they represent the largest but, at the same time, the poorest ethnic minority of Europe. High level of unemployment, low level of education and precarious health conditions are correlated with poverty, even severe poverty.

Roma are victims of the vicious cycle of poverty: the lack of job or the low income prevent them from investing in their children education, health or improvement of living conditions while the lack of these elements generates poverty, in turn. A study of the World Bank reveals that in Bulgaria, Czech Republic, Romania and Serbia, Roma chances of graduating secondary education are of four and up to six times smaller by comparison with the majority population; unemployment rate is high – only 50% of Roma are working in Romania, this percentage being lower in Bulgaria and the Czech Republic; compared with the majority population, obtained incomes are much more limited – varying from 39% in Romania to 69% in Bulgaria (De Laat&Bodewig, 2011).

EU enlargement waves in 2004 and 2007 have generated an increase of the number of Roma living in EU, most of them - about 70% - originating from the new Member States (fig.1).



Graph. 1: Distribution of Roma minority in Europe
(source: <http://www.euranet.eu/rum/Dossiers/Rromii-si-Europa>)

1.1. Roma minority from Romania – between statistics and estimated realities

Currently, the largest number of Roma persons of all European states is living in Romania.

According to the Population Census of 1992, 409,723 persons, Romanian citizens³, assumed the ethnic identity of „Roma-Gypsy”, thus being the second largest ethnic minority, after the Hungarian minority.

In 2002, the number of Roma who assumed this ethnic identity in front of the reviewers was of 535,140 persons. According to the preliminary data of the 2011 Census, Roma represent 3.2% of the total population (Box 1). Although the most recent statistical data show that the number of Roma is of over half

³ Representing 1.8% of Romania’s total population at that date. (Source: *Population, demographic structure. 1992 Population Census*. National Statistics Commission Publishing House, Bucharest, 1994)

Box 1 **Population and Houses Census – 20 October 2011**

According to the *preliminary data* of the most recent census of population and houses in Romania, communicated by the National Statistics Institute in February 2012, Roma population represents 3.2% of the total stable population (amounting to 19,043,000 persons).

Roma persons in Romania amount to 619,000 of total stable population, informs INS press release, being relatively uniform distributed in the territory with percentages between 1.1% in Botoşani County and 8.8% in Mures County.

Roma are found in a relatively higher percent, of over 6.0% of total stable population, in Călăraşi (8.1%), Sălaj (6.9%) and Bihor (6.1%) Counties, according to the same press release.

Source:

www.recensamantromania.ro%2Fwp-content%2Fuploads%2F2012%2F02%2FComunicat-date-provizorii-rpl-2011.pdf (02.02.2012)

of million, among researchers, civic and politic representatives of Roma there is an intense debate regarding the real number of Romanian citizens of Roma ethnicity, in relation to the official figures provided by the census. The experts' estimations indicate Roma percentage at about 10% of the population of Romania (CEDIMR-SE, Ionescu and Cace, 2006), while Roma representatives' estimations mention about 1.5 - 2.5 million Roma.

These figures are mentioned in other documents drafted at European level. Thus, according to a 2003 report of the European Commission (EC), the size of the Roma population of Romania is about 1.8 - 2.5 million persons (EC, 2003⁴). Another report of the European Council⁵ drafted in 2010, estimates that 1.85 Roma are living in Romania, which is consistent with a percentage of 8.32% of the total population (in 2009).

This discrepancy between official figures and estimations is due to several causes:

- some are of historical nature and are related to Roma extermination by deportations, pogroms, random executions, occurred especially during the Second World War, actions which, in time, perpetuated the fear of recognizing ones ethnicity;
- others are associated with the process of forced assimilation occurred during the communist, a period when the interdiction of using the Romani language and, sometimes, stigmatization and discriminating experiences in the society determined the non-registration of ethnicity.

The lack of trust in authorities can be added to all the above mentioned aspects. Corroborated with a corrupt census process⁶, as well as the Romanian public authorities' decisive refusal to collect statistical data disaggregated by ethnicity, with persons' anonymization and personal data protection, all these actions have contributed to collecting fully credible statistical data.

According to the methodology developed by UNDP⁷ and at the recommendation of various human rights organizations⁸, a few methods of accommodating the sensitive action of collecting statistical data of ethnic nature with the personal data protection actions are indicated for the authorities in order to improve public policies designed for inclusion of minorities, actions which should be analysed and implemented in the future (Skobla et al, 2009).

⁴ 2003 Regular Report on Romania's progress towards accession available at: http://ec.europa.eu/enlargement/archives/pdf/key_documents2003/rr_ro_final_en.pdf.

⁵ Go to http://www.coe.int/t/dg3/romatravellers/default_en.asp

⁶ According to the experts, this issue is generated by the wrong transposition/translation of Art. 8 (4) of Directive 95/46/EC, into the Law no 677/2001 Art. 7(1) on processing and using data regarding ethnic or racial origin, etc. (Rughinis, C. and Duminičă G., Chapter V.4, of Report on Risks and Social Inequities in Romania, 2009, drafted by the Presidential Commission for the Analysis of Social and Demographic Risks

⁷ Daniel Skobla, Tadas Leoncikas, Martina Stepankova, *Ethnicity as a statistical indicator for the monitoring of living conditions and discrimination*, UNDP Bratislava, 2009

⁸ Among which the EU's Fundamental Rights Agency

The national and European authorities refusal to think outside the box with regard to the issue of collecting statistical indicators, disaggregated by ethnicity, generate corrupt statistical data which render impossible for the political decision makers to measure the need for public policies, to assess the impact of developed public policies or to monitor the progress of complying with the established indicators.

1.2. Roma population specific problems

According to the experts (Voicu, 2007), Roma communities from Romania are facing a series of common problems like: unemployment and lack of employment opportunities; low level of education; limited access to medical services and, implicitly, health problems; overcrowded houses and residential areas; lack of ownership titles on houses and lands; passiveness and lack of involvement in solving their own problems.

With regard to Roma persons presence on the labour market, the recent survey conducted within project EU Inclusive⁹ shows a low level of Roma employment by comparison with the national employment rate – 35% as opposed to 58% and „a high percentage of instable jobs, which are not providing continuity and stability.” Even if data are different, the same trend is seen in a survey conducted by the World Bank (De Laat&Bodewig, 2011) illustrating the fact that Romania maintains a significant gap between the level of Roma persons integration on the labour market (50%), compared with the rest of the population (63%). With regard to the average salary, Roma persons’ level of income is at 39% of non-Roma population income. The Report brings into attention a series of aspects related to perceptions of EEC inhabitants (Roma persons do not desire to work, Roma persons live, mainly, on social benefits, etc.), emphasizing the fact that, currently, the rates of young Roma employment are higher than those of the majority adult population (in Romania, these rates are higher by 21%), and that only a small portion of Roma are depending on the social benefits system, as well as the fact that a very high percentage of Roma persons want to work and has taken the necessary steps to identify a job, but only to be refused upon employment.

The authors of the research are showing that, in the current context marked by strong trends of majority populations’ decrease and older population increase, countries with a high percentage of Roma population should take the actions required to integrate this population on the labour market, as soon as possible. The economic benefits estimated for Eastern Europe could be of 3.4 billion euro per year, resulting from the decrease of governmental expenses for welfare programmes and from the increase of income tax. According to the authors, labour market integration would bring other supplementary advantages with significant social and economic impact, like: economic growth, decrease of health risk behaviours, decrease of risk of law-breaking determined by social exclusion and poverty etc.

⁹ Tarnovschi, Daniela (coord.), 2012. EU INCLUSIVE –data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain, Roma status in Romania, 2011. Between Social Inclusion and Migration. Country Report – Romania, Soros Foundation Romania

Chapter 2. Institutions and programmatic documents relevant for the Roma inclusion on the labour market

In this chapter, the main programmatic documents on the Roma inclusion on the labour market and the institutional capacity for their implementation are reviewed. The review carried out falls under the overall project objective which is „documented support for the efforts undertaken to accomplish the Roma social inclusion and to find solutions for resolving the Roma employment related issues in Romania”.

The proposed approach aims at the presenting the constitutive elements, the functions and duties of the public administration bodies in connection to the social requirements which are permanently arising new exigencies. All aspects are analysed in the context of their evolution, meaning their transformation and development under the influence of the social, economic, legal and political factors.

2.1. European Union Programmatic Documents

The European Union aims at advancing the inclusion of Roma and at promoting the participation of Roma population in the economic area, specifically on the labour market, in the cultural life and in the decision-making area. Roma inclusion is considered both a moral and political duty. The inclusion is approached in an „integrated” manner and all the EU policies gave greater attention to the special Roma status, aiming to improve Roma economic status, health condition, living standard, employment opportunities, as well as their understanding in terms of culture and education (EC, 2011).

The European Union and the Member States have a common responsibility in the Roma inclusion domain and they use a wide range of instruments and policies in their areas of responsibility, of which the most important are:

- *the community legislation* (by instance, the Directive on Freedom of Movement, the Framework-Directive on action to combat racism and xenophobia, Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, etc.);
- *the coordination of national policies* (i.e., in education, employment and social inclusion);
- *the funds* intended to implement the national policies in these areas (the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD)).

In the last years, the European Union and the Member States focused on adopting the anti-discrimination legislation and on streamlining the use of the European Funds to promote the Roma inclusion, to fight against the racial discrimination, segregation and violence as well as to support the programmes intended to fight against the vicious poverty circle, the social marginalization, the poorer education results and the precarious health and living standard. In the EU, a legal framework aiming to increase the social integration of the marginalized groups and to ensure an increased protection against racism and racial discrimination was developed, which includes the following normative acts:

- The **Framework Decision** 2008/913/JAI of the Council of November 28th, 2008 concerning the fight against determined forms and manifestations of racism and xenophobia by means of **Criminal Law**, establishing that such behaviour represents a crime in all the Member States, being impeachable;
- The Council Directive 2000/43/CE of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (transposed until in 2009 in the national legislation of all the Member States);
- The Charter of Fundamental Rights of the European Union (2007/C 303/01), proclaimed on 7 December 2000, which enshrines the fundamental rights and reaffirms the EU commitment to promote the non-discrimination and the equal treatment (come into force at the same time with the Treaty of Lisbon¹⁰, as integral part of it).

Besides the framework directives adopted to prevent and combat the discrimination, a number of other specific actions have been implemented at EU level, aiming, among others, promoting of Roma inclusion.

Hence, in March 2000, the Member States, as joint response to the issues they are facing, launched the „**Lisbon Strategy**” with the declared purpose of revitalizing the Community policies in the context of two main challenges affecting the economy and the society: the globalization and the quick development of the information society. The globalization process involves the growth of the competitiveness in all the sectors of the economy, and the development of the information society implies a radical reform of the educational system in Europe and ensuring of the Lifelong Learning for the European citizens. The main objective of the Lisbon Strategy to transform EU in the most competitive and dynamic economy in the world until in 2010 was reformulated in 2005, when the intermediate assessment was carried out. After its re-launch, the Lisbon Strategy aimed to transform EU into an area more attractive for the investments and labour force, to promote the knowledge and innovation and to create new jobs.

The Lisbon Strategy was the main strategy whose implementation was monitored and supervised by the European Commission, having a system of indicators prepared for a precise monitoring and evaluation of the progress within EU. The „*Report on Social Protection and Social Inclusion 2006*” specified that „*the Member States must prepare (...) responses to the needs of all the groups under*

¹⁰ Come into force on 1 December 2009

*risk as (...) the ethnic minorities (including Roma)*¹¹. Each Member State prepared its own National Action Plan on the social inclusion, some of the Member States identifying Roma as priority group. Roma are also mentioned in the Strategy of the European Parliament – the „engine” for the Lisbon Strategy.

The Lisbon Strategy was important because it proposed a labour employment-based growth and not an investment-based growth. After the implementation of this Strategy, it can be affirmed that this strategy did not create the expected results with regard to the employment level, the structural reforms or the economic growth rate. The positive results were mitigated by the economic crisis which started in 2008. Although the economies best adapted to the new economic growth module predicted by the Lisbon Strategy did not obtain high economic growth rates, however they had the capacity to eliminate a number of the economic crisis effects.

Europe 2020 – is a European strategy for a smart, sustainable and inclusive economy, representing the EU growth strategy until 2020. In a permanently changing world, EU intends to become a smart, sustainable and inclusive economy. These three mutually reinforcing priorities should help the EU and the Member States deliver high levels of employment, productivity and social cohesion. Concretely, the EU has set five ambitious objectives with regard to the employment, innovation, education, social inclusion and climate/energy to be reached by 2020.

Each Member State has adopted its own national targets in each of these areas. *In this strategy, Roma are mentioned within the category of the groups under high risk*, for whom the Member States must define and implement specific actions (CE, 2010).¹²

Under the Europe 2020 implementation, the Member States submitted national programs for reform. The review of these programs shows that there is a general consensus with regard to the fiscal consolidation and restoring of the discipline in the financial and banking sectors and that there are less efforts with regard to defining the reforms necessary to correct the imbalances and to resume the economy growth and to create new jobs.

2.1.1. Programmatic documents dedicated to the Roma minority

Decade of Roma Inclusion 2005 - 2015 („Decade”)

The Decade was the first significant international initiative¹³ prepared for a medium and long term, which targeted the poorest and most sizeable cross-border minority in Europe – the „Roma population”. The Decade was an international

¹¹ Joint Report on Social Protection and Social Inclusion 2006, http://ec.europa.eu/employment_social/social_inclusion/docs/2006/cs2006_7294_en.pdf

¹² “Europe 2020 – European strategy for a smart, sustainable and inclusive growth” – Communication of the Commission, 2010, pg. 23.

¹³ The idea of the Decade appeared following the Conference „Roma in an enlarged Europe: challenges in the future”, which took place in Budapest, in 2003. The launch as strategic document for 2005-2015 took place in Bucharest, in 2005.

initiative of the Open Society Institute (OSI), the World Bank (WB) and the European Union (EU). By the Decade, the signatory governments¹⁴ aimed to speed up the efforts for the improvement of the Roma status by involving them in the assessment and decision-making process. *The Decade's priority areas are: education, employment, health and housing. In addition, three cross-cutting priority areas were defined: anti-poverty, non-discrimination and gender equality.*

The Decade implementation involves both public institutions (national governments and financial institutions) and private organizations (international non-governmental organizations and Roma NGOs). The coordination of the Decade activities was planned by the International Steering Committee which is composed of representatives of the participating governments, international partner organizations and strong associations of civic Roma organizations involved in monitoring the government policies in each participating state to the Decade. The initiatives were financed by the Open Society Institute (OSI), the Roma Education Fund (REF), the Instruments for Pre-accession (PHARE), the structural funds, and from the national resources. Each year, the National Action Plans are presented and assessed during the works of the annual Conference of the International Steering Committee of the Decade.

A compared assessment of the progresses obtained during the period 2005-2006 (Box 2) shows that each country has obtained progresses but none reached the desired maximum score.

This shows that there are gaps between countries with regard to the Decade objectives' implementation. Such gaps are the effect of the manner in which governments assumed the objectives and of the effort of governments to evolve from the stage of sporadic actions often co-financed by foreign partners, to the stage of systemic public policies supported by resources allocated from the budget.

¹⁴ The heads of the governments from Bulgaria, Croatia, Czech Republic, Macedonia, Montenegro, Romania, Serbia, Slovakia and Hungary responded to this initiative, also agreeing to ensure annually, by rotation, the presidency. Subsequently, other three States joined to those ones as members of the initiative „Decade”: Albania, Bosnia and Herzegovina while Spain and Slovenia are involved only as observers. The initiative remained opened for the participation of any other government.

Box 2
Compared evaluation of the results obtained (2005-2006)*

Country	Score
Hungary	2.29
Bulgaria	1.84
Slovakia	1.82
Czech Republic	1.76
Romania	1.72
Croatia	1.70
Macedonia	1.37
Serbia	1.24
Montenegro	0.63

*This hierarchy is the result of an evaluation which took into consideration indicators referring to: the existence and quality of Decade Action Plans including the availability of data to report on progress; the existence of the institutional structures necessary for the Decade implementation, and whether measures have been put in place across the four Decade priority areas: education, employment, health and housing, including the existence of relevant data and their collection as well as the existence of an anti-discrimination legislation consistent with the EU standards. The maximum score which can be obtained is 4 and it reflects the good practices, which may be used as model of governmental action, while the minimum score is 0, reflecting the absence of any governmental actions.

Source: Decade Watch 2005-2006: Roma Activists Assess the Progress of the Decade of Roma Inclusion

The compared assessment shows that obtaining successes in the Decade implementation depends both on the existence of a proper institutional framework and on the prepared and implemented policies in the four priority areas¹⁵.

In 2011, the Roma Civic Alliance of Romania, the non-governmental organization which monitors the implementation of the commitments assumed by the Government of Romania, has reported¹⁶ on its turn that, at half of the Decade term, the Romania National Action Plans have neither been adopted and budgeted, nor implemented, when in other States participating to this initiative, such Plans have been annually reviewed following the implementation of the assumed public political actions.

European Platform for Roma Inclusion (the „Platform”)

The European Platform for Roma Inclusion was created to support the cooperation among EU institutions, Member States, international organizations, civil society and academic environment. The Platform establishes that all the policies addressing Roma population should aim the Roma integration in standard schools, on the labour market and within the society, without generating a parallel society. Actions should be expressly oriented to Roma without excluding the persons of other ethnicities with similar social-economic status.

The Platform was launched in April 2009 with the declared purpose to ensure good experience exchanges and to stimulate the cooperation among the participants. The initiative to set up such Platform appeared during the first European Roma Summit (Brussels, September 2008), being a dynamic process which continued also in the following years (box 3).

The Platform objective is to improve the coherence and efficiency of the political processes developed in parallel at national, European and international level, in order to create synergies.

The Platform is a declaration of non-mandatory character and it contains common principles for Roma inclusion, prepared in the Platform activity and inspired from the successful initiative experiences, which offers to the political decision-makers at all levels a practical framework for the process of

Box 3 Platform Setting Up Calendar

- The first reunion took place in Prague, in April 2009, under the Czech EU Presidency. At this reunions, a ten-common principles set for efficient approach of Roma inclusion;
- The second reunion took place in Brussels, in September 2009, and it was focused on Roma education issues;
- The third reunion was organized under the Spanish Presidency, in June 2010, and it aimed to discuss an Action Plan proposed by the Spanish Presidency, which offered a medium-term framework for actions and goals;

¹⁵ Decade Watch 2005-2006: Roma Activists Assess the Progress of the Decade of Roma Inclusion

¹⁶ Decade Watch Romania Report 2010: Mid Term Evaluation of the Decade of Roma Inclusion (2010), available on: <http://www.romadecade.org/files/downloads/Decade%20Watch%202010/Decade%20Watch%20Romania%20Report%202010%20EN.pdf>

preparation and implementation of successful initiatives.

The Roma inclusion principles aim to guide the EU institutions, the Member States, the candidate countries and the potential candidate countries, in the process of preparation and implementation of new policies or activities. The principles were assumed by the Ministers of Labour and Social Affairs from the EU Member States and they are the following:

- The fourth reunion took place in Brussels, in December 2010, under the Belgium Presidency of EU and it focused on the services for Roma preschool children and their families;
- The fifth reunion took place in Budapest, in April 2011, under the Hungarian EU Presidency and it focused on three main areas: Commission Communication on the EU Framework for National Roma Integration Strategies, the Resolution of the European Parliament on EU Strategy on Roma Social Situation, Territorial Dimension of Roma poverty.

- **Principle 1: constructive, pragmatic and non-discriminatory policies.** Roma inclusion policies respect and promote the core values of the European Union, which include and refer to human rights and dignity, non-discrimination and equal opportunities, as well as economic development. The aim of such policies is to provide Roma with effective access to equal opportunities in the Member State societies;
- **Principle 2: explicit but not exclusive targeting.** Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives; it implies focusing on Roma people as a target group but not on the exclusion of other people who share similar social-economic circumstances;
- **Principle 3: inter-cultural approach.** The inter-cultural approach involves Roma people together with people from different ethnic backgrounds. Inter-cultural learning and skills must be promoted alongside combating preconceptions and stereotypes;
- **Principle 4: aiming for the mainstream.** Where partially or entirely segregated education or housing still exists, Roma inclusion policies must overcome this legacy. The development of artificial and separate „Roma’s labour markets” is to be avoided;
- **Principle 5: awareness of the gender dimension.** Roma inclusion policy initiatives need to take account of the needs and condition of Roma women;
- **Principle 6: transfer of evidence-based policies.** Member States must learn from their own experiences of developing Roma inclusion initiatives and share their experiences with other Member States. Examples and experiences of social inclusion policies concerning other vulnerable groups must also be taken into account;
- **Principle 7: use of European Union instruments.** In the development and implementation of their policies aiming at Roma inclusion, it is necessary that the Member States make full use of European Union instruments as the legal instruments (Racial Equality Directive, Framework Decision on Racism and Xenophobia), the financial instruments (European Social Fund, European

Regional Development Fund, European Agricultural Fund for Rural Development etc.);

- **Principle 8: involvement of regional and local authorities.** Member States need to work out, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities;
- **Principle 9: involvement of civil society.** Member States also need to work out, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organizations, social partners and academics/researchers;
- **Principle 10: active participation of the Roma.** Roma people must be involved in every stage of the process to enhance the effectiveness of policies. Roma involvement must take place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the work out, implementation and evaluation of policy initiatives.

With regard to the employment, the key subjects that matter for the Platform are: transition from education to professional inclusion (occupational training, individualized support, and access to formal labour market); granting small loans to the entrepreneurs and self-employed persons; promoting the partnership in employment; occupational training for adults and employment quality. To these, the anti-discrimination and promoting awareness in education, housing, health and employment areas¹⁷ are added.

EU Framework for National Roma Integration Strategies up to 2020

The European Parliament (EP) adopted in January 2008, a resolution which expressed the need for a EU strategy for Roma integration. In its rationale, EP outlined that a significant number of Roma live in EU, representing a community which might benefit of a wide range of instruments to fight against discrimination and to improve their access to the labour market, education, etc. Hence, the European Commission proposed on 5 April 2011 to be adopted a EU Framework for National Roma Integration Strategies up to 2020. This is a communication type document to the European Parliament, European Economic and Social Committee and Committee of the Regions, by which the Member States are encouraged to adopt or develop National Roma Integration Strategies (COM (2011) 173/4).

The proposed Framework establishes a ten years period to significantly modify the living standards of the Roma people. More precisely, *the Framework identifies four goals for Roma Inclusion: access to education, employment effectiveness, access to healthcare and access to housing.*

¹⁷ Integrated European Platform for Roma Inclusion, Road Map (30 iunie 2010), p. 4.

The European Framework proposed by the European Commission requires clear and specific policies able to respond to the Roma needs, concrete actions to prevent and compensate the disadvantages Roma face with. *The National Roma Integration Strategies must comply with the EU goals and they shall be supported by national and European funds as well as from other sources.* The EU Framework value added is represented by the more and more significant role of the Commission in the process of monitoring and promoting the Roma integration. *The EU Framework aims to extend the term for the Roma inclusion actions with 5 years after the expiry date of the Decade.*

2.2. National Programmatic Documents

The analyses of the strategies, policies, and programs for Roma in Romania after the communism are in great number. Attempting to systematize them, the experts have identified three stages according to the evolution phases of public policies for Roma population (Ionescu and Cace, 2006):

- **1990 - 1995: „period of non-systematized searches”,** characterized by policies and programmes of exploratory character, intended to understanding of the mechanisms required by a consistent social intervention;
- **1996 - 2000: „period of understanding the responsibilities”,** characterized by the preparation of some strategies and start of some concrete actions, by public institutions as well as by non-governmental organizations. *The first strategy for the improvement of the Roma status was substantiated in Romania during this period;*
- **from 2001 until now: „period of assuming the responsibilities”,** characterized by the action of the competent authorities of assuming their responsibilities to offer responses to a situation becoming more and more hard, as well as to the great number of difficulties Roma population face with. *This last stage is the subject of the presentation made in this chapter.*

The Accession Partnership (1999) emphasized the need to consolidate the dialogue between the Government of Romania and the Roma community for the preparation and implementation of a strategy aiming at the improvement of the social and economic status of Roma people and to offer a proper financial support to the programmes in progress. It also emphasized the need to implement actions to combat the discrimination, including within the public administration bodies, to create new jobs and to increase access to education for Roma people.

Following the great number of references to the issues related to the improvement of Roma status, as well as the monitoring of the progresses obtained by Romania in the Accession process, *the Government included in its Programme for 1998 - 2000, the Roma problems as priority.* The Government Programme expressly set forth the setting up of an inter-ministerial committee for Roma

problems in Romania, as well as the allocation of the budgeted funds to some projects and programmes intended to support the organizational process of the national minorities. Also in the **Government Programme 2001 - 2004**, *there are elements referring to Roma population, the need of working out a national strategy, and specific programmes able to ensure the significant improvement of the condition for this minority.*

The policies promoting Roma social inclusion can be found in a number of national programmatic documents in which are transposed a number of European elements. The Government of Romania recognized that there is a Roma issue needing consistent policies. Hence, the main action lines materialized in a document called the **Romanian National Strategy for Improving Roma Condition („Strategy”)**¹⁸.

The Strategy was the result of the joint efforts of the Government bodies and Roma civil society as well as of the support granted by the international institutions, especially the European ones. In this process, the activity of the **Working Group of Roma Associations („GLAR”)** was significant and consisted of drafting the *„General Policy Recommendation on the implementation of the Governmental Program for Improving Roma Condition”,* document representing the basis for the Strategy. In time, GLAR’s activity was taken over by the **„Roma Framework Convention” (RFCF)**, which reported directly to the Prime Minister, a guiding recommendation for a general policy. Many of the *principles* listed by WGRA and RFCF in the aforementioned documents have been integrated in the Strategy. They *referred to the problems related to the elimination of the discrimination and establishing a partnership with the Roma associations, and recommended to be set up an inter-ministerial committee for Roma and to be established some fund allocation mechanisms for the implementation of the programs.*

The Strategy was based on six guiding principles: *the consensus principle, the social utility principle, the principle of sectorial distribution, the decentralization principle, the identity differentiation principle and the legal compatibility principle.*

The Strategy established ten main action lines: *community development and administration; housing; social security; healthcare; economic steps; justice and public order; child welfare; education; culture and denominations; communication and civic involvement.*

For the community development and administration area, the Strategy established the following goals:

- Organizing, at local/county levels, mixed working groups, made up of elected representatives of that community, decentralized structures of the central administration and Roma NGOs, in order to evaluate the main needs of the Roma community and to apply the programmes for their support;

¹⁸ GD 430/25/04/2001 on the approval of the Romanian Government Strategy for Improving Roma Condition

- Creating the legal frame by which the ministries, the central/local agencies, and their decentralized structures are able to finance projects and sectorial programmes to improve the Roma condition;
- Setting up the National Council against Discrimination and including Roma representatives in this structure;
- Setting up structures for implementing the Strategy at the level of ministries, prefectures and town halls;
- Initiating and developing some educational actions regarding the fight against discrimination targeted at civil servants in the central and local public administration;
- Conditioning the civil servants recruitment and promotion of civil servant son the „non-discrimination” criterion in dealing with other people;
- Developing collaboration between public administration structures and Roma NGOs on a partnership basis;
- Including the Roma community leaders in the local administrative decision-making which affects the Roma;
- Implementing positive discrimination programmes for Roma regarding employment in the structures of central/local public administration.

Adopting the Strategy was a process appreciated by the EC in the „*Regular Report on Romania’s progress towards Accession*” from 2001, where it was specified that one of the major initiatives of the Romanian Government with regard to Roma people was adopting of the Strategy which means the accomplishment of one of the political criteria established in the Accession Partnership.

The Strategy development represented a positive action due to the *involvement and raising awareness of the Roma community members in the strategy work out and implementation at central and local level*. The Strategy was important not only because it represented the standpoint of the Romanian Government on the Roma condition management manner, but also because it was a political assumption by the Romanian Government, of a change in the social policies, aiming setting up of very clear goals as prevention and combating of the institutional and social discrimination, preservation of the Roma ethnicity identity, provision of equal opportunities for reaching to a decent living standard and stimulation of the participation of Roma ethnics to the economic, social, educational and political life of the society.

The Strategy, adopted in 2001, referred to the period 2001 - 2010 and established precise responsibilities for an institutional structure able to ensure the implementation of the Strategy goals at central and local level.

As aforementioned, *the process to prepare the Romania Accession to EU brought the social inclusion concept under the attention and the Government decided to correspondingly amend and supplement the Strategy*. Hence, in April 2006, by Government Decision no 522, the Strategy was amended by adding several

new elements, including a new Action Plan for 2006 - 2008. As consequence, the action lines were reorganized and aggregated in such manner that the new document defined only six such action lines: community development and administration; communication and civic involvement; housing; healthcare; justice and public order; economic steps; social security; child welfare; education; culture and denominations.

Even if the first draft of the Strategy did not expressly establish the financing of the actions, the second revised draft specifies that *„the actions established in the General Action Plan for 2006-2008 shall be financed by funds from the State budget, Pre-Accession Instruments, other EU funds, as well as by funds attracted from domestic and external sources“.*

The Strategy was received with interest both by Romanian and international institutions and by the associative Roma movement. A positive aspect was represented by the participative methodology chosen by the Government which included Roma representatives in the work out, implementation, monitoring and evaluation of the Strategy. Although important, both politically and socially, the Strategy implementation characterized by a number of negative aspects as the lack of an ex-ante evaluation, the too general description of the actions proposed for implementation, the insufficient allocation of governmental funds for the Strategy implementation, the lack of a clear assignment of the duties related to the Action Plan implementation, the lack of an effective monitoring of the evaluation mechanisms, etc.

Approved in 2002, the **National Plan for Combating Poverty and Promoting Social Inclusion** („Anti-Poverty Plan”)¹⁹ was to be implemented during the period of 2002 - 2012. It was worked out in the context when the social policy focus shifted during the period of 2001 - 2004 from a singular, national approach of the fight against poverty to the wider process of social inclusion and development, both at national and EU levels.

As in case of the Strategy, the philosophy of the Anti-Poverty Plan is based on strengthening the participation and increasing the responsibility of the members of Roma communities. The Plan included *eight objectives, among which actions in education, healthcare, economy and housing areas. The increase of self-esteem and the improvement of Roma public image, the fight against racial discrimination and the encouragement of community support represent transversal domains in this document.* The National Coordinator of the Anti-Poverty Plan was CASPIS, whereas the National Agency for Roma was responsible with the implementation and coordination of the actions in the Plan.

The Anti-Poverty Plan is the first experiment achieved by Romania for the Accession to EU. In working out the Anti-Poverty Plan, experts of Government and representatives of social partners (employers' associations, trade unions, non-governmental organizations, etc.) have been mobilized and the working-out

¹⁹ Adopted by Government Decision 829/2002 approving the National Anti-Poverty and Promoting Social Inclusion Plan

stages were the following: crystallization of the concept, consultations at governmental level as well as with the social partners and the experts from academic environment, consultations with representatives of international organizations, discussing the Plan within CASPIS for approval, adopting of the Plan by the Government and official launch of the Plan in September 2002.

The Plan included three sections: Comprehensive Plan to Prevent/Address Poverty and Promote Social Inclusion, Sector Component of the National Anti-Poverty and Social Inclusion Plan and Survey of the Situation Today.

The Anti-Poverty Plan was important because it identified the main sources of the social exclusion and poverty in Romania, as well as the population segments with the highest exposure/most affected by social exclusion and poverty. This document had a major role in identifying the main challenges and action lines in the social policy of Romania.

National Development Plan 2007 - 2013 (NDP), launched in December 2005, is a strategic planning and multi-annual financial planning document, by which the Romanian Government priorities with regard to the public investments in development, correlated with the intervention areas of the EU structural and cohesion funds are established. *Chapter 6 Social Inclusion contains also a presentation of Roma population as one of the disfavored groups on the labour market and shows the main social issues of Roma per employment, gender and education level categories.*

National Strategic Reference Framework 2007 - 2013 (NSRF), launched in 2007, was worked out based on the priorities established in NDP and it is considered an instrument for the financial planning and for the implementation framework of the structural funds. NSRF contains the strategic lines of the Sectorial Operational Programmes under the Convergence Objective, meaning those financed from the European Regional Development Fund, European Social Fund and Cohesion Fund. The social difficulties the Roma communities face with are described in the section concerning the human capital.

Sectorial Operational Programme – Human Resources Development (SOP HRD) sets the structural intervention framework in the human resources field through the European Social Fund. The general objective of SOP HRD is the development of human capital and increasing competitiveness, by linking education and lifelong learning with the labour market and ensuring increased opportunities for future participation on a modern, flexible and inclusive labour market. *The priority axes 2, 5 and 6 aim to support some specific social inclusion policy actions for vulnerable groups among which the Roma population is included.*

SOP HRD contains a general presentation of Roma population condition and of their specific social problems, being especially emphasized the problems in education for Roma children and the problems in employment area. A significant importance is given to the action to promote the reintegration/integration of persons under the risk of social exclusion in order to facilitate their re-inclusion and participation on the labour market.

The general framework of public policies for Roma population was set by the **Governance Program 2009 - 2012**. Chapter 25 „*Policies for the national minorities*” includes as main objective „*improving Roma condition and continuing the policies to reduce the gaps between the Roma Population and the overall society*”. In this Program, the Government of Romania admits that the Roma problem is a special area requiring an internal framework of policies and the correlation with the general lines of action to control poverty and social exclusion agreed by the EU. To reach this objective, the following actions were proposed: decentralization, social dialogue, good housing conditions and ownership rights, as well as streamlining of the actions intended to sectorial aspects.

Strategy of the Romanian Government for the inclusion of the Romanian citizens belonging to Roma minority for the period 2011 - 2020 (Government Strategy)

Following the European Union efforts to promote on the public agenda, the need for political commitments of the Member States for Roma social integration, the Government of Romania adopted the „Strategy of the Romanian Government for the inclusion of the Romanian citizens belonging to Roma minority for the period 2011 - 2020”²⁰ considered as a continuation of the Romanian Government Strategy for Improving Roma Condition²¹.

The declared objective of this Strategy *is to ensure the social-economic inclusion of the Romanian citizens belonging to Roma minority by the implementation of integrated policies in the education, employment, healthcare, housing, culture and social infrastructure areas*. In fact, these are also the six intervention areas of the Strategy. The Government Strategy aims also to make the central and local public authorities, the Roma minority members and civil society responsible for the increase of the social-economic inclusion level in case of Romanian citizens belonging to the Roma minority.

The Strategy Preamble states that this strategy is „[...]The policy of the Government of Romania for social inclusion which is based on a proactive approach aimed at increasing the overall standard of living of the population and stimulating earnings from employment by facilitating employment and promoting inclusive policies with addressability to all vulnerable groups: Roma minority, disabled persons, women, street children, 18 years old young people leaving state protection institutions, elderly [...] “.

²⁰ Document published in the Official Journal, Part I, no 6 of 4 January 2012, Government Decision 1.221/2011

²¹ adopted by Government Decision no 430/2001 and subsequently amended by Government Decision no 522/2006

The Government Strategy has seven objectives, referring to:

- Ensuring an equal, free and universal access of the Romanian citizens belonging to Roma minority to quality education at all levels in the public education system, in order to support the economic growth and the development of a knowledge-based society;
- Promoting inclusive education within the education system, including by preventing and eliminating segregation, as well as by fighting against discrimination based on ethnicity, social status, disability or other criteria that affect children and young people from disadvantaged groups, including Roma;
- Stimulating employment growth of persons belonging to Roma minority and increasing investment attractiveness;
- Stimulating healthcare promotion actions to contribute to increasing the access of Romanian citizens belonging to Roma minority to public health services and to increasing life expectancy;
- Ensuring, by the central, local institutions and the social partners, decent living conditions in communities disadvantaged from economic and social point of view, as well as the access to public services and small infrastructure;
- Preserving, developing and affirming the cultural identity (language, customs, patrimony) of Roma minority;
- Developing, by the institutions, certain actions that, through the services provided, respond to the social needs of disadvantaged groups, including the members of Roma minority in the areas of: community development, child welfare, justice and public order.

The Government Strategy is based on the following principles: „the principle of sectorial distribution, the principle of cooperation, the principle of complementarity of funds, the principle of subsidiary and decentralized execution, the principle of equal opportunities and gender awareness, the principle of inter-cultural dialogue, the principle of non-discrimination and respect for human dignity, the principle of active participation, the principle of complementarity and transparency”.

This document recognizes the need of a new vision related to the Roma minority in Romania both in the public policies and in their institutional implementation framework. Although, the experts affirms that the Strategy, as adopted and submitted to the European Commission, does not comply with the EU standards on public policy documents and that it was adopted rather too imperiously and without taking into consideration the remarks received from the civil society.²² This Strategy was adopted by not taking into consideration the impact on the society of the former strategy, too, simply because no assessment was carried out to this

²² ROMANI CRISS comments to the Roma Inclusion Strategy, available on:
http://www.romanicriss.org/PDF/Comentarii%20cu%20privire%20la%20Strategie_ONG_final.pdf

purpose. All these aspects could make questionable the effects of the future actions intended to reaching the objectives, of which one, meaning that of „ensuring continuity of the actions undertaken under the Romanian Government Strategy for Improving the Roma Condition for the period 2001-2010", seems to remain only declaratory in this context.

One of the criticisms addressed to this Strategy refers mainly to the *consultation process which developed in a superficial manner*. Hence, the document raises questions with regard to the political will to accomplish a true positive change in the Roma condition. *The consultation of the Roma civil society members with expertise in the field could bring, during the Strategy work out process, a plus of relevance in setting up the priority action lines, the objectives and the actions, especially, in the current context dominated by the crisis.*

Another criticism addressed by the non-governmental organizations to the new strategy was that *it was adopted in absence of an impact assessment and a preliminary study able to ensure measuring of the progress obtained in the process of reaching the proposed indicators*. During the design phase, the action plans were worked out per segments, by each of the involved ministries, without any concern for ensuring the synergy among the proposed public policy drafts and for correlating them with an effective dedicated budget.

With regard to the financing of the action plans, the Strategy is based in most of the cases on the „structural funds” in the context where the negotiations for the new financial planning for the cohesion funds has been recently launched, by one side, and by the other side, the European Commission has interrupted some reimbursements from the European Funds to the Government of Romania under SOP HRD Programme²³, because of the irregularities found by the audit carried out. The latest aspect represents for the next programmatic exercise a risk consisting of potential decrease of the budgetary allocations under different operational programmes.

These key remarks with regard to the assessment of the Strategy adopted in 2011 were resumed also by the European Commission representatives in a multi-party reunion organized on 1 March 2012, following many bilateral consultations with the civil society and the central public administration representatives.

²³ The 20 February 2012, the Ministry for European Affairs received a formal letter by which it was notified with regard to the decision of the Commission to interrupt the reimbursements from European funds under the Sectorial Operational Programme for Human Resources Development because in the Annual Audit Report, the Romanian Audit Authority has found some major deficiencies (in the project selection procedures and the first level control procedures) in the SOP HDR control and management system. The decision to resume the payments was subsequently adopted, in April, following the progress accomplished in the Programme implementation and as exceptional action taking into account the economic condition of Romania. Resuming the payments involves the withdraw of two reimbursement applications submitted to the European Commission (on 21 December 2011 and on 6 February 2012) and their re-submittal with a value diminished by 10% of the value of the certified eligible expenses, in fact this measure representing a preventive correction and, at the same time, a confirmation of the Romania commitment to use this correction throughout the year 2012 if proved necessary also after the audit programmed in May 2012.

The deadline established for a first assessment and review of the action plans is the end of 2013. During such period, the Government of Romania, in the extent of its involvement, has the possibility to carry out a baseline study in order to make its Strategy consistent with the requirements of the European Commission.

The Organizational Action Plan for the Government Strategy implementation was worked out by NAR in January 2012 and it was discussed and assumed by the members of the Inter-ministerial Working Group²⁴. This Plan contains responsibilities and deadlines for achieving the expected results aiming the setting up of a true communication mechanism both on horizontal and on vertical. The Plan provides for, based on a bottom-up approach, the involvement of the Roma communities' representatives, local Roma experts, local NGOs representatives, and local public authorities in the Strategy implementation, which shall identify the needs and priorities of the Roma communities and include them in the local Action Plans.

2.3. EU financial resources supporting the Roma inclusion

The EU structural funds are important financial instruments available for the EU Member States, a part of them being allocated to improve Roma communities' condition and integration and to reduce the social inequities in such communities. *Although the EU funds are theoretically available to the Member States to be used to improve the Roma integration on the labour market and within the society, the access to such funds still remains a problem for some Member States. Unfortunately, 6 years after Accession to EU, Romania (but also other Member States) does not efficiently use and does not maximize this funding opportunity, either because the Romanian authorities do not know and understand the Roma condition, or because of the lack of information of the targeted group (Roma people) with regard to the EU funds.*

EU and the Member States use a wide range of funds in the areas they are responsible for, of which the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD), to support the implementation of the national policies in the relevant areas. The EU co-finances Roma projects in areas such as education, employment, microfinance and equality of opportunities (especially in connection to the equality between men and women). The Member States and the national management authorities are responsible for project planning and management.

The amounts of money concretely allocated for Roma from EU funds are difficult to be quantified.

²⁴ Decision no 36/2011 of the Prime Minister.

Roma Inclusion in Romania: Policies, Institutions and Examples

According to an European Social Fund (ESF) review, the Operational Programmes 2007 - 2013 addressed, among other vulnerable groups, to Roma population in 12 Member States. Generally *these countries allocated a total budget of € 17.5m, under different programmes (of which, € 13,3m from ESF), for the actions in the benefit of Roma and other vulnerable groups. This amount represents 27% of the overall ESF budget. In Hungary and Romania, Roma people are the potential beneficiaries of more than 50% of the planned ESF supported actions for the period 2007-2013.*

Since May 2010, the norms concerning the use of money from the European Regional Development Fund (ERDF) have been amended to facilitate funding applications for the projects intended to support the groups of minorities, among which the Roma groups, obtaining a house. This is a significant step forward because funding such action from ERDF was not allowed. The European Agricultural Fund for Rural Development (EAFRD) was used by some of the Member States to promote the Roma integration in agriculture sector or in other rural development activities, especially under the LEADER Programmes.

To support the action of preparing the planning period 2014 - 2020, the Commission has published the Joint Strategic Framework, setting the priorities for the next financial planning period²⁵. This Framework shall represent the basis on which the national and regional authorities will conclude Partnership Agreements with the Commission.

With regard to the Roma minority, the European Social Fund shall support key actions of active inclusion such as: a) integrated labour market methods, including individualized support, advisory, guidance and access to general and professional education and training; b) access to services, especially social assistance and healthcare services (including preventive healthcare, health and safety education for patients); c) elimination of the segregation in education, promotion of primary education, combating the school dropout and ensuring the transition from school to employment; d) fighting against preconceptions and Roma discrimination.

The Joint Strategic Framework implies action lines financed from the European Regional Development Fund which give a special care to the marginalized groups, including Roma groups, such as: a) investments in health and social infrastructure aiming to improve Roma access to social and healthcare services and to reduce the inequalities in this area; b) support for the physical and economical regeneration of the Roma communities in the urban and in the rural environments aiming to reduce the spatial concentration of the poverty, to promote some integrated house building projects, action accompanied also by interventions in the education and health areas, including ensuring facilities for the local residents and interventions in the employment area.

²⁵ Commission Staff Working Document, Elements for the Joint Strategic Framework 2014 to 2020, Brussels, 14.3.2012, SWD(2012) 61 final

Use of the funds included in the Joint Strategic Framework in an integrated manner is important for approaching the territorial poverty dimension. The integration of the marginalized communities needs consistent and multi-dimensional approaches, supported from these funds in completion to the national resources. This integrated multi-dimensional approach combining actions supported from different EU funds is significantly relevant for Roma communities, of which integration needs investments in employment area, healthcare area, education area, housing area and social integration area. In the disfavored urban areas, the actions for physical and economic regeneration supported from FEDER should be coordinated with the actions supported from ESF having as main objective to promote the social inclusion of the marginalized groups. In the rural areas, the EAFDR support may also be used to promote the social inclusion, especially under LEADER Programme.

2.4. European Institutions with responsibilities for Roma minority

The EU institutions were set up as expression of the more and more effective rapprochement of the European nations in the context of the closer and closer cooperation among them. As the EU responsibilities became wider, the EU institutions developed and increased in number. In such context, the institutions with relevant competencies for the citizens of the 27 EU Member States are implicitly responsible also for the Roma minority.

- **The European Commission (EC)** is the executive body of the European Union, which can initiate law drafts and submit proposals to the European Council and Parliament, being responsible with the implementation of the resolutions and decisions, including those referring to Roma population. Also, the Commission monitors the way in which are implemented the provisions of the Treaties in EU and supervises the decisions regarding its institutions. The Commission contains a Directorate-General responsible to monitor the actions and their progress. The Anti-Discrimination Unit within the Directorate General for Employment, Social Affairs and Equal Opportunities has a major importance because it monitors the implementation of the EU Race Directive (2000/43/EC). Other directorates relevant for the Roma problems are: DG Enlargement, DG Education and Culture and DG Justice, Freedom and Security.
- **The European Parliament (EP)** has, besides the power to debate and pass the European laws, also the power to debate and adopt the EU final budget. EP also approves the appointments for the Commissioners of the European Commission and has the power to audit the European Commission. There

are many EP documents relevant for the Roma problems (resolutions, questions, communications, recommendations and reports). At EP level, it was recognized that „Roma still suffer of discrimination exercised both by the laws and in practice” and the Governments of the Member States were asked to eliminate this discrimination against Roma. In time, EP played a vital role in promoting and protecting the human rights, in monitoring and improving the Roma condition in Europe, especially in the context of the Accession process.

- **The European Court of Justice (ECJ)** ensures the compliance with the EC and EU Treaties and laws. The European Court of Justice is guided by the decisions of the European Court for Human Rights when decides on subject matters involving the human rights. The Court may settle discrimination disputes based on the legal framework established by the Commission. The Court disposes of an important mechanism to implement the anti-discrimination legislation. The ECJ Ordinances in the discrimination cases had good results materialised in the increased awarress at the level of national courts of justice.
- **The Council of the European Union** is the main decision-making body of EU. The Council is composed of representatives of the Member States (usually ministers) distributed on different policy areas, as finances, education, telecommunications, foreign affairs, etc.. The representatives of the Council coordinate wide scale economic policies for the Member States, work out cooperation agreements with different countries and NGOs, and adopt cooperation actions in the security and legal EU interventions. The Council of the EU adopted a number of resolutions aiming also the Roma minority as the Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, the Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, etc.
- The body having competence in Roma issues at the EU level is **COECN – Council of Europe’s Working Group on Roma issues**, established in December 1999 at the Summit of Helsinki, due to the pressure exercised by the EU enlargement toward East.
- **Agency for Fundamental Rights (FRA)** – the former European Monitoring Centre for Racism and Xenophobia, operates as a monitoring body in the EU Member States and it has the capacity to provide the information necessary to monitor the issues related to Roma because at its headquarters there is the *European Information Network on Racism and Xenophobia*. This network collects data and information at European and national levels through 27 National Focal Points. FRA published a number of reports extremely relevant for Roma and it was considered as the EU spearhead with regard to the subject matters of interest for Roma.

- **The Council of Europe has the only structure dedicated to Roma** among all intergovernmental structures. The Council developed, during the many years of functioning, very close relations with the governments on which it can rely when Roma issues are discussed.
- **The Parliamentary Assembly of the Council of Europe (PACE)** is one of the most productive international bodies with regard to producing of the documents related to the Roma condition (reports, questions, motions, communications, recommendations, etc.). A serious issue for PACE is *the poor representation of Roma in its activities*, as in the case of other decision-making bodies of the Council of Europe.
- **The Directorate General Social Cohesion – Roma and Travellers Division** is a body specialized on Roma issues, intended to reach two goals: a) Roma rights protection, and b) promoting the Roma participation at all levels. The Roma and Travelers Division has the role to monitor the tools of the Council of Europe (ESC, FCPNM and ECRML) and it ensures the cooperation with the NGOs on Roma issues, especially for the EU non-member countries.
- **The EU Networks of Independent Experts** which are informal bodies financed by the European institutions, under different projects. These Networks develop researches and draw up reports for the zones and issues where the relevant institutions have a limited expertise. These bodies are little known despite the fact that, sometimes, they are responsible for the major part of the information that the European institutions, operating in different areas, including Roma issues area, are provided with. Among these Networks, we hereby note the most recently established one, the European Academic Network on Romani Studies, which is financed jointly by the European Commission and the Council of Europe.²⁶

2.5. National Institutions with competencies related to the Roma minority – key moments in the institutional development of the national programmatic document implementation structures

This chapter intends to outline the key moments in building institutions with relevant competencies in the public policy implementations targeting the Roma minority.

In gradual evolution, the process of institutional development started in 1993, when the **Council for National Minorities** (Council)²⁷ was established as advisory body of the Romanian Government. The declared purpose of the Council was to

²⁶ <http://romanistudies.eu/>

²⁷ G.D. 137/1993 on setting up and functioning of the Council for National Minorities

ensure the relations with the organizations legally established of the persons belonging to the national minorities. The Council consisted of representatives of national public administrative bodies with competencies in minorities' issues as well as of representatives of the legally constituted organizations of citizens belonging to national minorities at the time of the general elections from 1992. The Council had powers on the specific normative, administrative and financial problems which were related to the exercise of the rights of the persons belonging to national minorities aiming to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

In 1997, the Council reorganized as an alliance of the organizations of the citizens belonging to the national minorities, under the name of **Council for National Minorities (CNM)**, having the following main powers: i) to submit the draft for the allocation of budget funds to the organizations of the citizens belonging to the national minorities to the Minister delegated by the Prime Minister for national minorities for approval; ii) to forward proposals to the department for a more efficient settlement of the problems under its competence.

The social-politic context in Romania, the preparations for EU Accession determined a re-orienting of the policies toward different categories of population, adversely affected by the transition to the market-based economy, including Roma minority. In this context, starting with 1997, the Government of Romania gave more attention to the preparation and implementation of the policies for the national minorities. The first action was to set up at the beginning of 1997, the **Department for the Protection of National Minorities (DPNM)**²⁸. There were collaboration relations between the two institutions: CNM recommended and approved the draft laws and other norms issued by DPNM, impacting the rights and obligations of the persons belonging to national minorities, substantiated the financial assistance granted by the Government, through DPNM, to the organizations of the citizens belonging to the national minorities and supported DPNM in accomplishing its duties.

This Department was led by a Minister delegated by the Prime-Minister, including in its structure the **National Office for the Social Integration of Roma (NOSIR)**, with competencies in maintaining and establishing relations with the Roma organizations to settle their specific problems and social integration. DPNM held also a territorial structure: five offices in Constanța, Cluj Napoca, Drobeta Turnu Severin, Suceava and Arad. In September 1997, by amending the initial Articles of Association of DPNM, the institution representing the Roma interests born the name of **National Office for Roma (NOR)**, under which it operated until in 2003.

²⁸ Decision 17/1997 on the setting up, organization and functioning of the Department for the Protection of National Minorities

The Governing Programme 1996 - 2000 expressly set forth the setting up of an **Inter-ministerial Sub-commission for the Roma (ISR)**, advisory body, consisted of one representative of each ministry with competencies in the field, representatives of the Senate and Chamber of Deputies Committees, Presidency, Regulatory Council as well as other institutions such as: the Romanian Academy, interethnic relation research institutions with competencies in the field and representatives of non-governmental organizations. In the Inter-ministerial Sub-commission operated sub-committees working on specific problems of the national minorities.

Although during the period prior to 2000, governmental institutions with clear responsibilities for the national minorities and especially for Roma minority were set, the improvement of the situation of this community was not a visible one because of the lack of financial and human resources needed to run some projects for building the institutional capacity both of the governmental institutions and of Roma non-governmental organizations.

Hence, in the EC Report 2000²⁹ on Romania's Progress towards Accession *it was mentioned that NOR has an extremely limited personnel and reduced budget resources in the context when the Accession Partnership identified the financial support for the programs dedicated to Roma as a short term priority.* However, DPNM, during the period it operated as institution for the national minorities, used funds from the State budget only for the execution of projects and programs aiming to fight against racism, xenophobia and intolerance. *The Report outlined that the projects of the Roma organizations focus on education, employment, while the projects for building institutional political and regulatory capacity or for setting up institutions able to represent Roma, enjoy of a lower attention.*

After the elections in 2000, the problems of the national minorities in general and especially of the Roma minority diminished their relevance because of the reorganization of the institutions representing Roma and the changes in their competencies and position in the institutional hierarchy. Hence, in 2000, DPNM was reorganized as a structure of the Ministry of Public Information (MPI) called the **Department for Interethnic Relations (DIR)**. In 2003, this governmental institution was again reorganized, being subordinated to the Prime Minister and being moved under the coordination of SGG. *The main established DIR mission was to promote the ethnic diversity in Romania by strengthening and enlarging the protection framework ensured for the multicultural society, having the following main competencies:*

- To prepare and submit the strategies and policies intended to preserve, promote and develop the ethnic identity of the persons belonging to the national minorities, to the Government approval;
- To prepare draft laws and other norms in its area of activity;
- To approve some draft laws and norms impacting on the rights and obligations of the persons belonging to the national minorities;

²⁹ http://www.mdrl.ro/_documente/dialog_Ro_Ue/documente_raportare_CE.htm

Roma Inclusion in Romania: Policies, Institutions and Examples

- To monitor the implementation of the domestic and international normative acts referring to the protection of the national minorities;
- To stimulate the dialogue between the majority population and the national minorities to improve the decision-making process and the implementation actions;
- To promote and organize some programmes aiming to guarantee, preserve, express, promote and develop the ethnic, cultural, linguistic and religious identity of the persons belonging to the national minorities;
- To support the execution of some interethnic programmes or activities initiated by associations, foundations or public institutions, based on projects;
- To establish and maintain the relations with the non-governmental organizations from the country or abroad, as well as with the international institutions and bodies acting in the areas of national minorities and fight against ethnic criteria-based discrimination;
- To maintain a permanent liaison and collaboration with the local public administration authorities, by representatives having territorial competencies, in order to identify the specific issues and to settle them;
- To support the scientific researches in the interethnic relations area by maintaining contacts and collaboration with organizations, institutions and personalities in this area.

DIR was led by a Secretary of State assisted by two Sub-secretaries of State appointed by Decision of the Prime Minister. The territorial representatives³⁰ develop their activity within DIR. The funds intended to support the CNM organizations, from the management of their headquarters to the publishing of books and intra-community cultural and educational projects, are allocated to those organizations through DIR.

During this period, the Roma minority was represented by the **National Office for the Roma (NOR)**, which operates within DIR. *None of the two institutions participated to the decision-making process of the Government.*

With regard to the CNM, this structure was re-established under the MPI coordination, to ensure the relations with the legally established organizations of the citizens belonging to the national minorities, being composed of sets of three representatives of each such organization of the minorities represented in the Parliament of Romania.

Following the wish of the Government to re-launch the Strategy and to revitalize the implementation of the Action Plan, the **National Agency for the Roma (NAR)** was set up as governmental structure responsible for the Roma issues³¹.

³⁰ Agencies are located in Cluj Napoca, Constanța, Drobeta Turnu Severin, Suceava, Timișoara and Miercurea Ciuc.

³¹ Government Emergency Ordinance no 78/2004 as subsequently approved by Law no 7 of 28 February 2003 voted in the Parliament of Romania. The Government Decision no 1703 of 14 October 2004 published in the Official Gazette, Part I, no 984, no 26/10/2004, provided for the organization and functioning of NAR.

With regard to the social inclusion, the **Ministry of Labour, Social Solidarity and Family (MLSSF)** has the role of coordinator of the policies in this area, the coordination, at central level, of the strategic social inclusion process in Romania being ensured by the **National Commission for Social Inclusion (NCSI)** which is built up of one representative, at the level of Secretary of State or president, of ministries, authorities, agencies and other governmental institutions with tasks in the social inclusion area. *NAR is represented in NCSI which has in its own structure, a Social Inclusion Unit.*

The strategies and plans to support Roma most strongly facing with the risk to be excluded from the labour market are approached by the **National Agency for the Employment of Labour Force (NAELF)** and its county structures. *At NAELF level, there are neither dispositions specific for pro-active actions for Roma employment, except those related to the „Roma jobs fair” (with a limited impact) and nor budgets separately allocated to Roma beneficiaries.*

2.5.1. National Agency for Roma (NAR)

NAR was set up as specialized body of the central public administrations and took over the tasks of the National Office for the Roma, which winded-up in 2004, as well as the tasks of the PHARE PIU within the Department for Interethnic Relations. NAR is coordinated by the Minister for the Coordination of the Secretariat-General of the Government (SGG) and it is subordinated to the Government. NAR works out the Government strategy and policy in the area of the protection of the rights of Roma minority.

Structurally speaking, NAR is coordinated as aforementioned and is led by a President with rank of Secretary of State, appointed by the Prime Minister. The President of the Agency, in addition to the powers to lead and represent, holds also the position of President of the Joint Committee for Implementation and Monitoring as well as the position of tertiary authorizing officer for loans. The President of the Agency is assisted by one Secretary-General and one Director.

The Agency structure is based on four main services: 1) Service for International Relations and Relations with the Civil Society; 2) Service for Territorial Communication and Collaboration; 3) Service for Programme and Project Work Out; iv) Economic, Administrative, Human Resources, Legal Service.

The Agency has under its subordination, seven regional offices for Roma in each of the country's eight development regions in Romania³².

To accomplish the objectives in the area of protection of the rights of Roma minority, NAR has the following functions:

³² North-East Development Region, South-East Development Region, South-Muntenia Development Region, South-West Oltenia Development Region, West Development Region, North-West Development Region, Center Development Region and Bucharest-Ilfov Development Region.

Roma Inclusion in Romania: Policies, Institutions and Examples

- *Strategic function*, by which the design of the social policies, strategies and programmes addressed to the Roma minority is ensured;
- *Function to manage* the funds from the budget in order to ensure the implementation of the Roma community development programmes;
- *Function to represent*, by which the representation, on behalf of the Romanian State, at internal and external level, is ensured at all the events related to its specific area of activity;
- *Function of State authority*, by which it is ensured the monitoring and control of the implementation of the regulations in its area of activity.

NAR has a wide range of duties:

- To ensure the design of the Government strategy and policy on the protection of the rights of Roma minority;
- To participate, together with other public administration bodies, Roma NGOs and Roma minority representatives, and to coordinate the assessment of the main needs of the Roma communities as well as the implementation of the programmes for supporting such needs;
- To initiate and develop training programs for the civil servants of the central and local public administration on fight against discrimination;
- To promote the development of the collaboration between public administration bodies and Roma NGOs, based on partnerships, to include the leaders of Roma communities in the decision-making process of the local administration that affect the Roma community;
- To develop and submit to the Government approval, the housing and environmental programmes for the zones inhabited by Roma people that are financed by the Government or by different partnerships with the Government in order to ensure minimum housing conditions as power, drinking water supply, sewerage, gas supply, sanitation, in the Roma communities;
- To participate to the design and implementation of specific professional training and reorientation programmes for Roma people;
- To support, according to the laws in force, the young Roma to find jobs and to monitor the professional evolution of the young Roma with higher education;
- To participate to the design of the programmes intended to the increase of the fiscal facilities for the legal entities hiring Roma people coming from families with many children and without subsistence means;
- To identify solutions for Roma inclusion in the social security insurance system, for Roma registration in the registers of different family physicians and for granting subsidized medicines to Roma people;
- To participate to the development of sanitary awareness, medical examination and family planning programmes intended to women from Roma communities, which focus on mother and child protection;

- To promote the development of the campaigns for identifying the TBC, HIV/ SIDA infections, dermatological affections, sexually transmitted diseases;
- To initiate programmes ensuring facilities for practice and revaluation of some traditional crafts corresponding with the market needs, to participate to the implementation of programmes for the reduction of the unemployment rate among the Romanian citizens belonging to Roma communities by creating facilities for the entrepreneurs who hire Roma and by fighting against any form of discrimination related to Roma employment;
- To review and evaluate the potential discriminatory effects of the current laws and to act for the improvement of the existing legal framework;
- To promote, in cooperation with the Roma organizations, local programmes for providing Roma without subsistence means with identity documents;
- To act for supporting the conformation to the fundamental human rights, civil, political and social rights among the Roma minority;
- To initiate programmes for the prevention and fight against discrimination directed against the institutionalized Roma children as well as against other vulnerable categories of children;
- To act for ensuring the non-discriminatory participation of the Roma women in the programmes for the children protection and education;
- To participate at the draw up of the training programmes intended for the social mediators and trainers selected from the young Roma people, who will work in the Roma communities;
- To analyse the „street children” phenomenon and to participate at the defining of the national and local social intervention programmes;
- To participate at the draw up of the programme stimulating the school attendance and the reduction of school dropout, intended especially to the poor segments of the Roma population;
- To analyse the possibilities to organize some primary, secondary and professional education institutions for Roma;
- To promote the organization, by the school units and county boards of education, of the recovery classes for Roma students, in any approved education forms, according to the requests of Roma individuals and organizations in its area of responsibility;
- To promote the organization and development of some Roma cultural patrimony valuation networks, including by adapting the Roma traditional crafts to the needs of the current market and by developing some delivery networks;
- To initiate cultural projects for the reconstruction and promotion of the Roma identity;
- To draw up programmes to support the political, cultural and artistic elites coming from Roma community to the purpose of revitalizing and promoting the Roma ethnicity identity, to support the achievement at national level, of some culture and information channels for Roma;

Roma Inclusion in Romania: Policies, Institutions and Examples

- To draw up national public awareness programmes as well as programmes for fighting against interethnic preconceptions in the public institutions;
- To draw up programmes for fighting against discrimination in mass-media and for public awareness with regard to the fight against discrimination in employment area;
- To promote the participation of Roma leaders in the decision-making process with regard to the decisions affecting the economic and social life of the Roma communities.

In the future, the National Agency for Roma shall represent an instrument and, at the same time, a guarantee for the correct and efficient draw up, implementation, monitoring and evaluation of the public policies and programmes intended to improve the social-economic condition of Roma from Romania.

In time, the Strategy implementation was developed through the following institutional structures:

a) The Joint Committee for Implementation and Monitoring (JCIM) – is charged with the organization, planning, coordination and control of the activities stipulated in the Master Plan of Actions for the implementation of the Strategy. The Committee includes State Secretaries in the Ministries responsible for the implementation of the Strategy and leaders of Roma organizations. Its structure is the following: 1) President – the State Secretary for Inter-ethnic Relations (in the present, this office is held by the NAR President, with rank of State Secretary) 2) members – State Secretaries, Roma leaders (representatives); 3) Executive Secretary – the State Under-secretary for Roma (abolished office, the State Under-secretary for Roma and OPR coordinator becoming NAR President and, implicitly JCIM President). The executive body of JCIM is NOR within MPI (the role and function of the former NOR being initially taken over by OPR and, subsequently, by NAR, which, at the same time, ensures the Technical Secretariat for JCIM).

b) The Ministerial Commissions on Roma – are subordinated to the Joint Committee for Implementation and Monitoring and are in charge of the organization, coordination, planning and control of implementation of the activities in the Master Plan of Actions for the implementation of the Strategy related to the relevant ministry's area of responsibility.

The President of the Ministerial Commission may be represented by the State Secretary in the ministry, who is also a member of the Joint Committee for Implementation and Monitoring. The Commission may also include 4-5 members (heads of departments and experts) whose responsibility is the fulfilment of the tasks devolving upon them from the implementation of the Master Plan of Actions for the implementation of the Strategy in the Ministry's field of activity (efforts are made to have in each of these Ministerial Commissions on Roma, one Roma representative coming from non-governmental organizations who is expert in the area targeted by the Commission).

c) County Offices on Roma (COR) – are structures organized at a county level, within the prefect's offices and they are subordinated to the Ministerial Commission on Roma under MAP (currently, also under the National Agency for Roma). The offices' main responsibilities are the organization, planning and coordination of the activities at a county level for the implementation of the targets and tasks in the Master Plan of Actions for the implementation of the Strategy. The County Offices on Roma are subordinated to the Joint Committee for Implementation and Monitoring. The County Offices on Roma include 3-4 experts, one of whom must be a member of Roma community.

d) Local Experts on Roma Affairs – operate under the mayoralties and are responsible for the execution, at local level, of the actions for the improvement of Roma condition. They are subordinated both to COR and to the mayor. The local experts are the chief mediators between the public authorities and the Roma communities. At the communes' level (where there is no local expert on Roma who is a Roma community representative, hired by the mayoralty), the office of expert on Roma is performed by a mayoralty official as a cumulated function.

The institutional construction intended to the implementation of the programmatic documents was analysed in a number of evaluation reports³³, the resulted conclusions being the following:

- with regard to the establishment of the Joint Committee for Implementation and Monitoring, there was not a initiative to monitor the activity, with well-defined indicators, even if its role was and still is to work out and implement sectorial strategies on the improvement of the Roma condition. The Reports outline the efficiency of the Commissions within MEC, MSF, MMSS and MI;
- with regard to the COR tasks, it is specified that there are essential differences between the MAP Order and the orders issued by prefects. In the MAP Order, to identify the issues, to find the corresponding solutions and to draw up the monthly timetables for the activities aiming the accomplishment of the Strategy objectives are main tasks, worked out based on a correct and executable managing cycle, while in the orders issued by the prefects, even if the Strategy requirements are observed, tasks specific for the personnel of an entire department appear and not for only one person; the responsibilities of the county offices on Roma are not clear and the
- personnel recruitment was based on different criteria other than the technical ones³⁴;
- with regard to the establishment of the structures for the implementation of the Strategy and their coordination by the Joint Committee for Implementation and Monitoring, the progress achieved is considered as limited³⁵;

³³ http://www.mdrl.ro/documente/dialog_Ro UE/documente_raportare_CE.htm

³⁴ Regular Report of the European Commission on the Romania's Progress toward Accession, 2001

³⁵ Regular Report of the European Commission on the Romania's Progress toward Accession, 2004

- the evaluation of the capacity of the Roma experts to draw up the county plans of action and to justify their utility remains a subject to be still discussed;
- the reticence of the mayors to set up the office of local expert on Roma, justified by the lack of funds for salaries and by the impossibility to enlarge the scheme of the mayoralty personnel.

2.6. Programmes, projects, actions – good practice examples

Starting from the assumption that the Roma minority inclusion/integration requires, besides the programmatic documents and the institutions intended to ensure their implementation, also good practices, this document shall present, besides the relevant programmatic documents and relevant implementation institutions, also the results of a successful recently finalized project as example of good practice.

„The national network of local Roma experts, a support mechanism for implementing the social inclusion actions for Roma, a vulnerable group exposed to social exclusion”.³⁶

Developed during the period December 2008 - November 2011, the project was implemented by the National Agency for the Roma in partnership with the National Agency of Civil Servants and the „Pro-Europe” Roma Party Association.

The project financed from ESF was considered a success, being recognized at European level by European Institute of Public Administration (EIPA) which granted the European Public Sector Award (EPSA) 2011 for promoting good practices.

Box 4 Outcomes of the Project „The national network of local Roma experts, a support mechanism for implementing the social inclusion actions for Roma, a vulnerable group exposed to social exclusion”	
Expected	Achieved
210 Roma individuals trained	210
- of whom, 105 women	93
210 local Roma experts are social partners having specific expertise of quality	210
252 individuals from the local and county public authorities informed and trained to implement the local plans of action, the set of criteria for the selection of localities and the set of criteria for the selection of the local expert on Roma	252
210 Local Working Groups (LWG) set up in the localities selected in view of intervention (min. 1050 members of LWG)	210
210 facilitated communities; active communities	210
210 subsidy contracts concluded between the applicants and the mayoralties beneficiaries of the project, mayoralty commitment to maintain the position of local Roma expert	210
210 plans of action drawn up and/or reviewed as the case may be, with the consultation and participation of LWG and Roma communities, which comprise Roma social inclusion actions	210
1 national professional network of local Roma experts network	network
210 Roma communities in all the counties of Romania represented in the local public administrations by the local Roma experts	210
500 draft applications for funding drawn up by the local Roma experts, intended to the implementation of the Roma social inclusion actions contained in the local plan of action	500

³⁶ http://www.anr.gov.ro/docs/proiecte_pdf/2275.pdf

The main project objective aimed to improve the partnership relations between vulnerable Roma communities and public institutions by means of development of a national network of local Roma experts in order to enhance the social integration of Roma in Romania.

The project had four specific goals:

- to enhance the level of Roma representativeness in the local public administration institutions, in all the eight development regions in Romania;
- to ensure the sustainable development of a national network of local Roma experts able to support the implementation of the Roma social inclusion actions;
- to develop the local public administration institutional capacities by training and hiring local Roma experts;
- to facilitate the building of local working groups intended to identify, plan and implement actions leading to the Roma social-economic inclusion at local level. The outcomes of this project were significant (Box 4).

Expected	Achieved
210 formalized partnerships between the applicants – the national partner – the institutions of the Prefect’s Office on the sustainability of the Roma inclusion actions, respectively employment on unlimited period, by the mayoralties, of the local Roma experts	210
About 100,000 Roma and non-Roma individuals informed on the social exclusion, negative effects of the Roma discrimination and segregation, the need to ensure social inclusion for the vulnerable groups, importance of ensuring in the decision-making structure, the presence of Roma representatives;	More than 130,000
1,000 copies of the Local Expert Guide	1,000
2,000 brochures containing stories about successful project implementation actions, other promoting materials	2,000

By this project, 210 local experts on Roma issues were trained in all the areas necessary for the execution of their activities, including the European funds access area.

These local experts, due to the knowledge and expertise accumulated will support the development of the local Roma communities.

A novelty brought by this project consists of the fact that these experts have drawn up 500 draft applications for funding for the implementation of the social inclusion actions for Roma comprised in the local plans of action, which, in many cases, concretized in projects for which European funding can be obtained.

At the same time, using the informative materials made under this project, the local experts organized mini-campaigns for public awareness on the need to mitigate the social exclusion and the usefulness of ensuring Roma representativeness in the decision-making structures.

By these mini-campaigns, but also by the TV broadcasts and press articles, over 130,000 individuals have been informed on the negative effects of the Roma discrimination and segregation, as well as on the need to socially include the vulnerable groups.

As declared by the project coordinators, *the good practices accumulated and the outcomes achieved made a number of the representatives of the mayoralties in the localities beneficiaries of the project, to express a high interest in employment of local Roma experts on Roma, after the project finalization.*

Chapter 3. Public Policy Actions for Roma Social Inclusion in Romania

„Social Inclusion” as concept was adopted at European Union level by the middle of ‘90s, in the effort to answer to two of the major social issues the Member States confronted at that time: *persistent poverty* and *social exclusion*. The Social Inclusion concept is a complex one, which needs a pro-active approach of the issues related to the fighting against poverty, applicable in all social-economic fields and areas where the social exclusion occurs.

In the literature of specialty, there is a range of definitions, some of them even almost similar, for those concepts, but we choose to present the definitions the European Union operates with³⁷ (see the box 5 below).

Box 5 – Definitions related to social inclusion

Social Inclusion: *Social inclusion is a process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to fully participate in economic, social and cultural life and to enjoy a standard of living and well-being that is considered normal in the society in which they live. Social inclusion ensures that they have a greater participation in decision making which affects their lives and access to their fundamental rights.*

Social Exclusion: *Social exclusion is a process whereby certain individuals are pushed to the edge of society and prevented from fully participating by virtue of their poverty, or lack of basic competencies and lifelong opportunities, or as result of discrimination. This distances them from job, income and education and training opportunities, as well as social and community networks and activities. They have little access to power and decision-making bodies and thus often feel powerless and unable to take control over the decisions that affect their day to day lives.*

Poverty: *People are poor when their income and resources are so much worse that they prevent them to have a standard of living considered as acceptable in the society they live. Due to the poverty, they may face much more disadvantages with regard to the employability, the low income, the poor housing, the precarious health, the educational, culture, sports and recreating activities’ barriers, during their entire lives. They are often excluded or marginalized from participating to activities (economic, social and cultural) representing a standard for the other people and access to their fundamental rights can be limited.*

In Romania, the legal and programmatic framework relevant for the Roma inclusion is mainly covered by the following documents described in detail in Chapter 2.2. :

- Romanian Government Strategy for Improving Roma Condition (G.D. 430/ 2001 as subsequently amended);
- National Plan for Combating Poverty and Promoting Social Inclusion 2002-2012 (G.D.829/2002);
- Joint Memorandum on Social Inclusion 2005-2010 (Joint Inclusion Memorandum);

³⁷ See *Joint report by the Commission and the Council on social inclusion*, available on the website: http://ec.europa.eu/employment_social/soc-prot/soc-incl/final_joint_inclusion_report_2003_en.pdf

- National Development Plan 2007-2013;
- National Plans of Action developed under the international initiative „Decade of Roma Inclusion 2005-2015“;
- National Strategic Reference Framework 2007-2013;
- Sectorial Operational Programme *Human Resource Development* 2007-2013.
- The Strategy of the Government of Romania on social inclusion of the Romanian citizens belonging to the Roma minority for the period 2012-2020 (G.D. 1221/2011)

Besides the aforementioned documents, also the Law no 116 of 15/03/2002³⁸ on prevention and combating social marginalization is relevant for the social inclusion issues. According to this Law, still in force, the „social character of the Romanian State“, as legitimated in Article 1, requires to be taken actions for the avoidance of the degradation of the standard of living and for preserving all citizens' dignity. In Article 2 is stipulated the Law object which is to guarantee the effective access, especially for youngsters, at elementary and fundamental human rights as: the access to a job, the access to housing, the access to health assistance, the access to education, as well as taking actions to prevent and combat the social marginalization and to mobilize, to this purpose, all the institutions with competencies in this area. In the Law, the social marginalization is defined as being the peripheral social position of isolation of the individuals or groups with limited access to the economic, political, educational and communication resources of the community; this marginalization expresses by the absence on a minimum social conditions of living.

Although generous in its provisions, an impact assessment study of this law effects, after ten years of implementation, would probably reveal a number of issues. These probably are related to the oversized institutions in the Romanian justice and the absence of enforcement, respectively unenforceable nature, of the adopted laws, if we took into consideration the outcomes of the actions taken according to this law as compared to the social needs existing in the society.

After a brief lecture of the definitions presented in Box 5 and corroborating them with the known social-economic condition of the Romanian citizens belonging to the Roma minority, it can be seen a visible difference in terms of horizon to close up these outcomes to the overall objective of the Roma inclusion.

According to an analysis of the European Commission in 2011, the poverty risk threshold in Romania is still low (1.71 euro/day/person), this indicating the need to continue the economic convergence programmes. The same study presents Roma individuals as being the main category of population directly affected by the extreme poverty both in Romania and in EU, fact which leads to the need to continue and develop some European programmes dedicated to these vulnerable groups.

³⁸ Published in the Official Gazette, Part I, no 193, of 21/03/2002

3.1. Access to education, health, housing – key public policies for the Roma social inclusion

Among the sectorial policies relevant for the improvement of the Roma condition are those which ensure the *access to education, the access to healthcare and the access to housing* for Roma people.

3.1.1 Education

Education represented one of the priorities of the policies intended to improve the Roma condition in Romania, being considered one of the means addressing the poverty vicious circle where vulnerable Roma group is. The educational projects developed in the last 20 years aimed to finding a solution for issues related to the extremely low level of the school attendance and low literacy level of Roma, in parallel with developing a Roma intellectual elite and a Roma professorial body.

At the same time, in Romania, during the last two decades, a perseverant Roma identity rebuilding action developed, by recovering Roma oral history, by publishing manuals of Romani language and literature, Roma culture and civilization and auxiliary materials for the primary and secondary education cycles in Romani language, by editing primers, collections of texts and dictionaries in Romani language. *Among those who promoted such effort were the Professor Gheorghe Sarău, Ph.D. and Lecturer PhD Delia Grigore, supported by a number of Roma youngsters, graduates of academic and master programmes and by many Roma non-governmental organizations from the country.*

3.1.1.1 Affirmative actions in education, for Roma

Starting with 1992, Romania adopted *affirmative public policy measures* for Roma in order to increase their participation *in secondary and academic cycles* of education. This implied the allocation of a number of supplementary places for the Roma students who met the minimum requirements on grades necessary to pass the entrance examinations. In parallel, teaching the standardized Romani language in the Romanian education system was encouraged in the primary and middle cycles, as optional subject in the syllabus. The State invested in training Roma teachers, *and until in the present, there is a number of more than 1,900 graduates of the academic program of Romani language and literature.*

The records of the Ministry of Education³⁹ show, by instance, *that in 1990, the number of preschool children and pupils in I to XIII classes who assumed their*

³⁹ Information provided by Professor Gheorghe Sarău, Ph.D., counselor on Romani language and on Roma in the Directorate General for Education in the Minorities' Languages and Relation with the Parliament within the Ministry of Education, Research, Youth and Sports; Professor Sarău, author and co-author of many manuals, dictionaries, Romani language courses, is considered the person who promoted the standardization and promotion of the Romani language in the education system in Romania.

Roma identity was 109,325. Pursuant the affirmative actions undertaken, the number of pupils assuming their Roma identity, following the educational offer to study the Romani language and literature, constantly increased from 158,128 in the school year 2002/2003, to 263,409, in the school year 2007/2008.

During the same period, the number of Roma pupils who studied the Roma language and/or history and traditions proportionally followed the same increase, from 15,798 in the school year 2002/2003 to 26,807 in the school year 2007/2008. Hence, almost 10% of the pupils assuming their Roma identity studied during the mandatory educational cycle, the Romani language and literature.

In the *academic educational cycle*, besides the academic classes of Romani Language and Literature initiated by the Faculty of Letters of Bucharest University, a number of opportunities were launched for the Roma candidates also in other faculties of different universities in the country. At national level, each year, almost 1,000 places were allocated as places reserved for Roma candidates wishing to specialize in humanist sciences as social assistance, sociology, political sciences, public administration, psychology, etc., and more recently, law and medicine.

3.1.1.2. Roma human resources in the Romanian educational system

To consolidate and develop the institutional system, the State invested in the creation of a Roma professorial body intended to supplement the didactical human resource in education system and to ensure the liaison between the Roma community and the school. At county level there is a *County Board of Education for Minorities*, while at local level, a number of *more than 1,900 teachers of Romani language and 852 Roma school mediators develop their activity, especially in the communities where Roma prevail.* The gradual institutionalization of the school mediator and the increase of their number resulted in the increase of the school attendance and the prevention of the school dropout for Roma children, as positive effects.

The institution of *school mediator for Roma* has a long term history, since 1990s until in the present and it was set up at the initiative of some non-governmental organizations as Romani Criss, the Resource Center for Roma Communities, the Soros Foundation Romania, the Center Education 2000+ and the Intercultural Institute of Timisoara, which implemented different educational programs that aimed to increase the school attendance rate of the Roma children. Informally accepted in pilot phase of the project and financed from private funds by projects developed by various NGOs in partnership with the schools, *the institution of school mediator for Roma children obtained very late the official statute of a profession, being included in the Romanian Occupations Code (ROC) in 2004⁴⁰.*

It must be mentioned that initially the Romanian educational system withstood to the setting up and budgeting of jobs for the school mediators for Roma because

⁴⁰ G.D. no 721/ 14 May 2004 (ROC no 224010 – occupational profile: Middle school mediator)

the Romanian school, insufficiently exposed to the intercultural issues, did not feel the need to use professorial personnel specialized in the relation with the Roma pupil. *The role of the school mediator was thought precisely to cover such deficiencies, to support the relation between non-Roma teachers and Roma pupils as well as to facilitate the Roma pupils accommodation with a system in which they do not recognize their place and to encourage the Roma parents to involve in the education of their children.* Recommendation no 4/2000 of the Committee of Ministers of Education of the Council of Europe referred to the importance of the existence of the school mediators in the schools populated by Roma pupils. This led to the more and more increased awareness on the role of the school mediator in the education system.

During the period 2001-2011, a total number of 852 Roma school mediators have been trained and employed in the education system, most of them under the PHARE Pre-Accession Programmes for 2001-2005. To this purpose, many experienced actors and partners relevant in the professorial staff training area involved as the Ministry of Education, Research and Youth – Directorate General for Education in the Minorities Languages and the Relation with the Parliament, the Institute for Education Sciences, the National Agency for the Roma, the UNICEF Romania, the non-governmental organization Amare Rromentza, and others.

During the same period, the statute of the mediators was uncertain from one school year to the other, most of them being project-based paid from private finances or European funds.

The new Law of National Education⁴¹ clarifies and regulates their statute by including the school mediator profession in the list of the auxiliary professorial staff. This resolves the issue of related budgetary allocation and remuneration, as well as the issue of the requirements and competencies afferent to exercising such profession. According to the new law, only the graduates of a pedagogical college with the specialization school mediator or the graduates of a common college who followed the CNFPA accredited programs recognized by the Ministry of Education may continue to exercise this profession in the education system.

3.1.1.3. Roma inclusion deficiencies in the Romanian education system

a) Ethnic segregation in education

Despite the institutional efforts made, the non-governmental organizations active in this field report that still there are issues in the Romanian education system, which directly affect the Roma pupils and students. One of the most serious issues is the *Roma children educational segregation phenomenon* between classrooms or even within classrooms based on ethnicity criterion, especially in

⁴¹ Law no 1 of 05/01/2011, published in the Official Journal, Part I, no 18 of 10/01/2011

schools from zones where Roma communities are more compact⁴². *This phenomenon leads, inter alia, to a very low quality of the education act having the Roma pupils as subjects and to school dropout among Roma pupils.* This phenomenon was reported by many non-governmental organizations that developed projects in the inclusive education area, and in 2004, the Ministry of Education, Research and Youth issued a Notice⁴³ and sent to all the education units in the system, in which the existence of the ethnic segregation in the Romanian education system was recognized for the first time. The Notice „prohibited the setting up, in the preschool system and in the first to fifth classrooms, of groups containing exclusively or mostly Roma pupils, such type of organizing groups or classrooms, regardless of the reasons claimed, being considered ethnic segregation forms”.

In year 2007, the Ministry of Education issued the Order no 1540 of 19/07/2007, by which it prohibited the segregation of children on ethnicity basis in primary education (grades 1 - 5). One year after the Order adoption, the report of a research on monitoring the implementation of the actions against ethnic segregation in schools carried out in 2008⁴⁴, in more than 90 schools in Romania, shows that: *in 67% of the monitored schools, Roma segregation exists either at school level or at classroom levels; the Ministry Order is not implemented and is not known by the school staff, including school directors, in 63% of the monitored schools. With regard to the school facilities, 57% of the monitored segregated schools do not have central heating systems, in 87% of the monitored segregated schools there are no medical assistance cabinets and in 37% of the monitored segregated schools there are no libraries; the personnel fluctuation in the last school year was of 97%, 67.5% of the professorial staff being unqualified and commuter personnel.*

The data presented clearly show that the Roma pupils in the segregated schools face an acute absence of quality in the educational act – another major issue existing in the Romanian educational system.

Despite the reports of the non-governmental organizations acting in the area of monitoring the implementation of the Roma inclusion policies, that indicate⁴⁵ the need for a full desegregation of the educational system in Romania, *the new Law of National Education adopted in 2011, does not refer to the existence of Roma school segregation in the Romanian education system and combating such phenomenon.*

⁴² Fact outlined also by Rughinis, C and Duminičă G, in chapter V.4, of the Report on Social Risks and Inequities in Romania, 2009, worked out by the Presidential Committee for Social and Demographic Risk Analysis

⁴³ Notice no 29323/20.04.2004 prohibiting the Roma segregation, available on the website <http://www.edu.ro/index.php/articles/3449>

⁴⁴ Surdu, L., Monitoring the implementation of the actions against school segregation in Romania, Bucharest, MarLink, 2008

⁴⁵ Report DecadeWatch Romania 2010. Intermediate Evaluation of the Decade of Roma Inclusion, Bucharest, 2011, available on the website: www.romadecade.org

The UNICEF - Romani Criss study⁴⁶ carried out in 2011 shows that the school segregation continues to be an issue which significantly affects the school dropout that is at bigger rate in the schools where more than 50% of the pupils are Roma children.

The data collected in the section intended to sociological research of the project EU Inclusive developed by Soros Foundation – Romania, carried out on a sample representative for the Roma in Romania⁴⁷, reveal that 2 of 10 Roma children of schooling age (6-16 years old) do not go at school because of the lack of financial resources. With regard to the illiteracy, 25% of Roma individuals of over 16 years old declare that they do not know to read and write, the most affected persons being the adults living in the rural environment and in segregated compact communities. The research also shows that the number of illiterate Roma women is by 10% bigger than the number of illiterate Roma men (EU-INCLUSIVE Project, 2011).

b) Lack of access to quality education for Roma children

Due to the unequal opportunities for Roma children in the education system in Romania, their access to education in general and especially to a quality education is limited. If the actions taken in the last 10 years contributed in an increased extent to the inclusion of a larger and larger number of Roma children of school age in the mass education system, a similar result is not obtained with regard to the Roma children access to a quality education.

Sub-financing of the education system in Romania makes most of the qualified professorial staff to refuse to work in the rural environment or in isolated communities or in schools where Roma pupils prevail. This refuse is due to the fact that most of the aforementioned schools do not have the necessary didactic materials, water supply system, central heating system, libraries, etc.

The empiric observation of the practices in the area and previous researches reveal that classrooms having a prevailing number of Roma pupils are perceived as classrooms with poor results where the pupils benefit of a strong discipline and a poor quality education in terms of education act content and amount.

A recent research⁴⁸ clarifies these aspects and explores the mechanisms for the reproduction of the existing social inequities in the Romanian school, emphasizing the quality shortage in education act the Roma children are provided with. Among the numerous *Report conclusions*, the following correlations between indicators are identified, which validate the hypotheses:

⁴⁶ Surdu, L., Vincze, E., Wamsiedel, M. *School attendance, absenteeism and discrimination experience in case of Roma in Romania (Participare, absenteism școlar și experiența discriminării în cazul romilor din România)*, Vanemonde Printhouse, Bucharest 2011

⁴⁷ Daniela Tarnovschi (coord.), 2012, EU INCLUSIVE – data transfer and exchange of good experiences on Roma inclusion on the labor market between Romania, Bulgaria, Italy and Spain - Roma condition in Romania, 2011 – Between social inclusion and segregation – Country Report – Romania, Soros Foundation – Romania

⁴⁸ Duminiță, G., Ivasiuc, A., *A school for everybody? Access of children to a quality education (O școală pentru toți? Accesul copiilor la o educație de calitate)*, Vanemonde Printhouse, Bucharest, 2010

- *The quality of equipping the schools with laboratories, sport hall/arena, computers, etc., decreases as the percentage of Roma children enrolled in the relevant schools increases;*
- *The schools where the percentage of enrolled Roma children is high have a reduced number of qualified teachers and employed school counselors, 60% of the professorial staff being a commuter personnel, the research emphasizing the personnel fluctuation identified in the year previous to the research year;*
- *The percentage of 76% of the enrolled Roma pupils who did not pass the school year previous to the research year as well as the lack of dropout prevention and combating actions is alarming;*
- *The research certifies the poor attractiveness of such schools for the teachers because of their poor equipment.*

3.1.1.4. Positive practices in Roma children education

The education system in Romania adopted a number of actions of social support that although they addressed all children of school age, they especially targeted Roma children from poor families. Among the social measures most notable are: offering snacks, subsidizing school supplies or ensuring transport to school free of charge. We identified a number of projects which approached the most important challenges in the education system in Romania, at different levels, taking into account the existing particularities in system, and we present them hereinafter, to be analysed.

Bilingual Preschools and Kindergartens Project

Among examples of good practices with regard to the accommodation of Roma children speaking Romani language as mother tongue with the Romanian mass education system, one is represented by the *bilingual kindergarten project* initiated by the Roma Center *Amare Rromentza* and financed by UNICEF Romania. This project resulted from the need to support the Roma children (whose mother tongue is the Romani language) to accommodate with the Romanian mass education in Romanian language⁴⁹. Through an adapted syllabus and with the support of auxiliary Roma personnel, speaking Romani language, the non-Roma kindergarten teachers could more easily interact with the Roma children and support them from educational standpoint in view of their enrollment in the primary education cycle.

⁴⁹ In the past, the Roma children speaking Romani language as mother tongue were often subject of abuses, being placed in schools intended to pupils with special learning needs despite they were perfectly normal in terms of learning capacity, only because the professorial staff from the common schools were unprepared to communicate with them in their mother tongue.

The main objectives of the project were: obtaining the communication skills in Romanian by the Roma children of 3 to 6 years old, development of the parents – school – public administration partnership, increase of the involvement of the Roma parents in the school activities of their children. The project outcome is the increase of the pre-school attendance rate to Roma children. *The project was continued based on financing from Amare Rromentza to build a new bilingual kindergarten. Until in the present, the pilot project extended at national level, was financed by PHARE programmes and continues to be financed through the European Social Fund.*

Primary and middle education – „Second Chance” Project

The „Second Chance” Project is a special pilot project, implemented and extended at national level during the pre-accession period, under which adults who abandoned school or youngsters who exceeded the legal age for enrollment in the education system could continue their primary and middle education. The Project, mostly beneficial for Roma women and young girls coming from traditional Roma communities who abandoned school at early ages, was initiated by non-governmental organizations and, subsequently, was extended at national level under the PHARE „Access to education for disadvantaged groups – Second Chance Programme 2002-2004. *This Programme operates also in the present in the schools in our country, based on a curriculum upon request.* In the new National Education Law, this Project is mentioned as a remedy action, its financing being one of the priorities of the Government in education. The Project is financed under the SOP HRD 2007-2013.

Combating the school dropout in Roma communities – „A good start in school, a good start in life” Project

Several pilot-projects have been developed in order to reduce the school dropout to Roma children coming from Roma communities facing with this issue. Such programmes proved the importance of the action to adapt the educational content to the children characteristics as age, family environment, community characteristics, the action to valorize the intellectual and motivator potential of the children as well as the importance of an intercultural approach in education.

„A good start in school, a good start in life” Project⁵⁰, implemented by Romani CRISS, in partnership with UNICEF Romania and the Ministry of Education, in Vrancea county, started in 2001. The project aimed to increase the adaptability to school requirements and the development of the skills to the Roma children

⁵⁰ Details in: Handbook of ECD Experiences, Innovations, and Lessons from CEE/CIS, available on the website www.issa.nl

with ages between 6 years old and 12 years old, who did not attend kindergartens or primary cycle of education with the aim to increase their school performance.

This project, presented as a success in the Roma early-aged children education especially because of the focus on the intercultural dimension of the school actions, continued also during the period 2006-2008, by several *summer kindergartens*⁵¹ for pre-school Roma children, focusing on the intercultural dialogue, experience exchanges, support for ethnic identity assuming and increase of the awareness with regard to the richness of Roma traditions. In parallel, similar actions developed in kindergartens with ethnically mixed pre-school population.

The success of this project comes also from the fact that it provides the pre-school Roma children with skills, as the oral communication skill, the skill to use their imagination and creativity, basic mathematics knowledge, necessary for their successful integration in the primary cycle of education.

„*Summer kindergartens*” Project shows that the children belonging to disadvantaged groups can increase their school attendance and their ability to deal with the competition, if we facilitate their access to kindergartens accommodated to their cultural needs.

3.1.2. Health

After 1989, Romania got through a period of major changes, including in the public health area. Starting with this date, the demographic trends reveal a continuous downfall in number of population due to the decrease of the birth rate, the increase of the death rate or migration rate, the health condition in Romania being very low compared to the health condition in other European states, as proved by the average life expectancy, which is by six years lower than the EU average or by the infant/mother death rates, which are among the highest in Europe.

The lack of decent housing conditions and the vulnerability to forced evacuations, the overcrowded housing conditions, the limited access to clean water sources and to sewerage are issues that affect in not proportioned manner the Roma, making them vulnerable to transmissible diseases as the hepatitis A and tuberculosis. Other factors contributing to the precarious health condition of Roma population include the low education level, the poor nutrition, the poor communication between the medical personnel and the Roma patients, the lack of access to information on health topics and the absence of the identity documents allowing them to access the health insurance system.

⁵¹ Idem

The records of the Ministry of Health showed that in 2002, only 34% of Roma benefited of health insurances, compared to the national average amounting to 75%. An UNDP study carried out in 2004 specifies the cases of poor Roma beneficiaries excluded, discriminated and stigmatized by some members of the medical personnel who refused to treat them. Such stigmatizing attitudes of the medical personnel against Roma make many of them to renounce to access the healthcare services.

Among the governmental actions targeting the Roma population are the National Health Programmes. Hence, in 2008, the Government of Romania adopted, **by Government Decision 357/2008, the National Health Programme** aiming to improve the population's health condition by increasing the population access to healthcare services.

A research on the health condition of Roma from Roma communities in Romania carried out by the organization Romani Criss⁵², reveals that generally, there is a difference between the positive Roma self-assessment of their health condition and the results of the qualitative researches and the analysis of the objective indicators of the health condition as the infant death rate and the life expectancy. The research also emphasizes deficiencies of the health system which limit the Roma access to quality healthcare services. *The optimistic health condition self-assessment by Roma would base on a different cultural construction of the concepts of illness and health.*

The lack of information and knowledge of Roma on their rights in the health system represent factors leading to alarming results: 45.7% of the Roma children did not benefit of the mandatory and free of charge vaccines included in the National Immunization Programme and more than 50% of them did not benefit of any vaccines⁵³, as it is revealed in the aforementioned study. On the one side, the causes for such cases are economical – the costs with the transport to the medical cabinet, with the informal payments, etc., could not be afforded by the Roma parents –, and by the other side, they are organizational – the lack of a campaign constantly made by the competent institutions to promote the National Immunization Programme and, possibly, an insufficient involvement and number of involved sanitary mediators.

Despite the investments in the health system made by the Government, there still is a constant need of investment in continuous training programmes for non-Roma medical personnel addressing the anti-discrimination and cultural difference issues. Many Roma activists from the non-governmental organizations acting in the Roma social inclusion area show that the absence of such investment results in the poor quality of the medical act provided by the medical personnel to Roma beneficiaries.

⁵² Wamsiedel, M., & al., Health and Roma community – analysis of the situation in Romania, Fundacion Secretariado Gitano, Madrid, 2009

⁵³ Idem

The changes in the public health system had a different impact on the beneficiaries, and especially on the Roma beneficiaries who, generally, do not contribute to the health insurance fund. For a better understanding, we will briefly explain how this system developed and functions. Passing from a centralized duty-based system to a decentralized system and a health insurance system managed by the National Health Insurance Fund based on the annual contracting relations (concerning the benefit packages and the delivery conditions related to the medical assistance services) between the medical services providers, the health insurance funds and the beneficiaries, had major impacts on the access to healthcare services.

The Law no. 245/1997 on the health insurance, established a system based on the contractual relation between the beneficiary and the healthcare providers, via the Health Insurance Houses. A unique health insurance fund was established, managed by the National Health Insurance House, 75% supplied from the health insurance contributions paid by the natural and legal persons, the remaining 25% being ensured from different other sources as the co-payment for the healthcare services, the own contribution of the patient, the projects benefiting of external funding. In the present, the reforms started in 1998 continue and focus on continuing the decentralization process, the development of the private sector and establishing permanent relations between the public health systems and the social assistance systems (**Health Sector Reform Law of 2006**).

The annual report of the organization Sastipen – Roma Center for Health Policies, of December 2008⁵⁴, shows that the main barrier for Roma access to healthcare is *the absence of health insurances in their benefit. Many Roma can not benefit of access to public health services because they can not prove their capacity of insured due to the absence of their identity documents, the absence of stable incomes, their non-compliance with the requirements set forth in Law 416/2001 on the minimum income, the absence of a stable job, their impossibility to enroll to a family physician because of their informal housing conditions or because they can not submit the documents proving they are socially assisted and, thus, they are not insured, according to Law 95/2006. This situation forces many Roma to use the emergency medical services when their diseases aggravate and significantly deteriorate their health condition. In such circumstances, the costs for treatment exponentially increase and can not be afforded by most of such Roma patients.*

The sociological research section of EU-Inclusive Project in 2011 shows that 24% of the respondents from the sample have self-assessed their general health condition as being „bad” and „very bad”, 16% have claimed „some discomfort related to the health condition”, while 70% of the interviewed persons declared that during in the last 6 months, they or someone of their families needed healthcare services. With regard to the health insurances and the access to

⁵⁴ Accessed on 15.12.2011, at: <http://sastipen.ro/data/documente/248/12635.pdf>

healthcare services, 55% of Roma women and 45% of Roma men declared they benefit of such facilities. However, 35% of the respondents assess the healthcare services quality as being poor and very poor, while 29% of these dissatisfied respondents declare they have free access to the public health services. Symptomatic is the fact that 54% of the Roma respondents felt discriminated by the medical personnel when they accessed the public healthcare services.

3.1.2.1. Positive practices

Roma sanitary mediator

One of the most successful pilot projects transferred at national level and institutionalized is the sanitary mediation system in benefit of the Roma communities.

Started in 2003 as a pilot project by the non-governmental organization Romani Criss, this project aimed to ensure the training and employment of Roma sanitary mediators in the communities where Roma prevail. The purpose was to close up the Roma communities to the healthcare services through the services provided by the *Roma sanitary mediator*, who had to satisfy a set of minimum education requirements, to know the relevant Roma community and to be accepted by that community, to know he Romani language, etc.

The sanitary mediators were gradually included in the public health system, being employed and paid from public funds. *Since 2005, when their number officially amounted to 176, this number gradually increased to up to almost 600 at the end of 2009. In 2008, the sanitary mediator profession was officially recognized and included in the Romanian Occupations Code (ROC).*

Starting with 2010, once the decentralization process began, the number of sanitary mediators dropped under 400, because the local public authorities have not been informed and previously trained with regard to the useful nature of this type of profession for the local social services, justifying their refuse to employ the sanitary mediators based on the absence of resources, even if their salaries were ensure from the budget of the Ministry of Health.

Thus, according to the Roma organizations acting in this sector and the information provided by the sanitary mediators, although the project of sanitary mediation in the Roma communities was considered as a successful project and even transferred by the governmental professionals, by experience exchanges, to other countries with Roma population, as example of good practice, *it is under the risk of dissolution due to the absence of financing and the lack of interest of the local public authorities to ensure the access to basic healthcare services in the Roma communities.*

Roma Health Scholarship Programme

An issue not addressed until in 2005 was the *lack of exposure to cultural diversity, tolerance, non-discrimination of the medical personnel* working in the public health, factor that contributed to the reticence of many Roma to use these public services.

As response to this issue (common to many countries in the region, having significant Roma communities), an initiative of the non-governmental sector⁵⁵ sought to *support a new generation of Roma students pursuing academic medical education or Roma graduates of such education who could be positively and with more confidence perceived by the Roma community.*

Hence, Open Society Institute and Roma Education Fund launched in 2008, the „*Roma Health Scholarship: Leadership in health: a new generation of health professionals*” Programme (RHSP), aiming to create a new generation of Roma health professionals in many countries in East and Central Europe, among which Romania, too.

In Romania, this Programme started in 2008 and it was developed with the support of the organizations as ActiveWatch-Media Monitoring Agency, of the Association of Resident Doctors in Romania and of the Center for Health Policies – Sastipen.

The project sought to support Roma students pursuing or intending to pursue academic medical education in Romania, the Roma students pursuing or intending to pursue the medical occupational programmes of the Faculty of Medicine, Pharmacy and Stomatology / nurse or medical assistant colleges, accredited by the Ministry of Education, Research, Youth and Sport as well as the Roma resident doctors. Besides this support, the beneficiaries of the scholarships could study also a foreign language and participate to professional conferences, benefiting of a coaching programme implemented in cooperation with the Association of Resident Doctors in Romania, helping them to achieve their academic and professional goals.

Hence, in the academic year 2008 - 2009, 35 Roma students benefited of this full programme which included academic scholarships, coaching, training in advocacy and communication skill development. 65 young Roma were selected for being supported during the academic year 2009 - 2010. The Programme for 2010 - 2011 has supported 98 students as well as 35 secondary cycle pupils belonging to the Roma community.

⁵⁵ developed under the patronage of the Decade of Roma Inclusion 2005-2015

3.1.3. Housing

Housing is to be considered at the heart of the social inclusion. The absence of decent housing conditions or the residential segregation determines a vicious exclusion circle consisting of limited access for Roma to employment and public healthcare services, or Roma children marginalization in the segregated schools or within segregated classrooms in so-called integrated schools.

In the policies in Roma social inclusion area, *housing is still the most neglected*, in terms of ensuring the right to a decent house and allocation of resources specific for this area. In Romania, there is *chronic social housing stock absence*, the prices boost in the last decade making prohibitive the purchase or rental of a decent house on the free housing market for most of the poor population categories, including for many Roma, living in extreme poverty, especially in the rural environment.

Paradoxically, the Roma housing conditions degraded in an accelerated rhythm during the transition to democracy and to market-based economy, due to the Roma professional education improper for the needs of the new labour market, their low education level and the unemployment phenomenon „preferentially” targeting Roma, all these being factors that pushed many Roma to living in extreme poverty. At the beginning of 90s, once the State-owned housing stock was privatized and the internal migration started, many of the Roma have been victims of the real estate speculators who determined them to sell their houses obtained during the communist era, often for ridiculous prices. These Roma retired in the urban and rural unsanitary, without utilities and overcrowded ghettos, usually without formally concluding ownership documents for the houses or lands occupied, fact that induced them a uncertainty with regard to the possession.

In the last two decades, the general public in Romania witnessed the interventions in force of the local public authorities directed against Roma population, concretizing in forced evacuations of Roma families, often with many children, in the middle of the winter, despite the international regulations prohibiting such action, by breaching the child rights and without providing to victims, an alternative housing.

Simultaneously with the forced evacuation, the easiest solution for the local public authorities was „to send” the evacuated Roma tenants back to their origin localities where they found another empty land, without perspective of an income, their evacuation cases benefiting of an extensively propagation through TV broadcast.

All these contributed to the perpetual passing of responsibilities for finding a solution for a community issue from an authority to another, a continuous pauperization and victimization of Roma in such circumstances. The aforementioned administrative interventions made this population category to loose the statute of beneficiaries of poor housing, pushing its members to the homeless statute, which represents the supreme exclusion form in our society.

In Romania, the existence of homeless persons is almost unknown by the decision-makers and, naturally, not approached in its integrality by these ones. Paradoxically, this aspect is publicly recognized by the Presidential Administration, in the Report of the Presidential Commission for Social and Demographic Risk Analysis⁵⁶.

The social workers empirically found that among the „beneficiaries” of such an extreme exclusion circumstance, there are also some evacuated Roma adults, Roma youngsters formerly institutionalized who left the protection institutions after the age of 18 years old, etc. There is a chronic absence of investment in shelters at the level of the community and there is also a lack of studies analyzing in-depth this social phenomenon and especially the impact of the global financial crisis on the trends of the „homeless” phenomenon.

A research carried out in 2005 by SAMU Social, an organization providing services for homeless persons, estimated that there were 5,000 adults in Bucharest and 15,000 adults in the rest of the country being in the extreme social exclusion condition of homeless person, among whom there were also Roma individuals. There are only 800 beds in the overnight shelters (emergency centres for homeless) located in big cities in all the country to satisfy the aforementioned need, fact which offers a clear picture on the phenomenon.

Among the *issues generating the Roma exclusion* in terms of housing, we specify the following: the absence of identity documents, the absence of property titles on the houses or lands occupied by Roma, the overcrowding, the absence of public facilities (water supply, electricity supply, sewerage, heating system, paved streets), the big distance up to public authorities, schools and hospitals), the Roma settlements proximity to pollution sources as landfills, water treatment stations, mine tailing piles in industrial zones, radioactive lands, floodable zones, etc.

A research, carried out in 2005⁵⁷, shows that around 60% of the Roma communities are poor and that more than 50% of Roma individuals live in these communities.

There are very few initiatives of the Government to build houses. Hence, the social housing programme planned for the period 2007 - 2010, to be built a total number of 28,681 distributed as it follows: in 2007 and 2008, 14,000 respectively 3,500 of social housing, while the annual building plans for 2009 and 2010 included a number of 9,181, respectively 2,000 housing units. This programme did not expressly refer to Roma⁵⁸, the number of Roma who benefited of such funding being impossible to be estimated as the local councils, the legally beneficiaries of these construction works, co-financed from the local and central budgets, have non-transparent criteria for the allocation of the social housing⁵⁹.

⁵⁶ *Risks and social inequities in Romania (Riscuri și inechități sociale în România)* (2009), available at www.presidency.ro/static/CPARSDR_raport_extins.pdf

⁵⁷ Dumitru Sandu, *Roma Social Mapping. Targeting by a Community Poverty Survey*, Government of Romania and World Bank, 2005.

⁵⁸ The beneficiaries of social housing are the persons with an average monthly net income per family member less by 20% than the minimum income limit.

⁵⁹ The decision on social housing repartition is adopted by the local councils following the analysis of the demand and of the recommendations made by the social committee.

The responsibility in the housing area belongs to the Ministry of Development, Public Works and Housing (which suffered repeatedly name changes in the last years) and to the National Agency of Housing, by the *programme for building social housing*, established in the Law no 114/1996, such responsibility being shared with the local public authorities, the legal beneficiaries of the relevant local programmes.

During the Pre-Accession period, a number of EU-financed programmes implemented, aiming the mitigation of the causes which contributed to the limitation of the access of Roma to housing. Hence, the issues of *absence of the identity documentation and property titles for Roma* were approached in the multi-annual PHARE 2002 - 2004 „**Accelerating the Implementation of the National Strategy for Improving Roma Condition**” Programme.

Several other projects were financed, having impact on the basic issues which feed the vicious circle of the social exclusion in housing area. Hence, in 2005, under the PHARE programme, an amount of 14.16m euro from EU budget and an amount of 3.33m euro from the national budget were allocated to feed *a grant scheme used to finance 202 local projects of action, developed in partnership with the NGOs or local groups of action, in order to resolve some housing issues of Roma communities, these projects aiming: to build and rehabilitate social housing, to build small infrastructure in Roma communities as water supply system, sewerage system, electricity supply line, paved roads, etc.* Naturally, these actions did not represent a solution for the local issues of Roma but they were interventions intended to stimulate the local authorities to strongly involve in finding solutions for the relevant issues.

The sociological research EU-Inclusive 2011 confirms the overcrowded housing conditions for Roma of the sample: 23% of the respondents have declared that they share their room with minimum other two persons, within a housing unit having as average, 2 rooms and a surface of 37.23 sq m, compared to 2.38 rooms and a surface of 38.23 sq m per housing unit in 2009. These answers reveal a decrease of the comfort level.

With regard to the quality of the construction materials used in the Roma housing units, the research shows that 58% of the respondents declared that their house is built of resistant materials as stone, concrete, BCA, panels) and 30% recognized that their housing unit is made of cheap and less resistant materials as half-timber or clay bricks.

3.1.3.1. Examples of good practices

The issues related to improving the housing conditions for Roma, especially for those living in compact and isolated communities are very complex and their solution implies interventions in many areas to resolve a wide range of issues from supporting the housing beneficiaries in the effort to obtain identity documents and property titles for the occupied lands/houses and a legal regime

clarification with regard to the relevant lands/houses, up to improving the infrastructure and building/rehabilitating housing units in the community.

Among the initiatives of the non-governmental organizations in the housing area we choose two experiences of community actions to present hereinafter.

„Together” – A community development programme developed by the Community Development Agency

The project was implemented during the period June – October 1999 in Nuşfalău, Sălaj County and it was appreciated by mass-media as a national release and model of integrated approach in the community development area.

An interesting aspect of this project is the fact that the initiative to build social housing represented an unexpected result of a project intended to generate incomes for Roma, titled *Work Site – Brickyard*, developed in 1998 in Nuşfalău. About 90 persons participated to this project, who produced about 250,000 burnt bricks in excess to the number intended to sale for profit. The money cashed from the sale of the manufactured bricks and the material produced in excess helped this community to build a Roma Educational Community Center, to settle all fees for obtaining identity documents and approval for branching to the electricity line, to pave the community roads, etc.

To build social housing here, the local qualified labour force existing in the Roma community was used, the design of these housing units was executed by a Roma civil engineer, the houses were erected with bricks made by the member of the community and the housing priorities and selection criteria for the beneficiaries were established within the community, with the participation of all the members.

The costs with the purchase of the land necessary to build social housing were supported by a local Roma association (Roma from Brasil Association) in Nuşfalău, from the profit obtained from the sale of the bricks produced by the Roma in the previous year.

The success element of the project consisted of the method used to build social housing, namely the use of the local financial and human resources. A significant factor was the will to change something of the community members and their active involvement in a project aiming the development of the community and the improvement of the community members' condition.

Outcomes: 10 families of the Roma community in Brasil neighborhood - Nuşfalău improved their housing conditions, 18 seasonal jobs were generated for 18 youngsters from this community, 3 other housing units were built and 2 existing housing units were rehabilitated from own resources were after the finalization of the project. Finally, the property feeling of the social housing

beneficiaries generated the premises for the subsequent development: in 2000, in the yards of these houses, Roma planted fruit trees and cultivated vegetables for their domestic use.

The concept of this action of „Together” Agency was „More than bricks” because producing bricks, traditional craft known by those Roma, and the need for a decent housing conditions were the reasons based on which the community coagulated and developed, this process culminating in the election of their own representative in the Local Council of the commune in 2004.

The Soros Foundation Romania – Habitat for Humanity Partnership’s Project for building social housing

The projects of Soros Foundation – Romania developed in the period 2009-2010 in partnership with Habitat for Humanity, addressed the issues of two Roma communities affected by extreme poverty (Bear Leader communities in Bălțești, Prahova County and in Vânători, Neamț County). The project is a model of community action for Roma, materialized in the involvement both of the local Roma community and the local public authority in building housing units.

The key-words which defined the housing unit design stage by the architect were „participative” and pro-active” meaning that the architect designed houses fit to the beneficiary need, by working together with the future beneficiaries and by taking into account their cultural characteristics and their future development needs. Using a competitiveness-based methodology proposed by Habitat for Humanity, the community members were consulted and encouraged to submit application files in order to be selected the future beneficiaries of the project to build new houses and to rehabilitate the existing ones. Following the application files selection, the families of the selected beneficiaries were invited to participate to the design process related to the new houses or houses to be rehabilitated, action that made confident the beneficiaries that the project takes into account their different and distinct needs.

To develop this project, Soros Foundation – Romania financed the purchase of the construction materials, the execution of the geodetic surveys and technical appraisals, the process of obtaining the necessary authorizations and approvals, while Habitat for Humanity supervised the works on the site and coordinated the involved volunteers (the beneficiaries and members from the corporate environment). The mayoralty contributed at local level, by extending the road and utilities’ infrastructures (water and electricity supply and sewerage) and by ensuring the clarification of the legal regime of the necessary lands and beneficiaries (issuing or renewing the relevant property titles and identity

documents). The beneficiaries contributed, together with the volunteers coordinated by Habitat and Soros Foundation, to the process of building their own homes. The project presented also a dimension in the employment area, some of the locals (not benefiting of the relevant houses) being employed as builders. The ownership right over the new or rehabilitate houses was granted to the relevant beneficiaries by the mayorality, this public authority granting also the right to use the land afferent to those houses to their beneficiaries for a period of 49 years.

As supplementary gain generated by the project we can mention the replicating effect of the action: many Roma from the community who did not benefit of support under the project and who became aware of their housing needs, began to consolidate and arrange their homes by themselves, investing their own resources in improving their housing conditions. In this process they use the local *know how* and the building techniques learnt when they helped their neighbours under the project. An unexpected outcome was the fact that a part of the community members entered in professional qualification programme on application of Baumix thermal-insulating systems for facades (thermal insulation of the houses with expanded polystyrene), complementing in this manner the project dimension in employment area.

This project approach aimed also the strengthening of the local community capacity to attract resources according to its own priorities as identified in a participative manner, by Roma together with their Romanian neighbours. In 2010, 10 Roma families belonging to the two communities, who lived in most precarious housing conditions, moved in new houses built by this project. *During the period 2009-2011, a total number of 14 new houses were built and a total number of 14 existing houses were rehabilitated repairs to (roof, walls, doors, and windows).*

Chapter 4. Roma employment between strategy and flexibility

4.1. Roma minority employment profile

In 1993, in the context of the beginning of a Roma identity movement, a study of ICCV (Zamfir & Zamfir, 1993) was the only one at that time which addressed aspects regarding the living conditions of this population segment. The study mentions at that time, the alarming Roma condition, 79.4% of its adult members being unemployed. The study outlined the Roma employment characteristics, Roma employment specific in modern jobs as well in traditional crafts, and it adverted to the relation between the low education level and the low income level, which is not specific only for Roma.

The next study of same magnitude was carried out in 1998. After that date, the attention granted to the Roma minority significantly increased, concretizing in studies on Roma education, health, child welfare (including Roma children on the labour market), discrimination, and community poverty, being concretized in reports evaluating different strategies and programmes, in case studies or in collections of best practices.

The Roma employment issues generate interest not only because of the EU recommendations on employment and equality of opportunities but also because of national specific structural reasons:

- as at European level, the Roma population is averagely younger than the non-Roma population (EC, 2011). *In such context, the constantly high poverty rates and the constantly low employment rates bring into focus the unused labour and development potential of this population segment, the potential of increasing the revenues to budget and to reduce the expenses with welfare allowances by attracting the above mentioned potential on the labour market, as well as the social aspects following to appear when Roma will reach the legal retirement age considering their chronic under-employment;*
- in the context of the free movement of the labour force possible after our Accession to EU, the Romanian Roma migration (separately approached in chapter 5) imposed to our attention, such migration mostly being a migration for work (Soros/Research Institute for Quality of Life (ICCV), 2010). Romania is the European State where in the national population, there is the more extended Roma minority (UNDP, 2002), by consequence, the action to increase Roma employment rate being of high stake.

International comparative statistics from 2002 put Romania in the weakest position in Europe on the issue of Roma employment:

- the largest share of people employed in informal economy (70%), one of the reasons behind the lowest unemployment rate (ILO; 24%, compared with 64% in the case of Slovakia)
- the highest rate of families with many children within Roma households, similar with Slovakia
- the highest expectations for the state to solve all the problems (UNDP, 2002)

The employment status did not significantly change during the last decade, recent studies indicating for the Roma minority:

- A high level of illiteracy: 25% of Roma over 16 years old do not know to read and write (Soros/ICCV, 2010);
- A low qualification level: 39.2% of the employees and unemployed persons (unemployed persons and domestic occupied persons) seeking for a job in the last year declare not having any qualification, while 77.3% of them have an education level (maximum middle cycle graduated) not allowing any formal qualification; relevant for the public policies is the relative disinterest of Roma for their education and qualification, in their opinion, the main factors preventing them to find a job being the economic background (27%); their absence of education/qualification (12% of the respondents) it rather equivalent to discrimination (10%) as reason for not finding a job (SOROS, 2011);
- A Roma employment level much lower than the national employment level: 57.7% compared to 63% in the group of age of 18-64 years old (ERRC, 2007) 39.6% of the respondents in the group of age of 18-59 years old perform stable or occasional work, along with other 21% who work only within their households (Fleck & Rughinis, 2008); about 40% (as estimated by the author based on the database of the Soros project 2010) compared to 58.8% in 2010 in the group of age of over 15 years old (acc. to EUROSTAT); more than 51.5 of Roma respondents over 16 years old declare they do not ever work while only 10% of them declare they permanently during the last 2 years (SOROS, 2012)
- Accentuated under-employment among Roma women, such employment rate being lower than the overall women employment level, as well as lower than the Roma men employment level (Preda & all, 2003; Comăa & all, 2008; Soros/ICCV, 2010; WB, 2010); in 2011, among the Roma population of over 16 years old only 27% of the women declare to have a job, compared to 44% of Roma men (SOROS, 2012)
- Widely non-contracted employment (63% - Fleck & Rughinis, 2008) and employment mostly in unqualified occupations;
- Employment in traditional crafts of 4-5% of the sample members (who work or receive incomes from such activities in the last month – Zamfir & Preda, 2002; Soros/ICCV, 2010) ;
- Salary-based employment at low rates and in decrease during the last 20 years: 23.4% employees within Roma population of and over 16 years old in 1992 (Zamfir & Zamfir, 1993) compared to 12.9% in 1998 (Zamfir & Preda, 2002), respectively, 8.5% in 2010 (Soros/ICCV, 2010);
- High employment discrimination rates (pointed out by 64% of Roma of economically active age) (ERRC, 2007);

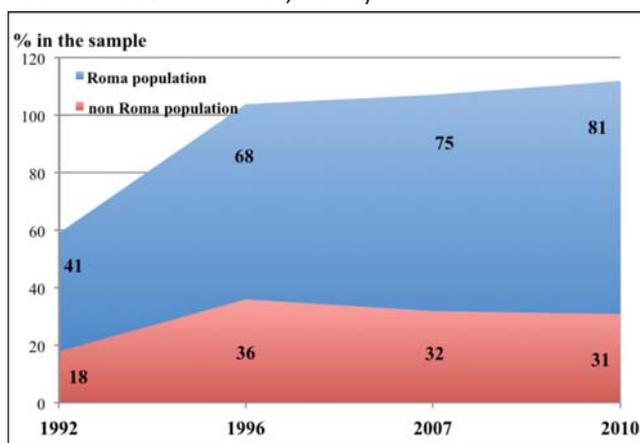
Roma Inclusion in Romania: Policies, Institutions and Examples

- Gap between Roma earnings and non-Roma earnings bigger than in Bulgaria or in Czech Republic (WB, 2010): for same education level, Roma incomes are lower than the non-Roma ones, but equal income increase rate for Roma and non-Roma due to education level increase (Bădescu & all, 2007) ;
- Continuity at the same workplace for almost 50% of the employees;
- The entrance on labour market of children under the age of 15 years old, especially after 10 years old; the phenomenon decreased after year 2000 (Echosoc/Fiman/Phare, 2001; Soros/ICCV, 2010)

The low qualification and employment rates are directly responsible for the low income level of Roma families. *Their position in the graph of cash income distribution remained practically unchanged compared to 1998 : in 2010, during the last month before the study, their average income per capita represented 12% of the average income per economy compared to 15% in 1998; 4.2% of the respondents did not receive any income compared to 4.5%.* (Zamfir & Preda, 2002; Soros/ICCV, 2010)

Education is the most important factor for the access to better incomes, along with the type of residence community: having the domicile in a locality inhabited by more non-Roma increases the probability to access incomes from regular work and non-traditional crafts for Roma, while living in a big locality or in the neighborhoods of a big locality increases the incomes opportunities (Zamfir & Preda, 2002; Fleck & Rughinis, 2008).

The economic growth after 2000 seems to have avoided the Roma population: if the segment in the overall population of those whose incomes do not cover the basic needs is the same, such segment in the Roma population continued to become wider and wider (Fig 2). The Roma poverty rate was significantly bigger than that of majority population or that of other ethnicities even during the years with best economic performances (31.1% compared to 5.0 % in 2008 – MWFSP, 2010).



Graph 2: Evaluation of the household incomes: „they are not enough for covering the basic needs”

Source: Zamfir&Zamfir, 1993 ; Zamfir&Preda, 2002; Bădescu&all, 2007 ; Soros, 2010 ; Mărginean&Precupețu, 2010

However, the economic growth did not remain without effects among Roma: it activated the late entry (of or over 29 years old) on the labour market of Roma and it revitalized the traditional crafts sector. But there is also a negative effect consisting in the entry on the labour market of 57% of the Roma youngsters of 11 up to 14 years old, who acted in the traditional crafts sector (Soros/ICCV, 2010).

4.2. Roma Employment Institutions and Policies

Until the appearance of the first National Strategy for Improving Roma Condition (2001), the Roma issues were addressed in the general context of the policies for minorities, national laws and international treaties ratified by Romania, too. These documents (exposed in details in chapter 2) particularly aimed the exercise of rights by, and the development of minorities as well as the possibility for them to freely express their ethnic and cultural identity.

The Roma relation with the labour market was regulated by the national laws on employment, the Roma employment objectives being found among the priorities of the National Strategic Programmes of the last decade (as described in chapter 2 and listed in Box 6).

After 2000 and especially after the Accession to EU, once the social inclusion and economic inclusion targeted and recommended by the EU model have been assumed as objectives, the employment policies became more expressly intended to vulnerable groups among which there was identified also the Roma population due, inter alia, to the general low standard of living, the background of the informal employment, the low education and qualification level.

The National Strategy for Improving Roma Condition established as action lines on employment, to be drafted specific qualification and professional reorientation programmes, to be re-valuated the traditional crafts, to be stimulated the agricultural occupations, to be granted facilities to the

Box 6

National Strategic Programmes including Roma employment among their priorities

- National Strategy for Improving Roma Condition for 2001-2010 time horizon, updated according to the concrete background in 2006
- National Action Plan for Social Inclusion (NAPInc, 2001)
- National Strategy on Labor Force Employment 2004-2010 (NSLFE)
- Plan of Action of Decade of Roma Inclusion 2005-2015 (Decade)
- Joint Inclusion Memorandum, 2005-2010 (JIM) along with
- National Development Plan 2007-2013 (NDP)
- Sectorial Operational Programme 2007-2013 (SOP)
- Governance Programmes 2005-2008, respectively 2009-2012 (GP),
- Strategy of the Government of Romania for the inclusion of the Romanian citizens belonging to Roma minority for the period 2012-2020 (SIR)
- Other national plans integrating the objective to control the social exclusion of the vulnerable groups within their own objectives

entrepreneurs who hire Roma, to be supported the entrepreneurial initiatives of Roma and their activities able to create incomes, to be reduced the gender gaps and discrimination in Roma employment, to be supported the youngsters employment and to be monitored the professional careers of young Roma who graduated academic education.

The update version of the Strategy of 2006, expressly established the streamlining of the active employment measures for Roma and active support measures addressed to MIG beneficiaries by facilitating their access to professional reorientation.

An analysis of the public policies for Roma (Ionescu & Cace, 2006) *identifies the complementarity of the sectorial objectives set in these strategic plans.* Hence:

- NAPInc proposes for the employment area, a support for Roma to attend secondary, professional, high and academic education cycles;
- JIM stresses the action line intended to strengthening the institutional capacity of the local project implementation units in order to render them able to resolve basic issues as the development of economic opportunities and the creation of new salary-based jobs as well as resuming of the action to identify and allocate agricultural land in the rural environment.
- The Plan of the Decade includes among its priorities, strengthening the expertise on Roma and of the Roma agencies by attracting within them, young qualified Roma.

The Governing Programme for the following period was less explicit on the necessary actions, these being quasi-integrally addressed in the chapter on interethnic relations. It is specified the need of more efficient action in sectorial areas of the Strategy as the access on the labour market, promoting of the activities generating incomes and reduction of the school dropout, finding solutions for housing issues, strengthening the Strategy implementation units at local level, making a reliable partnership between the public administration structures and the Roma communities (GP 2005 - 2008, GP 2009 - 2012).

As preliminary economic actions for achieving the objectives, the Strategy, the NAPInc or the JIM set forth the need to resolve the issue of absence of identity documents.

The specific action lines for the increase of the Roma employment rate aimed:

- To increase the Roma inclusion in the education system, in the professional reorientation programmes, including the school dropout prevention programmes (NAPInc, NSLFE, NDP, GP 2009 - 2012)
- To control the discrimination on the labour market (JIM, NDP, GP)
- To increase the formal employment rate (JIM, Plan of Decade, NAPInc, NSLFE, NCP)
- To ensure equal access for Roma on the labour market, regardless the gender (Strategy, NDP, SOP, GP 2005 - 2008)
- To increase the Roma youngsters' employment rate (NAPInc, NDP, NPR)

- To increase the employment rate of Roma in the rural environment in the specific economic activities, including by granting land to them (Strategy, JIM, GP 2005 - 2008)
- To support the development of the Roma traditional crafts (Strategy, JIM, NSLFE, Plan of Decade, GP 2005 - 2008)
- To support the activities generating incomes (authorizing, business incubators –Strategy, NAPInc, NSLFE, Plan of Decade, NDP, GP 2005 - 2008)
- To strengthen the institutional capacity of and the dialogue between public administration and Roma communities (GP), to promote public Roma and employers' awareness campaigns (Action Plan of Decade).

A recent EU paper (CE, 2011) defines a framework for the national Roma strategies 2020, and it recommends specific and transparent measures to make them explicitly respond to the situation of Roma.

According to the objectives of Europe 2020 Strategy for the increase of employment rate, actions must be taken to increase the Roma employment rate, the Roma women employment rate, to reduce the discrimination on the labour market (as training programmes, labour force hiring programmes, entrepreneurial programmes), as well to develop institutional infrastructure and competencies (civil servants, mediators, institutions). These objectives are found also in the most recent national framework plans (NDP 2007 - 2011, SIR), different compared to the previous ones by the focus on professional education, as prerequisite for the employment rate increase, and on the entrepreneurial training.

NDP addresses the issue of vulnerable groups in the section dedicated to human resources, its objectives aiming in same proportion, the education, the employment, the social inclusion and the correspondent administrative capacity.

With regard to the employment rate increase, programmes for school dropout prevention and use of „second chance” type education, the relevance of the initial education for the labour market (and increase of its practical character), the continuous professional training, the increase of the employers' interest for supporting the qualification/re-qualification of their employees, a more fluid relation between school and labour market, measures from the field of social economy, and also the strengthening of the accustomed nature of the action for the support of the inclusion of vulnerable groups, are some of the aspects taken into account.

The recently adopted Strategy for social inclusion of Romanian citizens belonging to Roma minority (SIR) expressly shows the necessity to adapt action to the specific need, its core idea being to obtain flexibility by:

- Adapting the occupational training programmes to the labour market needs;
- Building flexible occupational training programmes (by „second chance” type education and recognition of the informal qualifications, by hiring Roma based on part time employment agreements adapted to their family conditions and by supporting the Roma children school attendance);

- Diversifying the job offers;
- Supporting the entrepreneurial initiatives (by authorizing the independent activities and supporting the craft associations by means of small loans and advantageous loans, by stimulating Roma attendance in programmes for business initiation and management);
- Subsidizing the hiring;
- Developing the partnerships (through awareness campaigns intended to reduce the social distance, to attract Roma in local development process, to stimulate the entrepreneurship as solution for the local development).

Subsequently to 2000, during the stage of the „focused action”, the action types very slightly vary as spectrum. The priorities of the national strategic documents mainly aimed to capacitate the actors on the labour market and to define the context in which the labour market operates.

With regard to the first action line, the labour demand and offer on the labour market as well as the institutional actors mediating this relation are in focus, while the second action line refers to the equal opportunities (interethnic and intra-ethnic) as ground guideline on the labour market and to have development in the community, by efficient usage of the resources and by social cohesion.

However, the attention was unevenly distributed between the five types of objectives, strengthening of the institutional capacity and the development of the community capacity being much less addressed in the effort to increase the employment rate.

4.3. Roma minority relation with the labour market

The first dispute related to the Roma participation on the labour market refers to the effective will to work of Roma. Among the local authorities (employment, administration), there is also the opinion, although less strong than in Bulgaria, Czech Republic or Serbia (WB, 2010), according to which Roma do not want to work, rather expecting to receive something. In such context, the affirmative actions (support for material and financial aids, Scholarship) addressed to Roma are not considered as being opportune (Fleck & Rughini⁹, 2008). Undoubtedly, attempts to avoid taxes or to overload the system do exist, but for the public policy, more important to monitor are the centripetal trends which can be valorized for the community and social development.

The community studies proved that Roma population can mobilize for a community, social scope and that it is willingly to be involved in the production process (Ionescu & Cace, 2000; Voicu M. (c), 2007; Preoteasa & all, 2009). The low qualification level, the „tradition” or the heterogeneousness of the community make this involvement not to anytime express in the expected form or

circumstances. The need to understand the networking and communication values and mechanisms, *meaning the need to have a local expert on Roma, in the relevant community, becomes an indispensable desiderates to ensure the sustainable employment rate increase of the Roma in formal structures. The barriers in the way of finding such a person are the first to be addressed.*

Following to the above mentioned factors, Roma failure to access the formal standard labour market makes them to develop their own activities: day work, implying unqualified labour force, performed in private households or enterprises and occasional work, usually implying poor qualified or traditionally qualified labour force, performed in the country or abroad. Forced to survive, Roma identify opportunities to obtain incomes or local uncovered demand niches as:

- collection of recycling materials („anything the employer pays for”) from landfills or from anywhere else (even by stealing, too in case of iron);
- picking fruits and vegetables remained after gathering in the crop, for their own alimentation;
- supply of local producers acting in the light industry, with forest fruits, mushrooms, nuts, feathers, medicinal plants etc.;
- performing traditional crafts as traditional Romani music, making bricks, processing the metal, the wicker, the twigs, the leather, and selling the products obtained;
- providing occasional services as carrier of salt, stone, or persons transportation;
- stealing wood from forests or other products (aliments, animals, iron) from households.

Some of their activities are based on traditional crafts, others are „traditionally learnt”. As a matter of fact, the traditional crafts survived because they satisfied a local demand, in time, Roma „shifting” from the traditional crafts no longer demanded at local level, to others traditional or modern crafts locally demanded which are the closest possible to their former and abandoned activities (NAR, 2012) or performing them simultaneously for additional incomes. This was the situation during the communist regime, when traditional crafts were performed in parallel with the work in factories or when the products of their traditional crafts were included in the activity of a craft or agricultural cooperative and were controlled by this one (i.e., the wicker knitting).

The seasonal/occasional migration for work, thus, the semi-nomadic life, did not disappear, being met especially in the rural areas, to allow Roma to sell their traditional objects, to sing their traditional music or to perform agricultural activities (Copoeru & all, 2007; Preoteasa & all, 2009). Children, especially those of age proper for attending secondary education cycle are co-opted in this migration for work even if this means for them, the school dropout or absence to class.

The seasonal and occasional work in the country can be combined with the work abroad, based on short time employment contracts for temporary work (in Greece, Slovenia, Germany) involving activities similar with the seasonal ones in the country but better paid.

Commuting was capacitated by the vicinity to the urban areas (smaller or larger) economically active, with a more flexible labour market, as well as by the roads' accessibility (the roads to Bucharest compared to the rural roads, often inaccessible during winter and rainy periods, retaining Roma captive in an inert economy which makes the transport cost to neighboring urban localities too expensive for them, even during good weather). Commuting significantly reduced during the crisis years (including the seasonal migration for work in agriculture): *„until in 2008, we could not cover the labour force demands in agriculture, but starting with 2009, the cases when a truck comes in the commune to commute labour force in other localities from our county or from neighboring counties are very rare (local Roma leader: SOROS/ICCV, 2010).*

Roma find labour market niches accessible for them by a process they feel better than the relation with the authorities („They told me not to expect them this week at work for their mandatory 72 hours of work for the community because they go to potatoes for winter supply. Especially in other communes from Piatra Neamț, specialized in growing potatoes...The employers come with the trucks and take them and after that, they bring them back.”- mayoralty representative/Voicu M. (c), 2007); „County Employment Agency ... the institution where the social benefit beneficiaries have to go in order to have their documents sealed. This County Employment Agency is an institution enjoying of reduced visibility at the level of the potential Roma beneficiaries, while RPTCA, is completely unknown” - SOROS/ICCV, 2010) .

The seasonal work makes also the incomes to be seasonal, very seldom such incomes adding to the stable incomes from qualified jobs in industry or services sectors, due to the low education/qualification level of Roma. Very rarely we find Roma performing activities implying academic education or entrepreneurial stable and profitable activities. For the rural area, the widely accessible jobs are those in agriculture and zoo-culture, while in the urban environment, the most accessible jobs for Roma are in the sanitation, maintenance and cleaning services sector. In both urban and rural areas, other jobs accessible for Roma are those in the constructions sector (SOROS/ICCV, 2010).

Sometimes, frequent exercise by Roma of day working is interpreted as a non-engagement, such work being less restrictive because payment is daily made and the worker does not suffer any sanction for one day of absence. The argument of Roma frivolity is supported also by the fact that they abandon projects or jobs in which they initially involved after short time, or they abandon the qualification programmes they enrolled in, or they do not work the land around/neighbouring their homes.

But, the Roma involved in somewhat stable labor or in traditional crafts contradict the idea of their non-engagement due to frivolity, because they consider that only by rigorous work, by good and timely result, the employer „calls you again”. We mention that most of such workers are over 40 years old.

The abandon of the qualification programmes or the Career Caravan Programme is justified by the lack of an effective and immediate employment perspective and by their organization during the season of occasional works: *neither granting of the minimum income guaranteed (MIG), nor the promise of obtaining a qualification (without the guarantee of a job) makes Roma to renounce to a certain income – that from occasional works. The absence of any remuneration during the training programme periods represents a discouraging factor due to the high Roma men social vulnerability generated by the big number of dependents (children, persons without any income, persons with precarious health condition) and by the traditional Roma family pattern where man is the only responsible for financially keeping his family. To present interest for Roma, the qualification programmes must economically capacitate the individual and then, the jobs offered must present an advantage compared to the income offered on the local informal labour market cumulated with the welfare allowance. (Preoteasa & all, 2009; „For 10 million lei it doesn't worth to go to work; even if I am paid with 500 per day, make a calculation how much I gain in 24 days (...) 12 million for having a decent life, so I am not working for 5 million⁶⁰. I better stay at the corner of the street. “/ „I take the child benefit and I stay at shadow, and if I stay at shadow it doesn't ask for food, and in winter we sacrifice a pig ... we receive also welfare allowance.”/“Even if I stay home, I make 300-400 or 500 thousand. If this programme would tell me: “well, here, go and qualify and next month we send you to an employer”, then I would say „Yes, I go even I lose money because I will gain them after that”. But in these circumstances, when that paper is useless for me, what can I do?” - SOROS/ICCV, 2010).*

The success of the temporary employment is explained by the fact that jobs accessible in such manner are less demanding in terms of qualification level and they ensure access to unemployment allowance. Such an arrangement represents for employer and for employees a risk worth taking.; in time, they can generate the stability of Roma on the labour market and lead to the Roma employment rate increase.

The economy dynamics has its own role with regard to the employment rate, the Roma employment rate sensitiveness to such factor being confirmed by Roma leaders as well as by statistics. The NAELF targeted Roma employment rates doubled between 2001 and 2008 (5.188 compared to 11.090), decreasing again at half in 2011 (5.760 persons). As we have seen, the economic growth activated the involvement at early ages in traditional crafts. All these show that when the labour market is relatively dynamic, „the glass cube” where Roma are due to the distance to majority population cracks; the difficulties of Roma integration on labour market are determined by their early entry on the labour market, by the formal employment background and by the education level in their family (SOROS/ ICCV, 2010).

⁶⁰ Level indicating the minimum national wage

The social exclusion is almost integrally a long term economic exclusion. To this adds the self-marginalization or the feeling of „being marginal” which lead to the abandon of the effort and hope to change the condition. The chronic poverty and the feeling of exclusion generate passive attitudes and the disinterest for the social relations outside the family

4.4. Projects and initiatives for Roma employment rate increase⁶¹

The institutional actors promoting the occupational inclusion were the national and local institutions representing Roma and Roma leaders, the local/county employment agencies, the NGOs acting in the social inclusion and occupational training areas, the mayoralties in the communities where different sectorial or development projects were implemented and also the employers. The co-finance requirement from the local budget or by a public-private partnership imposed by the external financing lines boosted the development of joint programmes of Mayoralties, Social Assistance Directorates, County Employment Agencies, NGOs and private or public economic operators. In the employment area, the partnership especially aimed a better identification of the beneficiaries, the counselling, the mediation and mostly, a more flexible qualification, as local opportune and feasible solutions. Financing the projects from the State budget and from sponsorship was supplemented by financing from international NGOs and bodies (UNICEF, World Bank, UNDP) intended to objectives covering or dedicated to Roma issues, but mostly by financing under Pre-Accession and Post-Accession available Programmes.

The case studies also revealed many independent initiatives of local authorities and NGOs, with positive effects on employment. We will try to present hereinafter, the most representative of them.

4.4.1. Actions of public authorities

After 2001, NAELF, responsible for the implementation of social dialogue and strategies in the employment and professional training area and for the social protection of the unemployed persons, took over in the National Action Plan for Employment (NAPE) or in the National Professional Reorientation Plan, among its operational objectives, targets of the programmatic documents, being established annual employment targets per active measure types and vulnerable groups as well as the crafts aimed in the qualification programmes.

⁶¹ Part of the documentation for this Report, many projects identified on Internet, presented in reports of evaluation or in community studies have been examined. This work does not claim to have read a representative sample of initiatives intended to improve Roma condition. The projects/initiatives mentioned in this Report are among the most notorious ones or among those which raise the interest of the author by their objectives, methodology, target-groups or proposed activities.

The action forms intended to increase especially the employment managed by the local NAELF structures *are providing free of charge job mediation services and professional information, counseling and orientation services* (through the 8 Regional Professional Training Centers for Adults - RPTCA) as well as *professional qualification services, the stimulation of the re-employment by granting some allowances to the unemployed persons who find jobs before the expiry of their unemployment allowance, granting of bonus for supporting the labour force mobility, granting subsidies to the employers who hire persons belonging to the disadvantaged categories, providing personalized assistance for the youngsters under social marginalization risk by concluding solidarity agreements, including by granting subsidies to the employers who hire them.*

The annual targets for Roma employment decreased to half during the crisis of the last years: 5760 persons in 2011 compared to 11090 persons in 2008, representing 2.8%, respectively 1.8% of the total annual employment target. The annual employment target in 2011 represented 16% of the Roma population proposed to be included in the active measure plans of the year. The Agency has designed dedicated programs in order to reach the objective of increase Roma employment; it is the case of Programme 150, respectively Programme 145 in the last two years, similar with the Programme 155 or the Programme 40, aiming to increase employment in rural and urban zones characterized by a high long term unemployment rate. The programme intended to Roma targets the localities with high weight of Roma population (NAPE 2008, 2010, 2011).

The qualification training programmes offered by RPTCA are classified on 3 categories, according to the minimum education level necessary for eligibility and their length. The programmes of level 1 last 45 days and to follow them, the candidates must be graduates of the middle education cycle. The programmes of this level have been the most required, „most of the applicants being really Roma and, in many cases, not meeting the eligibility criteria” (Manager of RPTCA - SOROS/ICCV, 2010). To facilitate the access of the applicants to professional qualification training, the requirement concerning the necessary education level was suspended.

Serving the desiderate of flexible access to labour market, three of the RPTCA provide also professional skills evaluation services for the skills obtained by non-formal or informal methods, based on which qualification certificates recognized at national level can be obtained. To the same purpose, NAELF distinctly monitors the employment on limited period (even for less than 6 months), which, in case of Roma and of the long-term unemployment, has the advantage to bring to the formality some seasonal activities, and act in the favour of the reduction of the social gap between Roma and the majority population, of the accommodation with a stable working schedule and of keeping contact with the labour market. The recent law regulating the day-work activity (2011) can also fall under these purposes; formulated rather as an answer to the need to increase the incomes to the budget, this law aims to formalize the seasonal work relations by registering

them based on records and not on an employment agreement, the resulted incomes being subject of the income tax and not of social contribution duties too.

Among the programmes developed by NAELF at national level, there are two initiatives of a Roma NGO: **Jobs' Fair for the Roma** (2001) and **Employment Caravan for the Roma** (2005). The Fair put in direct contact the potential employers with the available labour force, while the Caravan goes in the middle of the community to inform its members on the services dedicated to citizens and to find out on spot, the barriers Roma face with, when seeking for a job. *During the first two years of existence, the Caravan visited 850, respectively 989 communities and more than 25,000 Roma participated annually to this event, of which 12,000 represented new entries in the database and 6,500 were employed, of which 1,500 women* (JIM Progress Report).

Besides these larger projects, *the local structures of NAELF developed individual initiatives, too*, among which the „**Opened Gates**” events intended to contribute putting together local public authorities, Roma organizations, employers, mass media and vulnerable groups. The year of such type events seems to be 2008, but the only one (identified) such initiative expressly intended to Roma was developed in 2011 in Covasna county; with this occasion, *besides counseling and mediation services, a job-club was organized where the employers' expectations and requirements, the specific of the local labour market and techniques for seeking for a job have been presented* (CLFEA (County Labour Force Employment Agency website).

According to the regular NAELF reports, during the first 11 months of 2011, the Roma employment target was 91% reached, while the target of the dedicated programme (Programme 145 intended to communities with high Roma weight) was slightly exceeded.

NAELF structures were involved in few inter-partnership projects expressly dedicated to Roma, under SOP HRD. Instead, the Agency involved in projects dedicated to employment for vulnerable groups (not only Roma) or to strengthen the institutional and administrative capacity to meet the labour market requirements. The later has been of an increasing interest during the last years.

Among the most recent projects enjoying NAELF involvement, the „**PSIC – Professional and Social Inclusion Centre**”, launched in 2011, aims the inclusion of vulnerable groups as well as the strengthen of the institutional capacity of the local administration by the involvement of all relevant local actors in controlling the social marginalization. *In the present, the project is in stage of pilot-project in 6 counties from 4 development regions* and among its beneficiaries there are vulnerable groups, along with managers, personnel of local public authorities, members of the organizations of the civil society, social and employment services providers.

In this context, as representative institution, NAR was involved in the implementation of complex initiatives promoting the occupational inclusion throughout projects with large coverage (with minimum one PIU per each of the

eight development regions), as partnerships with the international and national, central and local authorities and with NGOs. Such initiatives, concretized in projects extending on 2-3 years, aimed:

- To develop the local experts network;
- To increase the education level by actions preventing the school dropout;
- To support the „2nd chance” type of education, to promote the „longlife learning” type of education;
- To increase employment by attracting Roma in complex personal and professional counseling programmes within 8 Social-Occupational Centers (by following the pattern of the Spanish Acceder Programme), to support the initiatives addressing the social economy, the entrepreneurial training development, the entrepreneurial initiative development, the public-private partnership development, the development of social services intended to keeping employment.

Initiated by some NGOs, in 1999-2000, as action dedicated to education, the „**Second chance**” Programme was subsequently adjusted, being promoted by different projects and programmes and becoming of major interest for the occupational inclusion of Roma (details on this project are presented in chapter 3). Initially (in 2006), the project aimed to correct the school dropout for those who can not resume the mass education programs (primary and middle cycles) in 27 counties, subsequently associating to the middle education cycle section a component of professional training, too. The syllabus aimed to transmit basic and practical knowledge during 4 years of studies and based on a schedule adapted to the professional and familial requirements of the beneficiaries. The Programme Monitoring Report (Copoeru & all, 2007) indicated *a good perception on the programme among the beneficiaries as well as among the professorial staff and the local public authorities and the fact that, despite the programme is not expressly intended to Roma, more than 2/3 of the trainees were Roma (68.4%)*.

The reasons for the low school attending level have also been identified in this project: the children absence because of their involvement in occasional works, along with their parents or because of their parents’ semi-nomad lifestyle („they are traveling across the country to make a living”), the adults’ absence because of their semi-nomad lifestyle or because of their work in the after-noon shift or because of the cultural restrictions („my husband/my mother-in-law does not allow me”), the absence of both children and adults because of the precarious social-economic condition of their families or because of their tasks in their households limiting their school participation/performance as well as the absence due to the programme length considered too long by the beneficiaries. The participants to this programme indicated pragmatic causes of their interest for the courses: the opportunity for them to have a driving license („in our community, if you don’t have car and driving license, you don’t have what to eat. We are traders.”), the opportunity to be able to deal with documents necessary for their businesses, to be informed (on their rights, on job offers, on TV programs), the

opportunity to be able to sign acts, to take allowance, to prepare in view of their leaving to Spain. To these arguments justifying their interest for the programme, the trainees claimed also the professional motivation (access on the labour market, obtaining a better job or keeping the existing job) but at the same time, their need to help and motivate their children to go to school or their shame before their own children, caused by their illiteracy.

4.4.2. NGOs initiatives and projects

After the launch of the Strategy in 2001, valorizing the legislative opening at national level for partnerships with the public administration bodies and complying with the international and national programmatic action lines intended to support Roma, *the NGOs became more and more active in this area, passing from singular and unidirectional initiatives (ensuring identity documents, professional training, school attending for Roma minors) to cross-sectorial, cross-border or regional initiatives (in health, education, employment, community development areas) intended to lead to the life quality improvement in Roma communities.*

Unlike the case of NAELE, where the most extended active employment measure is the work mediation, the *mostly developed active employment measure by NGOs (having tens of thousands of beneficiaries) is the occupational information and counseling; probably every NGO project on employment, social inclusion or community development is including the above mentioned action as component. The occupational counseling completes the information on procedures and strategies for seeking a job and presenting on the labour market.* The occupational counselling was based, in most of the cases, on testing the members of the target-group to evaluate their professional skills and abilities, which helped also the identification of the necessary professional training action lines.

The NGO intervention consisted of the effective support granted to Roma in view of their presentation to a workplace (preparation of attire, accommodation with a proper hygiene, a stable work schedule and accountability).

Among such projects (as identified), a step forward made the CRCR Foundation, by projects as **„Supporting the development of Roma communities in North-West and Center Development Regions”**, implemented in partnership with NAELE/RPTCA Cluj and Brasov, respectively, **„Competitive Roma youngsters, with equal opportunities on the labour force market”**, aiming to hire 12 and then 14 employment agents/counsellors in same manner as in case of sanitary and education mediators. Their role is to identify the beneficiaries, to develop professional counselling and guidance activities, to organize and monitor the professional training and conversion programmes, to ensure the contact with other competent authorities in the area, in the county communities covered by

the project, by cyclic visits. In such manner was targeted to obtain an answer highly adapted to the local labour demand and offer.

A second action line of the NGOs, in terms of frequency, was to offer to Roma, different qualifications as mason, painter, plumber, cook-waiter, confectioner-pastry cook, baker, bartender, butcher, tailor, barber, manicurist, shoemaker, whitesmith, engine mechanic, auto-painter, electro-mechanic, computer operator, as well as different knowledge on English language, use of electronic cash registers, business management, by professional and entrepreneurial training programmes.

As frequency, it follows the *action of work mediation, much less extended due to the lack of infrastructure and authority generally recognized of NGOs in this area*. The mediation at small scale was always punctually exercised but, as consequence of the partnership relation development within various projects, in time, this action began to organize following the creation of the databases of participants to these projects and the organization of small local jobs' fairs.

A special mediation case is represented by the **Social and Professional Inclusion Centre for Roma**, a model developed during the last years by the Agency „Together”, aiming the employment rate increase not only by a qualification properly meeting the labour demand, but also by a qualification properly meeting the employer's expectations concerning the attire, the presence or the attitude at the workplace. *Such an approach offers greater value to some isolated actions until now, associated rather with the information and counselling on employment.*

The action to support the activities generating incomes and community development is found in NGOs projects in a similar weight. Most of such initiatives aimed to involve Roma in the process of modernizing the access infrastructure and some buildings of interest for the community (school, draw well, bus station in the commune) or of private interest (homes of the poorest families). *Such involvement of Roma consisted of their direct work in the building process or their contribution to the building process, by making bricks or slabs, by the iron processing works performed by them, etc.* (details on successful projects are presented in chapter 3).

Consultancy dedicated to entrepreneurial initiative, granting micro-loans, ensuring the support for the entrepreneurial business were action lines less frequent in the projects launched by NGOs, although they are more and more frequent in the last years, once the projects promoting the social economy have been launched. *They appear on a entrepreneurial nucleon already existing (flower sellers, traders, agro-zoo-culture, traditional crafts), the external support serving to the consolidation of the initiative in area where it is vulnerable.* Supporting the entrepreneurship implies support for learning a specific economic behaviour (procedures, acts, VAT, electronic cash registers).

Roma Inclusion in Romania: Policies, Institutions and Examples

Units of social economy type and the business consultancy are methods to efficiently promote, in economic terms, the specific of the traditional Roma crafts (bricks manufacturing, knitted baskets manufacturing, repair workshops) which can be entrepreneurial businesses specific for Roma. Stimulating such businesses implies at least support for obtaining the necessary authorizations based on which Roma can legally trade the products obtained from their traditional crafts. A step forward is represented by the **Romano Cher – Roma House project** *aiming the development of the skills intended to promote traditional Roma crafts as businesses and the creation of product brand and market niche for such brand rather than the development of the skills necessary to practice such traditional crafts.*

Probably the less frequent active action line **was that aiming to grant small land lots to Roma together with the right to use them or the ownership right over them**, because such actions exceed the NGO area of competence. However, after 1990, there were projects which elaborated also in this area, a consistent acting pattern that convinced the local authorities on the recommendable nature of such action. *But, generally, this initiative achieved the less success because Roma sold immediately the land lots received under such projects (Preoteasa & all, 2009) or not exploiting them according to the expectations.*

Chapter 5. Roma migration and mobility on European labour market – between realities and myths

The phenomenon of migration and its economic and social implications are research subject matters with a long and controversial history and which continues to represent interest for more and more complex studies. The motivation resides in the fact that classical approach of social research to migration and its effects does not provide a solid basis for a practical approach of these because it is unanimously recognized that this phenomenon has repercussions on almost all aspects of social life.

The need to rethink classical approaches to migration theories in terms of public policies as well, is generated by the relatively recent socio-economical and political changes. Here are a few of the arguments underlining this need:

- the number of migrant persons has increased, regardless of the type of the migration ;
- the types of migration have diversified at the same time with the change of the migration dynamics, which become more heterogeneous from multiple points of view (time, social categories, destinations, etc.);
- mass-media focus on this phenomenon has increased;
- the social and political consequences of migration have intensified both in the destination and origin countries;
- the institutionalized management of migration does not reflect current social changes and necessities.

These arguments are no doubt viable also when we speak about the migration of the Romanian Roma in case of which the main pushing-factors are poverty, precarious living conditions and severe exclusion. In the last years – especially after Romania's accession to the European Union – the phenomenon of migration received more public attention not only from mass-media, but also from governments, international and national institutions and researchers. The main messages reflected by recent approaches converge on the need of joint and balanced efforts to ensure European citizens' rights and the way Member States are trying to apply concrete migration policies in order to protect their own citizens (i.e. process of negotiation between various institutions with regard to assurance of full rights to free movement of all European citizens in relation to more rigorous regulations on the right to reside and access labour market in the host country).

5.1. Dynamics of migration in Romanian context

Studies on migration in Romania's context and, implicitly, in the context of Roma migration, identify at least four periods after year 1989, reflecting not only the way the phenomenon of migration has evolved but also the way Romanian society has approached this issue (Baldwin-Edwards 2005, Diminescu 2003, Sandu et al 2004, Sandu 2006). These periods are:

- 1990 - 1993 – this period of time is characterized by an intense wave of permanent migration of persons of German and Hungarian ethnicity and, to a smaller extent, of Romanians – or persons of another ethnicity – for whom the political and economic insecurity of the first stages of transition has represented a push-factor; (Diminescu 2003).
- 1994 - 1996 – during this period, the economic migration was still insignificant (for instance, towards the countries of Former Yugoslavia, Poland, Turkey, Hungary), but ethnic migration, combined with political asylum applications, was still strong, by inertia;
- the period between 1996 - 2001 was more complex. Permanent migration to the United States of America and Canada has intensified by comparison with that to the European Union (OECD 2001). The image of this period is more complex because, after 1999, circular migration has increased in the European Union (Sandu et al 2000) while, at the same time, Romania has signed bilateral agreements with Germany, Italy, Spain and Portugal (Diminescu 2004, Barbib 2004).

Throughout these years, not just the age structure and educational characteristics of migrants has changed but also the way individuals have used various resources in the migration process. Social networks and information received from persons with experience in various forms of migration started to become more important (Olteanu 2007).

After 2002, circular migration intensified due to the elimination of visas in Schengen Area for Romanian citizens (IOM 2005) and, thus, migration costs have decreased significantly, the intensity of this type of migration remaining unchanged after the accession to EU (Anghel 2008). In parallel with the increase of circular migration – but also as consequence of this process – the level of permanent migration has decreased (Sandu et al 2004).

These phases are also valid with regard to Roma migration. As such, in the first half of the 90, Roma migration was characterized mainly by the high number of asylum applications, especially in Germany and France. But, after this period, the perception of migration and the public speech has suddenly changed and, more and more often, terms like „wave(s) of Romani migration” (Sobotka 2003) and „exodus” or „invasion” (Olmazu 2006, Clark – Campbell 2000) appeared. The way the institutions in the destination countries perceived Romanians migration and, especially, the migration of Roma from Romania, is reflected mainly by the way the legal regulations on the right to reside have changed during these years in these countries, as well as by the dynamics of change in the Romanian legislation, as illustrated in the following chapters.

5.2. National policies – legal framework in Romania

With regard to the migration of Roma from Romania, one of the main moments was marked in 1993 at the European Commission meeting where the Copenhagen Criteria was enacted, specifying the compliance with the rights of national minorities as one of the conditions for accession to the European Union. This moment was important for Romania under two aspects: on one hand, the legal framework for minorities' rights protection was developed and a series of specific policies and programmes were developed and implemented while, on the other hand, the late effects of social-economic integration programmes targeting Roma have endangered the negotiations and the moment of Romania's accession to EU.

The Framework Convention for the Protection of National Minorities was signed and ratified by Romania in 1995 and it entered into force in 1998. During this period, Romania was criticized by the European Commission with regard to the way this country regulates the policies for migration and free movement of its citizens so, the Romanian authorities had to take severe actions to stop illegal migration, right before accession. The Romanian Government interventions were focused on two directions: the first was focused on harmonizing the national legislation to the community *acquis* and the second direction was to implement social inclusion programmes for Roma communities. (Strategy of the Government of Romania for Improving the Condition of the Roma, Roma Decade – see Chapter 2 of this Report).

However, in another report of the European Commission, drafted in 2002, deficiencies in the implementation of these new regulations were identified.

Another significant moment regarding the migration of Roma from Romania is represented by the visa elimination process – finalized on 1st of January 2002 – as of this date, Romanian citizens had the right to travel freely in the Schengen area, without visa related limitations but provided that⁶²: each citizen traveling abroad had to have healthcare insurance valid for the period of stay, a round-trip ticket and a minimum amount in the relevant currency. In case these requirements were not complied with, the person in question could have been denied crossing the border.⁶³ Of course there were exceptions to these provisions, applicable to persons traveling for medical treatment, attending to scientific and cultural-sportive meetings or for other justified reasons.⁶⁴

⁶² Provided for by the Emergency Ordinance GEO no. 144/2001

⁶³ The power of these actions was not similar to that of the visas although, right after these rules were introduced, about 1 million Romanian citizens were turned back at the border because they were unable to submit all the documents required to travel.

⁶⁴ Other exceptions: minors under the age of 14, minors under the age of 18 traveling to their parents or relatives, persons leaving for work on a legal basis, Romanian citizens traveling to the neighboring countries based on small-scale cross-border traffic permit or simplified border crossing.

Subsequently, this ordinance was modified several times by Law no. 177/2002⁶⁵, Law no. 580/2002⁶⁶ and in 2005 by the Government Ordinance no. 28/2005 which provided that, in addition to the above mentioned supporting documents, the person in question had to prove by documents the purpose and conditions of the planned stay (these supporting documents could have been invitations, prove of accommodation, etc.). In the same year, Law no. 248/2005 is enacted, abrogating the regulations on imposing certain limitations upon exiting the country. As such, these regulations were no longer applicable as of Romania's accession date. Before the accession date, another Ordinance (GEO no. 29/2006) was enacted to reduce the severity of the requirements imposed in the previous year, due to the fact that: „ ... currently, illegal migration of Romanian citizens no longer constitutes, as was the case in the previous years, one of the main reproaches made to Romania by the European Union Member States ...” (Preamble of GEO no. 29/2006).

These successive regulations were a way of regulating and controlling the exits from the country – and, although, their success can be questioned, the relevant legal framework existed. To complete these regulations and to mitigate non-compliance, a series of orders were issued with regard to applying sanctions to the persons who violated the border crossing provisions and who were sent back to their country. Some of these regulations related to the persons expelled for illegal residence/work, including practicing beggary abroad. Thus, it was possible to sanction the citizens sent back to the country of origin, because they exceeded the periods of stay in the countries they travelled to, by limiting their right to free movement.

After Romania's accession to EU, in 2007, a series of old member states (EU-15) decided to sign bilateral agreements with Romania because they did not trust completely in the way Romanian authorities were able to intervene in the migration management after accession. For instance, such agreements regulated the seasonal labour force migration to Germany (1990, 1993, 1999), Spain (2002), Portugal (2001), Switzerland (1999), Luxemburg (2001) and Hungary (2000) (OECD 2004).

At the same time with the development of the institutional framework and bilateral agreements, another phenomenon occurred: some private institutions (labour force employment operators⁶⁷) took on the state's role of recruiting labour force abroad. But it is not possible to estimate the size of this system's effects because there is a lack of official data – however, the results of a study conducted within foreign Embassies in Romania (Diminescu et al. 2004) *show that, for instance, in 2003 a total of 30,000 persons were recruited for various jobs abroad, most of them in Italy*. Certainly, such data must be interpreted with care because they represent just the estimation of a situation at a given moment in time and related to a certain phenomenon: the number of recruitments for various jobs abroad, recorded by the embassies.

⁶⁵ When the Romanian authorities realized that the requirement of having a valid healthcare insurance is not justified in the case of the countries with which Romania had bilateral agreements in the field of healthcare (like Hungary, for instance).

⁶⁶ The modification is minor and relates only to the categories of persons exempted from the established requirements (Law no. 580/2002).

⁶⁷ The activity of labor force employment operators is regulated by Law no. 156/2000, GO no. 43/2002, GD no. 384/2001, GD no. 850/2002.

If we are to compare this number with the number of persons who left Romania based on a legal employment contract, this last value is significantly smaller than the number of persons that applied for the certification of their status in the destination countries while in turn, this number is below the data describing the illegal migration (because it is very likely that the persons, wishing to certify their status in the destination countries, left the origin country illegally and not all of them will be able to enter in legality).

Illegal migration has led to a new debate which criticized Romania for not giving enough attention to the protection of its own citizens living in the European area. Thus, in 2004 the Government decided to establish a new institution within the Ministry of Labour and Social Protection (Sandu et al. 2004), through which they tried to raise the population awareness regarding the dangers of illegal migration. What unsettled even more the destination countries was the large number of Roma migrants coming from Romania and these fears lead to new restrictions imposed on the background of the country exiting requirements relaxation, started when the accession terms were complied with. These new restrictive actions have lead to classifications like „Fortress Europe” which suggested that the European area is becoming more and more closed and defensive, being harder to acquire a legal status in the destination country (Fassman-Münz 1994). *This is how the double criteria for Romania’s accession were imposed: first, improving the conditions of Roma population in Romania and second, the request of keeping its citizens within its borders.*

5.2.1. „Fortress Europe”⁶⁸ versus the European Union

In light of the above mentioned aspects, it is not difficult to see the differences between EU Member States, namely, the „Fortress Europe” type of approach and the „open gates” type of approach.

Generally, the European Union does not establish rules on migration, each European citizen having the fundamental right to leave his country⁶⁹, nor on the return migration – a fundamental right, too. Article 6 of the Directive on free movement enables each European Union citizen to travel freely in the EU and grants the right to unconditional stay for 3 months, the only requirement being that the person in question is the holder of a valid identity document. Article 7 establishes the requirements for the citizens wishing to spend more than three months in the EU Member States.⁷⁰

⁶⁸ „Fortress Europe”, wording used by Munz, is a deprecatory term used to describe the European Union immigration policy. The activist musicians also use this term, for instance Asian Dub Foundation in heir song titled Fortress Europe.

⁶⁹ Maastricht Treaty 1992 (Article 18) was reasserted by Art. 45 of the Charter of Fundamental Rights. The Directive on free movement is seeking to make migration more accessible. Directive 2004/38/EC – „Directive on free movement”. This directive is not an absolute one. It relates to the requirement that the migrant citizen has to be economically active in the destination country, while those left for studies or the economically inactive ones has to have sufficient resources to support them selves and their families without being a burden for the social protection system in the destination country. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF> (6 November 2011)

⁷⁰ To be employed or self-employed, to have sufficient resources and healthcare insurance, to got o study with sufficient resources or to be member of a family already settled in the destination country.

But what was emphasized by the European *Acquis* relates to the limitation of illegal migration (Dublin Convention II) and to the requirements for prolonged stay in the European area (residence above five years). Yet, European policies were not focused on the complex issues of immigration, i.e. on the relation between the labour market participation and economic growth. However, there are studies which show that some countries – both origin and destination countries – have to face social phenomenon generated by migration, like: the aging of their population, difference between labour market demand and supply, general demographic changes, social protection system. As such, some of the European Union Member States – especially the destination countries – are working on securing the immigration, determining governmental practices many time criticized for the way they treat the immigrants who exercise the right to free movement. These regulations and policies differ from one country to the other, some being more relaxed and other more restrictive, largely depending on the way the society (and the economy) of the destination country relates to foreigners who want to stay in the said country for a longer period of time.

*Criticized was the fact that none of the countries which assumed the Directive's recommendations regarding EU citizens free movement implemented them correctly, this being mentioned in the European Commission Report, also*⁷¹.

One of the mentioned difficulties relates to the method of persons' registration in each country: for instance, in Spain it was enough to submit an ID document, without other documents or an amount of money. Other countries requested evidence of enough financial resources in order to grant access to residence (FRA 2009). Another area where the Member States have applied differently the Directive was the interpretation of „sufficient resources” wording

Box 7

Restrictions on the access to labour market

EU8: Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, republic of Malta, Poland, Slovenia, Slovakia
EU2: – Bulgaria, Romania
Finland – EU8 free access (as of 1 May 2006), EU2 free access as of 1 January 2007
France – EU8 free access as of 1 July 2008, EU2 restrictions
Italy – EU8 free access as of 27 July 2006, EU2 restrictions
Spain – EU8 free access as of 1 May 2006, EU2 - free access as of 1 January 2009
Great Britain – EU8 free access as of 1 May 2004, but with the mention of mandatory registration with the Employee Register, EU2 free access only as self-employed or work permit.

Source: according to FRA Report, European Commission)

In 2012, nine countries extended the restrictions on labor market access until the end of year 2013: Austria, Belgium, Germany, Netherlands, Luxemburg, Republic of Malta, France, Great Britain, Ireland, Italy lifted the labor market restrictions as of January 2012. (www.euractiv.ro). In Spain, restrictions are still in force until the end of 2012.

Source: <http://ec.europa.eu/social/main.jsp?catId=508&langId=ro> of 5 January 2012

⁷¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2009-0186+0+DOC+PDF+V0//EN>, pg. 5, accessed on 6 November 2011

(i.e. Italy and Finland).⁷² The European Commission – facing these differences in interpretation and implementation of the Directive - published some guidelines for a better implementation of Directive no 2004/38/EC on the right of European citizens and their family members to move and reside freely within the territory of the Member States.⁷³

We can ask ourselves what was the cause for such parallel initiatives with the European regulations? One possible cause could be the accommodation strategies of the migrants to the diversification of the rules: migrants started to „clean” their passport, thus circular migration has intensified. The fact that individuals had the right to stay abroad for three months did not change the legality of the stay; in fact it contributed to deepening the circular migration phenomenon. As such, certain coercive measures were reintroduced in the Schengen area for Romanian citizens. For instance, by these coercive measures Italy was hoping to limit illegal migration and, in addition, to legalize the status of the immigrants already working in Italy (regularization) and to integrate informal economy in the formal one by providing a stronger control to the local authorities. By these actions, the number of Romanian citizens who worked legally in Italy has increased to 556,000 persons until Romania’s accession date.⁷⁴ Not only EU Member States and Schengen area states have implemented actions with the purpose of slowing down the migration wave. Romania too was asked, directly or indirectly, to implement such legal actions.

For instance, in 2004 France’s Ministry of Internal Affairs and the Government of Romania signed an agreement on the return and reintegration of Roma migrants. In 2008, another agreement is signed by ANAEM (France) and Romania with regard to repatriation of illegal migrants from France, most of them being of Roma ethnicity.⁷⁵

Between 2007 and 2009, some European countries (see Box 7) – imposed a moratorium closing their labour markets for the citizens of Romania (and Bulgaria etc.). After 2009, Spain revoked this moratorium and restored the right to free movement for Romanian citizens. Before this date, Romanians were entitled to

⁷² FRA 2009, pg. 37 and European Commission (2008) Report from the Commission to the European Parliament and the Council on the application of Directive 2004-38-EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the member States Brussels, COM (2008) 840-3, pg. 6

⁷³ <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1077&format=HTML&aged=0&langua>, accessed on 20 January 2012

⁷⁴ Culic, 2008, pg. 156

⁷⁵ ANAEM is a governmental organization from France, established in 2005, with powers in regulating the illegal and irregular immigrant labor force. In the case of Romania, the agreement includes also a plan for repatriates integration in the origin society, to which various organizations are participating, like Generația Tânără România (Romania Young Generation). For more information on the programme go to the webpage: <http://www.generatietanara.ro/program-pentru-rromi/>. These types of programmes have been financed by IOM through the volunteer return programme. IOM provides financial support to persons, irregular migrants who want to return, voluntarily, to their origin country. This programme is implemented in partnership with the Government of Romania based on a Memorandum which entered into force in 2006. Other financing institutions: PHARE, UNDP, World Bank. It must be said that there volunteer repatriation agreements are different from the readmission agreements signed by Romania, which are Decisions or Laws. For instance, Decision no 278 of 16 June 1994 approves the agreement between the Government of Romania and the Government of French Republic with regard to the readmission of illegal status persons.

minimum three months of stay in Spain. Not all countries operated these changes (for instance, Germany or Republic of Malta), most keeping unconditioned the three months period and subsequently – in the absence of prove of job based on valid employment contract or of student status – the persons in question had to leave the country.

5.3. National institutions involved in the management of migration from Romania

Before Romania's accession to the European Union, Romania practically had no institutions to manage systematically the migration and the migration related phenomenon because these were not so visible and the effects of ethnic migration and asylum applications were not felt locally. There were pressures from European supranational institutions for Romania to manage the issues of national minorities' rights but, when the borders were opened and the emigration phenomenon started to vary, the assembly of issues diversified too, and the need to establish institutional framework for the management of migration increased.

Thus, in 2001 the Office for Labour Force Migration (OLFM) and the National Agency for Labour Force Employment were established by the Government Decision no. 1320/2001.⁷⁶ From the perspective of this report it is not important to go through all the legal changes related to this institution but only to mention that these changes have been frequent and the attributions of this Office have been gradually enhanced.

In 2002, by GD no 823/2002, the Information and Documentation Centre for Migrant Workers (IDCMW) is established within the Office in order to inform the Romanian workers from abroad. These institutions joined a pretty large number of private operators involved in the labour force mediation abroad, already existing on the Romanian labour market which, in 2001 when OLFM was established, were organized as the Syndicate of Economic Operators Certified for Labour Force Employment and Placement „Acord”.

Romanian institutions involved in the management of migration process can be divided into two major categories: *formal institutions* (the state, NGOs and the private sector, institutions like the above mentioned ones) and *informal institutions* (various social and kinship networks whose resources can be used in the circular migration process).⁷⁷

⁷⁶ Before OLFM establishment, the Ministry of Foreign Affaires and the Ministry of Labor and Social Protection were coordinating the activities in the field of labor force employment abroad.

⁷⁷ Sandu et al., 2004, pg.10-11

All these rapid processes, described above – the change of legislation, respectively, the establishment and winding up of institutions for the national and international level coordination and monitoring of migration are generated by two well defined circumstances: continuation of the policies developed in the previous years (situation seen, especially, in the country of origin) and quick responses to current pressures (the international pressure in the case of Romania, respectively the pressure of migration change seen in the 90 in the destination countries).⁷⁸

5.4. Migration – complexity of the reality faced by the research on Roma migration

Some studies are underlining the fact that it is difficult to apply the traditionally used bi-categorical definitions when approaching the migration in Romania – and also in the case of other countries – in reality, this phenomenon being much more complex (Anghel – Horváth 2009). Altogether, using these terms largely depends on the context of speaking about migration. For a better understanding of this phenomenon we shall try to present it from a conceptual perspective.

We may talk about permanent migration in terms of residence, where the permanent domicile of the person in question has changed definitively or about temporary migration when the domicile has changed only temporarily. At the same time, temporary migration can be circular too. In turn, this type of migration can be legal temporary migration if it occurred pursuant to bilateral agreements signed by the relevant countries and if the person in question is registered in the official records. In the case of legal migration – generally speaking, and not just in the case of temporary migration – we can talk about the legal status of migrants, which is described by legal provisions on leaving the country (passports, visas, etc.) and by different aspects of integration in the destination societies (residence, legal entry of foreigners on the labour force market, etc.). Legal migrants are the migrants accepted by the destination countries or the migrants received by these countries based on international treaties and on compliance with human rights and free movement rights (programmes for attracting the labour force, bilateral agreements, etc.).

Migration can be illegal if the person in question is not legally-administrative registered and does not comply with the legal regulations of the countries involved. In such cases, the administrative control can not be applied because migration occurred in the private area and the destination and origin countries do not possess means of adequately registering the migrants. We must mention that this situation can be, subsequently, rectified or legalized in the destination country.

⁷⁸ Sobotka, 2003, pg. 83

We can say that circular migration is an extremely dynamic phenomenon which, implicitly, determines statistical data and their analysis, too. As such, it is more important to analyse the way circular migration takes place, which can lead to more relevant conclusions regarding the social processes generated by this phenomenon as opposed to analyzing certain statistical data regarding the exact number of migrants.

Although the lack of relevant statistical data regarding migration is unanimously recognized, there are expectations from various institutions and EU Member States for Romania to keep under control the emigration of Roma which, most of times, is characterized by the mass media as „illegal emigration and in large waves”. This kind of statements has no documented statistical support. Most data (in the country and from abroad) about the number of Roma from Romania present in the EU states is based on exaggerations or assessments without empirical basis.

For instance, an analysis of the national Romanian press, conducted in the first half of year 2006 by the Agency for Press Monitoring (that is before accession and before the fear of Roma migration become the focus), shows that the most publicized minority was the Roma minority and, compared with other minorities, this information was presented in a negative tone, stereotype like or without being justified to mention the ethnonym in the relevant subject. Thus, in most of the analysed press articles, Roma ethnicity was associated with the „criminality”⁷⁹ phenomena.

In 2009, within S.P.E.R. programme, another Romanian press monitoring programme was conducted with regard to the image of Roma from Romania.⁸⁰ The conclusions of this report also show that TV news as well as the written press presented the criminality and migration as main themes associated with Roma ethnicity, the attitude of journalists being a negative one⁸¹. In March of 2009, Jurnalul Național newspaper initiated a campaign titled „Gypsy instead of Roma”, which generated many press articles where the journalists argued why it is necessary to differentiate between Roma ethnicity and the majority population.⁸²

An extensive public debate followed – even a legislative debate – regarding the official denomination of this ethnic group. In 2010, at the request of the Romanian Government, the Romanian Academy recommends the official use of the term of “Gypsy”. This stand was followed by a series of protests of Roma organizations and associations, as well as by an extensive public debate. Pursuant to a complaint of the Agency for Community Development “Împreună” submitted to the National Council for Combating Discrimination, who decided in favor of the claimant, the Romanian Academy revised its position, assuming the obligation to issue an errata

⁷⁹ Minorities’ image in the local and national written press. Analysis on the mass-media, August 2006. Press Monitoring Agency, 2006. http://www.activewatch.ro/uploads/Publicatii_DAD/Finale/Imaginea%20minoritatilor%20in%20presa%20scrisa%20nationala%20si%20locala.pdf

⁸⁰ Roma ethnicity image in the written press and TV news. Report of analysis on mass-media – December 2008 – May 2009, S.P.E.R., June 2009

⁸¹ Minorities’ image in the local and national written press. Analysis on the mass-media, August 2006. Press Monitoring Agency, 2006.

⁸² Minorities’ image in the local and national written press. Analysis on the mass-media, August 2006. Press Monitoring Agency, 2006.

and to mention the discriminating nature of this term in the following editions of the Romanian Language Explanatory Dictionary.⁸³

Several studies regarding the way the Italian press is treating the issue of Romanian citizens migration – including Roma migration – shows that, after Romania's accession to EU, the number of press articles depicting a negative image of migrants, especially of Roma migrants, has increased, emphasizing the fact that the number of the migrants has disturbingly grew. At the same time, the results of a survey show that 60% of respondents are feeling personally threatened by the presence of Roma and 68% consider that Roma camps should be demolished (Uccellini 2010, FRA 2008, Sigona 2008). In Spain too, Roma migrants are depicted as “the number one enemy”. (Lopez 2011).

With regard to Roma migration, we can conclude that there are certain specific aspects, namely:

- the size of the population we are dealing with is unknown;
- the number of persons involved in various forms of unofficial migration is unknown (all forms of migration, except the permanent ones);
- from the perspective of Romania, uncontrolled migration of population is not necessarily a negative aspect (relaxing the social protection system, reducing the pressure on the labour force market or increasing the cash flow as remittances).

The sociologic research, conducted within EU-Inclusive project⁸⁴ to analyse, inter alia, the migration of Roma, states, in a documented way, that „*Counterweighting the scaremonger discourse of the international mass media, the chapter reveals the relatively low weight of this phenomenon within the Roma minority: over 75% of the population did not travel abroad and the migration process is rather characterized by frequent departures abroad and come-backs in the country than by long stays abroad. The intention of Roma population of leaving abroad, although increasingly, is doubled by their conviction that they will not successfully succeed to start such migration process due to their precarious financial conditions.*”.

Labour force migration is difficult to capture and very difficult to quantify despite the fact that, in the last years, it proved to be the most significant component of the migration occurrence.

Statistical data of the institutions involved in the management of labour force migration show only migrants who change their permanent residence and and the number of persons covered by the legal provisions of bilateral agreements signed by various states.

Another problem in approaching Roma migration relies in the reluctance towards collecting ethnic data (Patrick Simon 2007), which makes it difficult to obtain relevant statistical data. Despite these statistical difficulties, certain trends can be captured even in the absence of relevant statistics.

⁸³ Scientific workshop and round table regarding the use of Roma term versus the gypsy term, ISPMN, 18.01.2010, http://www.ispmn.gov.ro/uploads/sinteza_ISPMN_ian18.pdf

⁸⁴ Daniela Tarnovschi (coord.), 2012, EU INCLUSIVE –data transfer and exchange of good practices regarding the inclusion of Roma population between Romania, Bulgaria, Italy and Spain, Roma Status in Romania, 2011. Between social inclusion and migration. Country Report - Romania, Soros Foundation, Romania

A report of Claude Cahn and Elspeth Guild on the recent Roma migration in EU, *estimates that the highest percentages of Roma migrants were not reported by the countries where "Roma migration wave" generated high tensions, but Austria, Germany, Italy and the Czech Republic – namely, the largest communities of Roma coming from another country are living in these states (Cahn - Guild 2008). This exaggerated number in public perception is due to the mass-media representations. Claude Cahn argues that the percentage of Roma in these countries has not changed significantly.* For instance, according to the data of this report, in France, the percentage of Roma persons represent about 0.64% and in Great Britain of 0.40%. But Sobotka considers that regardless of the destination country, the term of „waves of Romani migration” must be redefined so we may understand the phenomenon of Roma migration itself (Sobotka 2003).

According to a survey conducted by the International Organization for Migration (IOM) on the circular migration, 15% of adult population in Romania has worked abroad as of 1990, and 10% is still abroad. 9% of the households reported that, at least, one family member is still abroad (IOM 2005). 53% of those who worked abroad declared that they have legal employment contract. These data show that after the visa restrictions were lifted, the percentage of Romanian migrants did not increased above expectations. Another report, conducted in 2002 by the Academic Society of Romania, shows that after the restrictions were lifted, the number of migrants from Romania is only by 5% higher than it was in 2001. In another report – using several databases - Rainer Münz (2009) shows that Romania had a lower decrease of population due to migration, by comparison to Bulgaria: -0.5 to 1000 persons as opposed to -1.5.

As of 2002, ANOFM registered about 160.000 persons and over 65.000 for jobs in Germany and in Spain. According to the data of the Spanish Ministry of Labour and Immigration, in 2008, 243,427 Romanian citizens were registered in the social security system.

But other estimations show much higher data: Simina estimates there are 1.4 million Romanian in Spain and Italy (according to the data provided by the Romanian authorities) (Simina 2005), while the Italian authorities estimate there are about 1.5-2.5million Romanians in Italy. An estimation of the Roma migrants' percentage living in Spain shows a value of 5% of the total Romanian immigrants, which is significantly lower than the value displayed in public discourses from Spain and Romania (Lopez 2011).

Another Italian organization – Caritas – estimates that about 556,000 Romanians are working there, but the official data show only 342,000 Romanian emigrants.

There are huge differences between the estimations of various sources, rising even to the level of hundreds of thousands of persons. From these examples we may deduce that the estimations regarding Roma migrants can be even more subjective because we are unable to statistically assess not even the number of Roma officially registered with the local authorities of the destination countries, due to the fact that ethnicity is not registered in these cases.

The most recent study of the World Bank, conducted in 2010, shows that the stock of immigrants from Romania was of 2,769,400 persons, representing over 13% of Romania's total population. The countries targeted were Italy, Spain, Israel, the United States of America, Germany, Canada, Austria, France and Great Britain.

Estimations of volume of Romanian and Roma migrants were also made based on surveys conducted in the origin country. FRA EU-MIDIS (2009) survey shows that the rate of Roma persons who travelled abroad is of 8% in Bulgaria, 5% in Czech Republic, 6% in Greece, 7% in Hungary, 11% in Poland, 12% in Slovakia and 14% in Romania.

5.5. Discourses on the typical Romanian and Roma migrant – stereotypes versus facts

Romanians migration is considered as different from that of other migrants under the following aspects: it is a relatively recent phenomenon, is directed towards the South of Europe and is characterized by an intense circulatory movement and high mobility (Marcu 2011, Nacu 2010). A high percentage of Romanian migrants have graduated higher education, have or had low salaries in Romania (Alexandru, 2007, Romanian Academic Society 2003), are rather young, not predominantly men⁸⁵ (Weber, S; Baganha, M. I., Fonseca, M. L), come from specific regions from Romania (characterized by ethno-cultural diversity) (Sandu 2005⁸⁶) and are using different specific migration paths, which may be foreign companies or firms with businesses in Romania (Ban, C. 2009⁸⁷), local models and relations (Sandu 2005, Oteanu 2007 Anghel 2008, Nacu 2010) or religious institution relations (Stan 2005). Regardless of these characteristics, there is however the tendency to classify Romanian population movement in one of the migration types presented by Horváth -Anghel in the document titled „Economic trans-nationalism and its ambiguities: the case of Romanian migration to Italy. In: International Migration, 2009).

The range of studies on Roma migration provide us with a more complex image, not in terms of the above subjects regarding Romanian migration, but in terms of the fact that some studies illustrates that Roma migration shows the same characteristics as other Eastern European groups and thus able to be interpreted within the classical framework of migration theories (Nacu 2011).

⁸⁵ Weber, S. „Exploring some east-west migrant networks and their distant local dynamics: Ukrainian, Polish and Romanian migrants in Rome”: Baganha, M. I., Fonseca, M. L. „New Waves: Migration from Eastern to Southern Europe”. Metropolis Portugal, Lisbon

⁸⁶ Sandu, D. 2005: Dynamics of Romanian emigration after 1989. In: International Journal of Sociology, vol. 35, Nr. 3, pg. 35 – 56)

⁸⁷ Ban, C. 2009: Economic trans-nationalism and its ambiguities: the case of Romanian migration to Italy. In: International Migration, 2009

Other studies show that the “migration” of certain Roma communities from Romania can not be described in such terms, namely, temporal, legal terms or by using push-pull factors (Tesăr 2011).

Based on case studies, conducted in Roma communities abroad and in Romania, a few characteristics specific to Roma migration can be established, differentiating them from other migrants. These characteristics are the result of processes related to the structural integration of Roma communities in the local society (both in the country of origin, as well as in the destination country). First, the social-economic status of Roma persons or communities is different from that of other migrants, this fact generating basic differences in the decision making process (the risk assumed is high, ad-hoc decisions regarding planning are more often), and the informal networks and resources are used more often than the institutional ones. Migrants’ status regarding the level of integration in local society (access to jobs, social services and housing) also differ in the destination countries.

Field research shows that many Roma migrants are concentrated in the suburbs of large cities, often living in temporary camps with inadequate infrastructure (Nacu 2010), the access to central area being difficult probably due to their social status held in Romania, as well as due to the lack of required social network.

Also, most studies are showing that Roma migration is a collective process, where the family network holds a major significance. *These conclusions are based on the fact that Roma migrants concentrate in large communities which are established depending on the locality of provenience.* (Matras 2000, Sobotka 2003). In his study on Romanian Roma communities from Barcelona, Lopez emphasizes that „Roma population establishment strategies (sometimes, forced to use) directly correspond, in many occasions, to their communitarian nature and are due to several factors”, like the economic interdependence required to perform several types of occupations (Lopez 2011). When characterizing Roma migration, these interpretations tend to minimize the coercive nature of the social context of the community, both the one of origin and the one of destination, this being, in fact, a significant factor, together with the way the Roma use their social networks (family, friends and vicinity).

However, it is possible to launch another hypothesis (but in the absence of systematic researches, it is difficult to verify), namely, most field researches have studied, in fact, the groups of Roma migrants who ended up living in the large cities’ suburbs of Western Europe, these Roma communities being the most visible but, also, the most marginal in terms of social-economic status and demographic characteristics. But the same reports show that the estimations on Roma persons living in these communities at the cities’ outskirts can not be characterized as „a wave” or „an invasion” and – contrary to the estimations provided by mass-media – and they do not exceed the percentage of Romanians or of other migrants from the relevant countries.

What is missing from the specialty literature regarding Roma migrants is the migration of the persons who are not “visible” because they do not self-identify as being of Roma ethnicity or who possess more extended social networks, ensuring them a deeper integration. These ideas would be in line with what Sobotka states in her study (Sobotka 2003) namely, the social-demographic profile of Roma who migrate is not different from the general profile of Eastern Europe migrant. In this, Sobotka relies on studies conducted at the end of 90 in Hungary and Czech Republic.

5.6. Effects of Roma migration and methods to approach these effects. Trials of good practices

When trying to find good practices⁸⁸ regarding Romanian migrants in Europe, at least two aspects must be taken into account. The first aspect relates to the way destination countries gets involved in the migrants’ inclusion in general, and in Roma migrant inclusion, in particular. The second aspect relates to the way the country of origin – when this country is an emigration country, like Romania – gets involved in the programmes which could, directly or indirectly, stop migratory „waves”. In the following section we will synthesize a few social aspects or consequences which could be connected to Roma migration, and than we will mention a few programmes already recognized as „good practices”, although these are relatively new programmes and the long term effect of their implementation is unknown.

A problem of Roma migration – and of migrants in general – is the level of integration in the destination society. A qualitative research, conducted in several Roma communities, migrants from Romania, Bulgaria, Hungary, Slovakia, Finland, France, Italy, Spain and Great Britain, shows the fact that there are not many *national level* interventions in the destination countries, which can support migrant citizens integration, including Roma integration (FRA 2009). A report from 2008 of the European Parliament reveals that the most efficient actions of integration were seen in some smaller locations, the effects and impact of such programs being mostly *local ones* (EP 2008).

This lack of inclusion programmes accentuates the need to develop such programmes, especially when the public opinion from various countries is focused on the issue of beggars, of human trafficking and of Roma expel, which problems are often associated with the Roma from Romania.

„Outsiders after Accession” study shows that the „unfortunate outsider” perception existing previously to EU accession changed into „dangerous criminal insider” subsequent to accession, because most press articles made no difference

⁸⁸ Finding good practices should be a comprehensive process of assessing the situation. Starting with a comprehensive description of the situation and up to identifying risks and unwanted effects, trying to anticipate hardships and risks. An intervention can become good practice only when these steps have been observed.

between Romanian and Roma. The same image of Romanian migrants is portrayed by the mass-media from all destination countries: the articles relate mostly about persons breaking the law on residence, persons who are integrated mostly in the black economy, who organize themselves in criminal networks, who are involved in theft, prostitutions and begging activities. These stories are quoted by the Romanian mass-media, which mentions that the persons involved in such illegal cases are of Roma ethnicity, as well as that Western Europe does not make the effort to distinguish between ethnicities.

There is a position, publicly expressed by various governments from older Member States (Austria, France, the Netherlands and even Denmark), which states that they are thinking about re-entering visas obligation for Romania. Such public opinions, combined with media articles on crimes committed by foreign citizens, reasserted Romania's government effort to distinguish between Romanians and Roma, all these trends generating strong social and political tensions.

The accentuated attention of mass-media and of the public discourse is often followed by violent local attacks directed towards Roma or even towards public order forces (as happened, for instance, on 24 January 2008, when 400 policemen's organized a sweep action in the houses of Roma established in great Britain, an action highly publicized in the mass-media).

With regard to Roma inclusion policies, only Spain has a specific programme for Roma inclusion in general and for Roma coming from another EU Member State.⁸⁹ In Great Britain, there are strategies for integrating Roma children in education. In other countries, the actions undertaken were more control actions – local authorities, together with the local police, being responsible for demolishing the camps of migrants (Italy). The Report of the Fundamental Rights Agency tried to identify Roma migrants inclusion good practices⁹⁰ from various European countries, based on a few criteria like: experience of discrimination and equal opportunities, sustainable programmes which are transferable to other social contexts or other Member States, Roma organizations involved in project implementation and Roma beneficiaries positive feedback (FRA 2009). Based on these criteria, a series of good practices have been identified, but these are seen only as a promising start due to the fact that they are somewhat isolated examples, while most countries have yet to develop complex programmes for Roma migrants' integration, programmes which could be transferred on a larger scale and to other regions. This conclusion is stated in the European Parliament Report (EP 2008). When identifying the good practices, FRA started from Free Movement Directive of the European Commission, which provides for the free movement in Member States for each economically active European citizen, being granted general freedoms and rights (FRA Report 2009).

⁸⁹ Programa de Desarrollo del Pueblo Gitano – Development Programme of Roma people, and Pla Integral del Poble Gitano a Catalunya – Integrated Plan for the Roma people in Catalonia

⁹⁰ FRA report: Selected Positive initiatives. The situation of Roma EU citizens moving to and settling in other EU member states, November 2009, pg. 5

One of the positive examples mentioned by FRA Report (FRA 2009) is the case of Spain, which implemented the Directive without attaching to it additional restrictions or regulations and, on the contrary, eliminated the condition of having sufficient resources to support family members, thus extending the range of opportunities for migrants. The fact that this Directive was interpreted in a more comprehensive framework has led to differences in implementation not only on national level but also on the level of regions from the same country.

An identified good practice was the implementation of Integrated Plan for Roma in Catalonia, which directly specifies migrant Roma from Eastern European countries.⁹¹ The Integrated Plan supplements the Programme for Development of Roma Population in Spain, which does not include the new Roma migrants from other European countries. By this completion, the Catalonian Government clearly undertakes responsibility for the integration of Roma migrants in the local society, for instance, ensuring funds for professional training and for the educational integration of minors.

Independently from the general policy of Governments, some local authorities have initiated local projects like: Cesson city (France – social and housing support for Romanian Roma families evicted from the areas they were occupying illegally), Pisa city (Italy – support for Roma families to leave the illegal camps at the city outskirts and to integrate them in the society), Cordoba city (Spain – preventing the begging activity among Roma minors).⁹²

The second aspect is the way the country of origin - when this country is a emigration country, like Romania – gets involved in the programmes which could, directly or indirectly, stop migratory waves. Previous chapters of this report show, in detail, various programmes of Romanian Roma inclusion which were implemented on national level. These programmes – in addition to the positive effect they have on social-economic status of disadvantaged groups – may also have an indirect effect of reducing the percentage of migrants. However, this objective is difficult to achieve because, in addition to the usual implementation problems (i.e. correct identification of needs, beneficiaries' involvement or sustainability insurance, etc.), and the negative, unwanted effects of these programmes are not yet sufficiently monitored. Such a situation may be illustrated by a programme from Hungary whose purpose was to desegregate the territory and to ensure decent housing conditions for Roma families. Within this programme, Roma families have been relocated and social houses have been built for these families. At that time, this programme was considered as good practice but, after a few years of implementation, negative and unexpected effects started to be seen: the maintenance costs of new houses were too high for the new inhabitants to afford them. In addition, families belonging to other ethnic groups started to leave the locality thus generating a significant increase in the

⁹¹ FRA Report.

⁹² FRA Report.

percentage of the Roma population, which in turn led to the strengthening the anti-Roma feelings and the reappearance of those kind of segregation forms, precisely what the programme intended to eliminate (Durst 2010).

Romania has not experienced yet such situations related to unexpected social processes determined by such intervention programmes. The good practices from Romania could be selected from the field of social economy field, programmes which are trying to provide a holistic approach of social problems faced by disadvantaged communities, including Roma communities. At the moment, the success or the effect of these programmes is difficult to assess or quantify, although the main result indicators have been formally achieved.

Such an example could be a development project for strengthening entrepreneurial capacity in ethnically mixed localities in the Central Development Region of Romania, with emphasis on Roma communities, funded by the European Social Fund, an area where large Roma communities are living and who, unable to find jobs in that area went to work in Germany and Hungary. The purpose of this project was to establish inter-ethnic initiative groups that, in the end, would be turned into associations or companies, in order to increase entrepreneurial capacity of Roma communities by facilitating Roma access to professional training classes, as well as to increase the percentage of Roma students within secondary education. The project's activities included professional training classes, consultancy in the entrepreneurial field, information campaigns related to the labour market changes. Formally, these objectives have been achieved but the interviews conducted in the locality and the Roma communities showed that the project's impact is minimal, although the pre-set indicators have been fulfilled⁹³. The Roma community that benefited from this programme is spatially segregated from the rest of the community, most of Roma persons are not integrated in the formal labour market (which is difficult even for the majority population in the area), and as such active persons have selected the migration as survival strategy. The financial and material capital gained by working abroad is turned into material goods in the community, while the professional experience capital is used again during the next season of working abroad. The programmes (for facilitating, for training, etc.), like the one mentioned above, could use these two types of capital (financial and professional) possessed by Roma communities, turning them into local resources to support the interventions which could become sustainable and more efficient on medium and long term.

⁹³ Fosztó, L., Toma Ş., Research Report: „*Migration and its Effects on Demographic and Economic Development in CEE – Generations in Dialogue*”, 2012, ERSTE Foundation, unpublished report Another example is project „Creating and promoting social economy instruments for the purpose of disadvantaged group inclusion in the labor force market” (co-financed **by the European Social Fund** through the Sectoral Operational Programme for Human Resources Development **2007 - 2013**, Priority Axis 6 „**Promoting social inclusion**”, Key Area of Intervention 6.1: „**Development of social economy)where the main result indicator of the project is the percent of participants to training programs.**

Chapter 6. Social services

We will not mention again the various problems already illustrated in previous chapters regarding the difficult situation of Roma community, but we wish to state that most Roma persons are already in a severe social exclusion situation, a fact also underlined by the Report „*Risks and social inequities in Romania*”, drafted in 2009 by the Presidentail Commission for analysis of social and demographic risks. These persons are in a very high risk of living in poverty or to be members of poor households, compared with other vulnerable groups present on the labour market. The same report illustrates the fact that low level of Roma training, as well as discriminating attitudes towards them, determine a difficult access to marginal positions on the labour market.

Recent data of the Country Report, drafted within project EU-inclusive „*Roma status in Romania, 2011 – between social inclusion and migration*” confirms previous statements regarding the living conditions of Roma minority from Romania, underlining the low general level of education and the high illiteracy which are diminishing this minority’s chances to jobs, depriving it of access to decent housing, healthcare services and children education.

Assessment of social services focused on Roma community employment problem is achievable by taking into account the principle of coherence, which forces us to a succinct description of the general context of social services from the European and national perspective.

Also, the analysis of certain planning documents and clarifying the concept of social service will provide a clearer image on the primary or specialized social services, as we hope.

6.1. National and European legislative framework

According to the general definition, social services are a component of the national system for social support and protection. Social services purpose is to support the persons dealing with crisis situations or social vulnerability, as well as to prevent and fight the risk of social exclusion, to increase the quality of life and to promote social inclusion for the citizens of a community.

Social services system of Romania covers a wide and diverse range of services designed for persons or groups of persons under temporary or long term difficult situations and it is not based on contributive principles.

The right to social services is provided by the „European Social Charter”⁹⁴, ratified by Romania in 1999⁹⁵, where the parties have committed to encourage or organize the services using methods specific to social service which are contributing to the wellbeing and development of individuals and of groups within a community, as well as adapting these services to the social environment.

The framework for organizing and providing social services was established by adopting Law no 705/2001⁹⁶ regarding the national system of social assistance and, subsequently, by Government Ordinance no 68/2003⁹⁷ on social services, approved with its amendments and completions by Law no 515/2003⁹⁸, as subsequently amended and supplemented. Also, the strategy for social services development was approved by Government Decision no 1826 of 22 December 2005⁹⁹ which describes the role of social services as *„enabling persons, groups and communities to solve the problems encountered during the process of adapting to a society under constant evolution, to identify the causes that may lead to compromising the social operation balance and to act in order to improve the economic and social conditions of target categories”*. The preamble of this strategy mentions that there is no *conceptual consensus regarding the term of „social services” in European member countries. In this situation this term is used on European level according to development of those states social protection systems*. As such, in the case of services designed for covering certain individual needs, terms like social services, social welfare, social protection, social assistance, social work, social care and personal social services were used to define almost similar types of services. More over, in the British terminology, *the generic term of social services is used also for financial benefits (for instance: cash benefits for unemployed persons)*¹⁰⁰.

As expected, according to the above mentioned context which underlines the problems of conceptual delimitation, these are largely encountered in the way Romanian social services system is perceived and operates, a system still unable to function coherently under the pressure of the evolving European practice.

Together with the regulatory framework, a system of social services quality assessment was established, mentioned when necessary in this chapter. However, it must be said that the challenges identified at the time of social services assessment and promotion have remained still at the level of desires. An integrated approach of social services, the quality of these services continues to be priorities of the intervention process.

⁹⁴ European Social Charter, Art.14

⁹⁵ Law no 74 of 1999 on the ratification of the revised European Social Charter, adopted in Strasbourg on 3 May 1996

⁹⁶ Law no 705 of 2001 on national system of social assistance, published in the Official Gazette no 814 of 18.12.2001

⁹⁷ GD no 68/2003 on social services

⁹⁸ GD no 515/2003 approving Ordinance no 68/2003 on social services

⁹⁹ GD no 1876/2005 approving the National Strategy for social services development

¹⁰⁰ Idem⁷

The social services quality and type must take into account the social dynamics, the social-economic and cultural changes and must provide an answer adapted to the various social needs or vulnerability situations.

Social services are provided by public and private suppliers through the systematic development of a healthy partnership between these two systems, a prerequisite condition for increasing the degree of coherence in maintaining and even growing the quality of offered services. The mention of public-private partnership requires a succinct presentation of the sectors involved in the social services offer, namely:

- **Informal sector** – involves ensuring social services for family, friends, neighbours and colleagues. It is difficult to quantify the weight of this sector but it seems that it represents the most important source of services in all European countries. Some countries have legal regulations in this field (including Romania by the Family Code);
- **Non-profit sector** (non-governmental sector, based on volunteers) – it is highly used by many countries and it includes non-governmental organizations, this sector being in process of full development in Romania;
- **Public sector** includes the services provided by central, regional and local public institutions. Social services are organized and provided by separate departments, specialized depending on the service they provide;
- **Private sector**, which started to develop in the last years. The services provided by this sector can be contracted by public institutions and, in this case, it is difficult to distinguish it from the non-profit sector.

All social services providers (certified) from the previously mentioned sectors are registered in a common database, „Unified Electronic Register for Social Services of Romania”¹⁰¹ available on the website of the Ministry of Labour, Family and Social Protection¹⁰², offering multiple selection options for detailed information on the type of involved organization, type of provided services, coverage area and type of beneficiary. With regard to the number of organizations providing social services, according to this database (accessed in April 2012), this is of 2879, with the highest percentage belonging to non-governmental organizations due to the fact that these ones have adapted more quickly in offering integrated social services, consistent with the social facts. Some such initiatives will be presented subsequently.

On central level, as well as on local level, the structures managing social services are organized and specialized by the category of beneficiaries (for instance, social services designed for children and/or families, for homeless persons, for disabled persons, for old persons, for domestic violence victims, for addicted persons, respectively alcohol, drugs, other toxic substances consumers, interned and

¹⁰¹ According to Order no 280 of 11..04.2006 on the approval of working procedure for establishing, updating and accessing of Reunited Register for social services

¹⁰² <http://www.mmuncii.ro/sas/index>

gambling addicted persons, for human trafficking persons, incarcerated persons, persons sanctioned by educational actions or freedom non-privation sanctions under probation services monitoring, for persons with psychical diseases, persons from isolated communities, for long term unemployed persons, as well as support social services designed for the beneficiaries' dependants, according to GD no 539/2005) each possessing types of specialized units and orientation specialty structures recommended by legislation¹⁰³.

Unfortunately, the financial resources for these structures operation were limited to the specificity of primary social services. *Thus, the entire system was largely confused, starting from the definitions and concepts used in the legislation and continuing with different procedures for granting similar services rights.*

Currently, this inconsistency tends to be limited by a new social services legislation (Law no 292 of 20 December 2011) establishing the new operation framework for the social support system and bringing a series of changes in the social services, in the financing and organization of the system, in the human resources involved, in the accessibility and quality of social support services, in the degree of coverage and flexibility of social benefits and services, in the transparency of social support system expenses.

Also, according to this law, among the social support benefits for preventing and combating poverty and the risk of social exclusion the following are established: „social grants and financial aids for facilitating the access to education, supported by the state budget and/or local budgets”, as well as „in kind support, food and material aid, including those granted within the educational support programmes for children and young persons of disadvantaged families, supported by the state budget and/or local budgets, like programmes for food supplements, writing materials and other materials required in the education process”, provisions which can help the Roma communities.

Inter alia, this law tries to limit the significance of social benefits in favor of social services and promotion of social services system decentralization, from the level of authorities to the level of private and public suppliers, if we are to take into account the current social-economic situation.

This law also promotes new assessment systems, like the “social audit” with a role in:

- verifying the plans and procedures established by suppliers of social services; for financed services;
- assessing the efficiency and performance of contracted social services;
- verifying the accuracy of used information;
- recommendations of operational improvements.

The social audit is mentioned in this report due to the objectives included in the social services offered to Roma persons, which are influenced, possibly more

¹⁰³ <http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/HOTARARI-DE-GUVERN/HG539-2005.pdf>

than in other fields, by the quality of the human resource involved. The strategic targets promoted by Roma inclusion turn the operation of this social audit into a significant tool for facilitating access to public services by high quality social services. The Social audit helps in measuring the social results and in finding answers to questions like: „How much does a social services contribute to the wellbeing of persons under difficult circumstances?”

Being a recently adopted law (December 2011), for which the implementation rules have not been yet drafted, its results and effects are far from visible.

In addition, there is another disturbing factor – this time generated by the field of education – affecting the quality of these services, namely, *low level of skills of the involved human resource*.

On European level here is not a methodological abundance regarding social services structuring because, due to the social-economic diversity and dynamics in the Member States, each country approaches differently the social services.

The Lisbon Strategy¹⁰⁴ includes referrals to the modernization and, depending on the case, to the development of social services, which obviously comprises also the social support component. This strategy emphasizes the employment and health policies. Unfortunately, here there is no direct referral to social services as it is in the version of the same strategy for 2000 - 2005, but promoting the social component as stabilizing factor and development sources substantiates the offer of services on European level.

The Commission Communication of 20.11.2007¹⁰⁵ to the European Parliament, regarding the general interest services (attached to the Lisbon Treaty), also approaches the social services within an integrated system. At the same time, we must mention that the recent Commission Communication of 05.04.2011¹⁰⁶ to the European Parliament shows a high rate of Roma discrimination in terms of labour market access, a situation which can be highlighted by the quality of social services provided for professional integration purposes.

It is stated that social services may or may not have an economic character, depending on the activity considered, while recommendations are focused on the non-economic nature of the social services. These services are the services directly provided to beneficiaries, like social support services, labour power employment services or professional training services. They are, usually, organized on local level, depending very much on the national public financing.

There are a few general considerations affecting social services in terms of their intensity and quality, respectively:

¹⁰⁴ Lisbon Strategy 2005 - 2010

¹⁰⁵ Commission Communication of 20.11.2007 to the European Parliament, regarding general interest services, including general interest social services

¹⁰⁶ Commission Communication of 05.04.2011 to the European Parliament, regarding the national strategies for Roma integration, p. 7

- general processes like: migration, demographic structure, globalization;
- development level of economy and of social policies' effects on social services;
- financial limitations influencing specific expenses related to social services offer.¹⁰⁷

Specialty studies¹⁰⁸ emphasize the fact that European systems of social services must be concurrently developed based on common principles (theoretic and practical principles) due to certain characteristics specific for each country, characteristics which can not promote the harmonization and standardization of social services offered on European level. On European level, the main attributes of social services development are:

- social services are provided by public agencies, non-governmental agencies (NGOs or non-profit agencies), as well as by commercial organizations (however, most of these services are provided informally, by family, friends, neighbors and volunteers);
- social services can be organized and provided separately or integrated with other services like healthcare, education or benefits related services;
- there are differences between the member states, in terms of the number and type of social services beneficiaries"¹⁰⁹

6.2. Programmatic framework for social services

During the pre-accession period, in the Governing Programme for 2001 – 2004 was included a set of legal regulations designed to ensure cohesion of the social services approach and to promote an efficient management, especially, regarding the strengthening and the development of social services network. Subsequently, the Governing Programme for 2005 – 2008 provided for the obligation of training the personnel within social services system but, until now, in terms of human resources the operational optimum was not achieved and, as such, the continuous professional assessment process and the training process will remain significant activities required for the provision of quality social services.

Social services are also included in the Sectorial Operational Programme for Human Resources Development (SOPHRD) as a characteristic of strengthening the public authorities' capacity to provide social protection in a context where social benefits are the most important action for combating social exclusion.

The work definition of social services, included in SOPHRD, is as follows: „*complex set of measures and actions that are implemented in response to the*

¹⁰⁷ GD no 1876/2005 on approval of the National Strategy for social services development

¹⁰⁸ Report on user involvement in personal social services prepared by Brian Munday, University of Kent, United Kingdom, Council of Europe, March 2007, 50 p

¹⁰⁹ Ibidem¹⁰

demand for social assistance of individuals, families and groups of people, designed to help them overcome difficult situations, to preserve individual autonomy and protection and prevent marginalization and social exclusion in favor of social inclusion”¹¹⁰.

In terms of social economy, the general interest social services are divided as follows:

- stimulating job creation and developing competences;
- stimulating the community capacity for social support;
- supporting economic growth and revitalizing the vicinity;
- environment protection;
- mobilizing disadvantaged groups.

These types of services are distinguished from other services by their focus on the principle of solidarity and volunteer participation of citizens and non-governmental organizations. Their development must take into account the principle of proximity in implementation, closeness to the communities in local and regional context. According to SOPHRD, social services will operate as support for providing education outside the general education system or outside the system of providing “second chance” type education, in order to combat the risk situations within communities like the Roma community.

It must be mentioned that social services are presented alongside advisory and guidance services, being carried out strictly by the agencies (i.e. NALFE) who have a main, clearly defined, purpose (employment, health, education).

In order to provide an overview on the system’s development, we must list a few consistent projects in the field of social services, which received SOPHRD financing.

6.3. Assessment of social services provided to Roma population for professional reintegration

According to the **National Strategic Report on Social Protection and Social Inclusion, drafted by MLFSP** for 2008-2010, the special actions established for Roma persons’ integration on the labour market generated the integration of 15,987 persons.

With regard to the situation of Roma persons’ reintegration, in 2011 this situation is relatively stable, being promoted a format of initial reporting of results, most likely, until a final report is justified.

Obtaining additional data on social services provided to Roma persons as support for professional reintegration – from the governmental point of view – was/is largely subordinated to the principle of generality.

¹¹⁰ Sectorial Operational Programme for Human Resources Development

Non-governmental organizations have approached professional reintegration by developing two projects focused on the concept of social service, namely, the „Employment Caravan” and „Jobs’ Fair for the Roma”, projects described in the previous chapters.

The analysis of the results of projects presented in NALFE reports illustrates that, as of 2008, the employment rate has gradually decreased, a possible result of this decrease in 2010 being the economic crisis. It is interesting that the report did not include social services provided by the “Employment Caravan”, this project being mentioned only in the chapter on monitoring the field actions but without presenting concrete data. The Employment Caravan, Job’s Fair for Roma are actions included in “Programme 150, which is dedicated to Roma persons reintegration”.

The National Strategic Reference Framework 2007- 2013 mentions that „only 22.9% of Roma population is economically active, while of this percentage only 71.5% are employed.”¹¹¹

With regard to the integrating dimension of social services, it is not clear how NALFE has collaborated with other structures or, where this is mentioned, the results of such collaboration meetings or the identified difficulties are not specified. Another significant aspect is the number of advisors and what is interesting is the fact that the figures presented are relatively higher than the mandatory methodology on the progress of a quality professional guidance, professional mediation meeting. Still subordinated to the integrating principle, it is not clear whether the persons who remained unemployed have continued to receive advisory services.

We will not insist on the stringent need for intervention focused on social services because there are various studies that present a clear image of the difficult social situation in Roma communities.

As previously mentioned, the integrated principle based development is promoted within SOPHRD, which is why we will take into account the proposition forwarded by the European Committee for Social Cohesion (ECSC),¹¹² which promotes the concept of integrated social services.

6.4. Good practices in social services

According to the definition accepted on national level „social services represent the activity or the set of activities performed to respond to the social needs, as well as to the special, individual, family or group needs, in order to overcome difficult situations, to prevent and combat the risk of social exclusion and to increase the quality of living”¹¹³.

¹¹¹ The National Reference Strategic Framework 2007- 2013, p.46

¹¹² Users involvement in social services - European Committee for social cohesion 2003-2004, pag. 19

¹¹³ Law no 292/2011 on social assistance

From this *definition results the extremely general character of the intervention focused on social service, which character only makes it difficult for the organizations to focus on the integrating function, as mentioned before.*

Using this work definition, we identify the following non-governmental and governmental initiatives related to employment afferent to Roma communities. We must underline that the description of these projects is presented as it was promoted by the organizations involved in the services offer.

The project „**Equality through difference. Roma women’s access on labour market” (FEMROM)**” highlights the limited access of Roma women on labour market. The results obtained following the provision of certain services in 2011 shows the significance of such programmes. The services offered within this project were:

- Information - about 600 Roma women of 20 communities have been informed;
- Psychological counselling - in 2011, 300 vocational profiles have been executed;
- Mediation – a number of 150 Roma women benefited from mediation services;

With regard to the number of Roma women integrated on labour market, the data are difficult to obtain, these difficulties being related to a high degree of dropout and to a difficult relations with other organizations involved in professional reintegration process. The difficulties encountered in the professional reintegration process are influenced by the perception on the role of women in traditional Roma families and by the employers’ response to the process of professional participation of a multiple discriminated category. However, the project is a good practice in terms of promoting the gender component in the approach of Roma issue, especially when this category is under profound discrimination circumstances.

Access on labour market - „A chance for you” is another project designed to reintegrate Roma persons. It is implemented for a period of three years, the final year being 2013. The main objectives of this project are:

- to create 9 centres for integrated assistance and mediation on county level, as well as to facilitate the access of persons from target groups to the services provided by these centres;
- to support 1100 persons from the target groups for employment.

The exact number of persons assimilated by the labour market is difficult to quantify, being hard to monitor the persons employed, a problem identified in most analysed projects.

The development of social centres near to the communities found in difficult situations is a model which must be multiplied, the long distance from social services providing structures being one of the weak spots of the social services system, as specified by the Report of the Presidential Commission for Analysis of Social and Demographic Risks, 2009.

Social services and implementation component

The Unified Electronic Register of Social Services mentions 2877 organizations providing social services, but this is a report strictly related to the quantity aspect and not to the way of how this services adapt to the general context, emphasizing on social services quality and all this when an existing authority "Social Inspection" has responsibility for control and reporting.

The Report „Decade Watch Romania 2010", confirms this weak representation of employment policies within Roma communities, stating that the government's objective is to professionally reintegrate as many Roma persons as possible, according to the action plan of the strategy for Roma persons' inclusion.

This objective includes several priority actions of which only two can be classified under the social services category, as follows:

- organizing Labour Clubs and/or Professional Inclusion Centers in areas with a significant number of Roma persons who are not active on the labour market
- establishing a guidance/support structures for students of secondary education cycle/universities in order to facilitate their access on labour market.

With regard to the assessment of these two actions, there is no data related to their progress.

With regard to the social services designed for Roma, these services cannot be framed in a coherent image, the universal nature of the approach generally subordinating the actions carried out.

Counseling is the main activity promoted by the social services on all levels, but the results are not quantified, there is no natural follow up in the monitoring component.

We have mentioned previously that there are two types of social services – primary and specialized services. The offer of social services for Roma communities does not seem to take into account this classification, such services being offered without previous information or a special remark. In other words, it is not specified which is the primary social services and which the specialized social service.

However, *the most obvious problem is related to the faulty operation of certain sub-systems responsible for promotion of social services specialized on the Roma issue.* To support this comment, three interviews were conducted with persons involved in the social assistance activities provided by the General Directorate for Social Assistance and Child Protection (GDSACP) of districts two, three and five in Bucharest.

The main conclusion of these interviews is focused on the fact that there are no social services specialized on Roma persons and that social benefits are still the main form of support.

The assessment of data included in Programme 150 of 2010 compared to the study „Legal and equal on labour market in Roma communities”¹¹⁴ shows a certain difficulty of the communication process between the intermediaries of social services and potential beneficiaries.

Data included in this programme show a number of 281 counceiled persons who have been employed. With regard to mediation, it is mentioned that 1819 persons have been employed through this technique.

All these data are somewhat contradicting the results of the study “Legal and equal on labour market in Roma communities” – which mentions that „those with a low level of education present very little availability to assess the activity of those involved in social services mediation, especially because it is very likely that the information on the activity of these mediators and of the expert may not reach the social categories with low level of education”.

Due to the above mentioned and to the fact that „the percentage of those who do not answer the questions or do not know how to make an assessment for each of the two mediators and for the expert¹¹⁵”, the structuring of services offer can be made with difficulty, existing certain reticence related to what the presented number of mediations or guidance is representing. With regard to this difficulty in structuring the social services we must mention the way the position of an expert is presented.

Thus, in the „National strategy for improving Roma status: Voice of the Communities” it is stated that, on community level, the „**County Office for Roma**” comes in as mediator between social services suppliers and beneficiaries or community, this in the context where is presented a series of studies emphasizing the obvious lack of social services offer or the problem of personnel lack of training.

In relation to the above remark, in an interview with a former director of the Directorate for Community Development and Support – included in the mention study – we find the following statement: „*we interact with everybody, this is a fortunate case where indeed all... 3 services that should be... of which it is said that they are social services, respectively, education, health and social support, have collaborated*”¹¹⁶. This indicates that education and health are social services, which illustrates the confusion of an expert with regard to the meaning of social service. This example only highlights, once more, the risk involved by the lack of a consensus, at the level of human resource, on the meaning of social service.

¹¹⁴ Legal and equal on labor market

¹¹⁵ ibidem²⁰

¹¹⁶ Preoteasa, A.M., Cace, S., Duminică, G., „National strategy for improving Roma status: Voice of the Communities”, Ed. Expert, 2009, pag. 43

Roma Inclusion in Romania: Policies, Institutions and Examples

With regard to the recommendations included in *this study, as first step, we seek to develop social services programmes in partnership with local NGOs, involving also the beneficiaries – this being the active component of the intervention.*

In 2009, it is mentioned that access to social services is limited, this being only one of the problems identified in this study. It is also mentioned the „faulty employment of local experts for Roma, in the city halls of the county” a situation which adds more difficulty to understanding the social services system.

Financing this strategy was one of the most important criticisms raised, the financial resources being only external ones, these circumstances making extremely difficult to achieve the objectives set.

The strategy drafted for 2011 - 2015 mainly keeps the same general line of approach, although the struggle to promote social economy specific activities is emphasized. With regard to the financial context, it continues to be a problem because of the focus on external financing.

Chapter 7. Conclusions and recommendations

We are now after more than ten years since the beginning of the „period of assuming responsibilities”, characterized by the adoption of the first specific public policy documents addressed to Roma. However, Roma are facing relatively the same obstacles: poverty and severe poverty, social exclusion, discrimination, etc. The vicious poverty circle continues to keep the Roma under social exclusion, with serious effects for them: difficult access to healthcare services and education, reduced employment level, improper housing conditions, decrease of the community solidarity, etc.

Improvement of Roma communities’ integration and decrease of the social inequities may be achieved by using the European structural funds. Although these funds are available, their impact will be seen only when, and if, they will be effectively used by the Member States. Unfortunately, the Member States do not effectively use at maximum this financing opportunity (it is the case of Romania, too).

7.1. National programmatic framework and institutional framework

Under the EU pressure for meeting the 1993 Copenhagen criteria, the Government of Romania initiated programmes and actions to improve the general Roma condition, including programmes that aimed the increase of the employment level. During the Accession Process, Romania took into consideration the consolidation of the political, legislative and economic environment with regard to the vulnerability of Roma minority. Use of the EU financial instruments during the Pre-Accession stage prepared the way for the subsequent use of the structural funds in the area of promoting Roma inclusion. Starting with 2000, Romania adopted specific actions to resolve the issues Roma communities faced with.

The **National Strategy for Improving Roma Condition 2001-2010** in Romania represented a political commitment assumed by the executive power as premise for opening the negotiations in view of Romania Accession to EU. The Strategy is an umbrella document which establishes the general framework by defining the issues, the target group, the general objectives, the main priorities, the implementing structures, the indicators to be reached, the effects on the budget, the legal impacts, the monitoring and assessment elements, etc.

Since its initial draw up, the environment in which it operated has changed. Nowadays, new actors and instruments exist, directly addressing the Roma issues (i.e. the Social Inclusion Mechanism, the EU Structural Funds Mechanism, the Action Plans under the Decade of Roma Inclusion, etc.). It is a reality which must be taken into account in the Strategy and by its future implementation.

As discussed above, *there is the opinion according to which this Strategy did not materialize in positive results for the Roma population: many Roma non-governmental organizations reported their distrust in the public policies of the Government which did not lead to visible effects in the economic and social conditions of the disadvantaged Roma communities.*

Ten years after the first Strategy intended to improve the Roma condition was adopted, inconsistent progresses have been made and the new *Strategy of the Romanian Government for the inclusion of the Romanian citizens belonging to Roma minority for the period 2011 – 2020 is perceived as a programmatic document which repeats the weaknesses of the previous documents, having multiple design flaws.*

The institutional structures already set up represent the proof of the efforts Romania undertook, together with representatives of the minorities and civil society, in order to offer proper conditions and equal rights to the Roma minority. Improvement of the institutional framework is an on-going process; the activities for the consolidation of the welfare mechanisms represent a continuous process because institutions are one of the essential leverages to prevent and control the intolerant attitudes and practices still persisting in every society.

Setting up NAR represented a significant achievement with regard to the visibility and increase of the interest for the accomplishment of the commitments assumed by the Government of Romania related to the process to improve the Roma condition and to reduce the gaps between the Roma minority and the society as a whole. Since its establishment, NAR succeeded to conclude partnerships (cooperation protocols and memorandum, etc) with the public policy implementation units in the area, the competent ministries, and the governmental and non-governmental institutions acting in the area of interest, both international and national. Also, NAR succeeded to implement several programmes (funded by PHARE, IDF Grant, EBRD, etc.) of which purpose was to strengthen the institutional capacity of NAR and central and local authorities developing and implementing social inclusion programmes.

The Government of Romania, the relevant ministries at national level, as well as the competent authorities at county and local levels, made a number of steps in the implementation of the National Strategy for Improving the Roma Condition. However, an efficient coordination between the structures involved at national level and those involved at regional and local levels was not achieved. The institutional functioning was problematic since the beginning and it had a negative impact on the efficiency of the Strategy, in general. The difficulties often faced by the institutions come from the complexity of the issues representing their area of activity, the technical problems or the absence of infrastructure and human resources.

The government reshuffles and changes had a negative impact. The frequent changes in the institution statute led to a slowdown in the implementation of the public policies addressing to Roma. There were difficulties in assigning and sharing the responsibilities between the public administrations at national and local levels. The local public administration is characterized by lack of expertise and competency in decision-making process having the inefficient use of the allocated funds as direct effect.

It must be outlined that NAR, the national public administration body responsible for monitoring and coordination of the implementation of the National Strategy for Improving Roma Condition and Decade of Roma Inclusion as well as for the integrating approach of the public policies intended to Roma, does not have the necessary institutional capacity for imposing accountability to the ministries with competencies in the Strategy area of action.

Taking into consideration the above described aspects, we propose several action lines to be followed:

- carrying out of an ex-post evaluation of the National Strategy for Improving Roma Condition for the period 2001 – 2010, able to represent a basis for the future programmatic documents;
- consistent participation of the Roma minority representatives in the process of consultation with the public authorities aiming the draw up and implementation of the public policies intended to Roma;
- realistic evaluation of the human resource and financial needs supplementing of the institutional framework with new elements necessary to implement the legal provisions, draw up of methodologies for the enforcement of such provisions, the valuation of the outcomes of different researches adverting on the deficiencies or blockages in implementation;
- the revision of NAR's role, so the Agency may become a partner for the ministries involved in the process, and in the same time it may ensure the monitoring of different sectorial public policies;
- reorganization of the existing institutional framework to eliminate the competencies overlapping and to increase the action efficiency;
- strengthening of the cooperation between the institutions having relevant duties in the areas of interest, especially in those areas with high level of difficulty;
- initiation, in partnership with other organizations and institutions, of integrated pilot-projects presenting the opportunity of possible subsequently replication;
- transfer, at national scale, of the outcomes of the successful projects in the public policies and government programmes;
- initiation of new projects based on a prior consultation of the beneficiaries and civil society representatives so that such projects could take into consideration the characteristics and the actual needs of the beneficiaries;

- allocation of sufficient financial resources from the national budget which could be complemented with financing from international and EU funds especially from EU structural funds;
- introduction of a major domain of intervention intended to Roma and a special financing in each Operational Programme supporting actions for Roma integration;
- dissemination of information on structural funds as an indispensable component for reaching the objectives related to Roma minority population integration.

7.2. Social Inclusion

The affirmative public policy actions in the area of education for Roma in Romania had a positive impact on the Roma education level in the last two decades, in parallel with the process of Roma identity reconstruction. The main vectors were: *encouraging the use of Romani language in school and development of a Roma professorial body to help the Roma children to overcome the existing obstacles in the mass education system in Romania.*

This type of actions can be recommended especially to the former communist States where the attitudes and policies related to Roma community led to a process of forced assimilation. However, the big gap between Roma and the majority population in Romania is related to the historic context, meaning their statute of slaves in the past, situation not found in all the other countries.

The ethnic segregation cases in the Romanian education system represent an aspect common for many countries in East-Central Europe; in parallel, *the issues as the poor quality of the educational act, the segregation in education, the high school dropout rate are obstacles in Roma social inclusion process which must firmly controlled in any country in the region and especially in Romania.*

The major changes in the education system in Romania in the last years, in parallel with the launch of the decentralization process without a proper training of the local public authorities, aiming the identification or delimitation of the own responsibilities of each of them, put Roma benefiting of public policy actions in risk. The collateral issues, as the absence of identity documents or property ownership documents, render impossible for Roma the action to prove their capacity of insured and, by way of consequence, their access to healthcare services.

The positive practices, such as the Roma sanitary mediator in Romania, are in risk to interrupt their existence, if they are not constantly supported by the national and local public authorities by securing and allocating funds for the relevant positions, by constant institutionalization and monitoring of their activity and, implicitly, of the Roma health condition.

In parallel, the investment in basic training and on-going learning programmes for the professionals in the public health system intended to educate them on non-discrimination, cultural diversity and tolerance, is crucial for „healing” the health system.

Last but not the least, national and local public authorities *should replicate different successful private initiatives, such as the Roma Health Scholarship Programmes, and create facilities for the Roma graduates to return and offer their services to Roma communities in the rural environment.*

Although the housing conditions are considered to be the fundamental element when it comes to Roma social inclusion, very few public initiatives in this area were developed in the benefit of Roma communities. As repeatedly mentioned in this Report, the absence of identity documents and property titles, the poor housing and precarious condition of community infrastructure still are issues to be addressed by public policy actions aiming the improvement of the standard of living of Roma affected by poverty and extreme poverty.

For the Government of Romania, it is of major importance *the adoption of the Housing Law, by consultation with the civil society, including the Roma representatives, for the harmonization of domestic norms with the international standards on housing, in parallel with the adoption of actions to control the residential segregation, the discrimination in access to social housing as well as the adoption of a regulatory framework for the clarification of some aspects related to legalizing the informal settlements and ensuring the necessary public utilities for such settlements, including ensuring a safe possession over them.*

The successful integrated pilot-projects conducted by non-governmental organizations should be replicated and transferred as components of the public policies. Such examples are: projects combining building of social homes with measures to increase Roma employment rates; projects offering professional training to the labour force in the community simultaneously with facilitating the access to community public services (healthcare, education, cultural services, etc.).

7.3. Action lines, recommendations, examples of good practices in the area of Roma employment

The community study reports (Voicu, 2007; Preoteasa & others, 2009; SOROS/ ICCV, 2010) *found an accentuated heterogeneousness of Roma communities and sometimes, within the same Roma community.* Among factors leading to such dissimilarity, these studies identified the distance to localities with dynamic economy, the interethnic social distance, the degree of traditionalism of the community, the diversity of potential qualifications, the ethnic diversity of the community or the diversity of the confessional affiliation. *Among all these dissimilarity factors, the employment opportunities in the region and the history of the formation of the Roma community are more important than the interethnic homogeneousness.*

All these factors influence the employment rate and its potential of growth; hence the approach of this area could only be local and „personalized”, not aiming the application of a strategic pattern.

The traditional crafts as Roma employment solution is a controversial one. Among Europeans, Romanian Roma are the most unconfident in their potential (UNDP, 2002) and they recognize that the absence of demand or the industrially manufactured products cheaper and more standardized than their traditional products, making hard the competition for them, are factors making the Roma youngsters to less and less embrace their traditional crafts (SOROS/ICCV, 2010).

The arguments in favour of the traditional crafts come from a systemic approach of the subject matter. Such traditional crafts are not the „wonder-solution” for the Roma under-employment. The traditional Roma craftsmen represent a qualified segment of Roma population, having the use of work, being accustomed with the work and production cost schedules. A part of those craftsmen worked in *factories or cooperatives, based on a traditional or modern qualification on site, which allow them to more easily adapt to related crafts.* Unfortunately most of these Roma individuals belong to an age group out of the labour market or hardly to attract on the labour market, which turns into an additional argument for supporting the traditional crafts.

Therefore, the question is not if the traditional crafts represent a solution for Roma employment but how should intervene these traditional crafts to ensure the achievement of the employment rate increase objective in the current context.

The social economy path is welcomed where the local economy dynamics and the entrepreneurial spirit of Roma have not already created a niche for marketing the traditional crafts (as proved a number of projects in progress). Community studies revealed Roma accommodation potential, proved by shifting of iron processing to stainless steel processing, and coppersmiths to producing wrought or establishing a micro-enterprise at community level, as authorized craftsmen, in such extent that it motivated the intra-county migration based on orders, during the periods of relative dynamic economy. *Roma group being a group with multiple vulnerabilities, for the moment the way of social economy is a solution, but it would be better to represent only a transitory stage to unblock the relation of Roma with the formal standard labour market.*

At the date of their launch, both the Employment Caravan and the Jobs’ Fair for Roma represented a new, dedicated and promising approach in the context of a relatively dynamic economy. *Roma were motivated to affirm their ethnicity, by contrast to their behaviour until that date. The secondary effect of the two actions was the increase of the Roma visibility in the employment statistics.*

The avoidance to self-identify as Roma led to many blockages or justified the absence of a dedicated action. In the context of absence of accurate statistical data on Roma employment:

- there are no reasons for a specific action in this area: „up until one year and half ago, we have 0 Roma individuals in our database” (NLFEA representative - SOROS/ICCV, 2010); „Even if we know that there are 160 Roma children in our commune, unfortunately only 19 are enrolled to school. We tried to attract some funds by a project, but we did not win because the official number of school children declared by Roma was too small.” (School Director -Voicu (c), 2007)
- the local authorities have no reason to set up, in their flowchart, the position of local Roma expert on Roma issues or Roma mediators, even if they (NLFEA, mayoralities) recognize that the Caravan success and the Roma community participation depend on how many Roma individuals can be mobilized by the local Roma expert
- it is difficult to evaluate the success of the specific action programmes.

The above mentioned observation reiterates the need for a person – local expert or mediator – able to ensure the liaison between the Roma community and the local authorities as a modern form of Roma representativeness, complementary to the traditional form of Roma representativeness („bulibasa”), adapted to the need to overcome the cultural barriers or the lack of information Roma face with. These Roma local experts on Roma issues or Roma mediators are the voice of Roma community and the key for a proper action. The already mentioned studies (Bădescu & others, 2007; Preoteasa & others, 2009; SOROS/ICCV, 2010) detected the poor notoriety of CLFEA, RPTCA, NAR/ROC, Caravan as well as of the political leaders: representative national researches show that only 3 of the leaders are relatively known by Roma, benefiting of a reduced notoriety level of 10- 20%.

This situation, to which add the useless nature of the Roma qualification certificates due to the current economic context, the preconceptions and the incomes below the expectations, make easy to understand why Roma do not perceive the systemic action intended to support their employment, their contact with the local authorities being considered rather as a formality which must be accomplished. („Now, they have the qualification, but they do not use it. After one year, none of them is employed in a job of such qualification.... most of them had a job, but in occupational areas other than their qualification and still not based on an employment agreement” – CLFEA representative, or „at the last Roma Caravan events in the community, no Roma came. Why? Because this initiative did not have a positive result, maybe, the philosophy of the approach must be reconsidered” – ROC representative; SOROS/ICCV, 2010).

Taking into consideration the specific of the Roma employment, some action lines can be clearly identified:

Roma Inclusion in Romania: Policies, Institutions and Examples

- to promote the self-change education, a necessary process which refers to requirements addressing any poor segment of population and not exclusively Roma (process aiming to build self-esteem, the care for attire and personal hygiene, to accommodate the trainees with a daily work schedule, to learn trainees how to plan their education, their activities, their time and money and how to valorise their school education as well as to promote women participation on the labour market);
- to necessarily increase the qualification and formal education level of Roma. Absence of proper qualification and formal education level block Roma access to decent incomes and Roma power of representativeness (i.e., in absence of „Roma offer”, the local authorities hired as Roma representative, the housekeeper, the doorkeeper, or a person not involved/not interested in Roma issues or even they do not hire anyone);
- to directly involve Roma in any action addressing them (this being the NAR slogan). The elaboration of the strategies should be the most important action in which Roma must have the power to make the final decision, otherwise existing the risk of the programmatic stereotyping and loss of details meeting the specific;
- to render the public policies flexible and to accommodate them to the social and economic context. Rarely, the accustomed action is recommended even with the risk of breaching some theoretically correct principles as the segregation and recommends special groups or separate classrooms at the training programmes, anytime the ethnic mix would be equivalent with blocking the access to training/education such deviations from the book being supported because of their positive effects on long term (SOROS/ICCV, 2010);
- to strengthen the mutual cognition and to build the mutual confidence (between authorities and Roma, between Roma and non-Roma population, between Roma and employers), which is possible by increased specific competencies -the need for qualified personnel- able to be capacitated by the dialogue with the local Roma expert on Roma issues) and by the change of mentality of both parties of the process
- to encourage and support the entrepreneurial activities (by granting micro-loans, consultancy in business management area) and the Roma involvement in the community development;
- to ensure a more solid funding for the programmes dedicated to Roma in order to allow their implementation and to ensure the sustainability of those initiatives (once the initial funding ends) proved to be a success;
- to enhance the will to change the Roma condition, including the cooperation, on horizontal and vertical, among the involved institutional actors.

In our effort to find the good experiences, we approached the representative authorities and we monitored the opinions of the local authorities and leaders. The answer, already outlined, was that *identifying good experiences depends on*

how we measure the success: in terms of skills effectively obtained or in terms of employment level achieved. In terms of skills effectively obtained as accumulation of knowledge (mutual cognition and reduction of the social gap even if punctual), all the initiatives are positive actions. In terms of employment level achieved, all the initiatives are failing actions.

Both the Employment Caravan and the Jobs' Fair for the Roma were successful experiences although their low notoriety among Roma population and the evaluations carried out by NLFEA are counter-arguments for such conclusion. However, it deserves appreciation *their philosophy to openly address and to try finding a solution for the vulnerable employment subject, as well as their attempt to translate at national level, although under expectations, the key concept of work mediation services for Roma.*

„Second chance” type programmes deserve to be continued even if they were not always perceived with confidence by the beneficiaries (Copoeru & all, 2007).

The aims of flexibility and entrepreneurial support are clearly identified also in the recently adopted Strategy for Roma Inclusion. We must accept that the absence of flexibility able to take into account the local labour force demand and offer, the local inclusion efforts become useless. *The perpetual search for market and development opportunities has its place at the community level, such competencies having to be developed with priority.*

Not incidentally, Roma are among the target-groups of social inclusion and needs dedicated actions but the severity of the vulnerabilities Roma face with make difficult for the social inclusion policy effects to be visible and lead to the impossibility for such effects to express as mass occurrence, although this is the overall outcome expected by us.

7.4. Migration

The European institutions exercised pressures on Romania before and after EU Accession. As it was shown many times in this report, these pressures materialized in a number of legislative acts, public policies, programmes and projects. These, directly or indirectly, targeted also the Roma minority. *The frequent changes in these actions show the will to harmonize them with the requirements of the European institutions but maybe also the absence of a systemic preparation of the intervention process.*

Generally, the Romanian authorities have been required to intervene in two areas that are inseparable: Roma inclusion in the relevant local communities, by one side, and better migration management by strengthening the control on frontiers, by the other side. To have efficient public/social policies, understood

in the broader way possible, it is necessary to have a holistic approach of the issue and parallel interventions in many areas simultaneously. All these need increased efforts from the part of many actors: national, regional and local public institutions, and representatives of the civil society. The efforts must be coordinated and synchronized. Thus, it is recommended to avoid the administrative centralization, because the previous experiences show that non-synchronization and exaggerate centralization materialized in irrelevant indicators outcomes presented at formal and declarative level as „quantitative indicators” of the type „...250 persons signed the list of participants to the training programme...”, which are not relevant in practice¹¹⁷. What remain invisible is the development process of the action programmes (more precisely, the manner in which the needs are identified and tested) and the manner in which these projects and their outcomes are evaluated, but also the aspects needing more attention in future.

The development process of inclusion or action programmes consists of a number of steps which must be followed as well as of different factors which must be taken into consideration to ensure a greater efficiency in the implementation of such programmes. First of all, the decision-makers should prove their will and support for such a process, materialized in a clear legislative framework¹¹⁸, and afterwards it is necessary to set up the basic structures for programmes development and to identify the main actors and the primary beneficiaries of the projects. Defining the goals should be structurally integrated in the national strategic plans, reason for which it is necessary an integrated and holistic approach of the issue.¹¹⁹

This type of approach needs a network whose operation is ensured by transparency, and by regular monitoring and reporting the activities. Also, it should be ensured the project visibility and sustainability, which, on many occasions, could be supported by an external catalyser as the mass-media.

Finally, the bureaucratic/administrative trap could be avoided by giving greater attention to the local context and by the use of local knowledge, as the Parliament of Europe and UNDP already recommended it.

¹¹⁷ By instance, hardly can be supported the rationale in case of a project implemented in Hungary, in a economically poor developed region, practically without industry, where more than 100 Roma benefited of shoemaker training programme, when the demand on the local labor market for such profession was effectively zero.

¹¹⁸ With regard to the legislative framework for social economy enterprises, in Romania, in 2011 was approved the framework law on social economy of MWSS and the draft Law for Social Entrepreneur was discussed. Both laws were widely discussed and criticized due to the fact that the terms used are not defined and it does not base on an empiric consistent research in this area. <http://www.economiesociala.net/m11-2-6-ro-Coalitia-Economiei-Sociale-inregistreaza-un-prim-succes-Proiectul-Legii-Antreprenorului-Social-intors-in-Comisia-de-Poli>

¹¹⁹ For a detailed description of the action models, see Baum (1978) *Projects, the Cutting Edge of Development*, World Bank Publication on Finance and Development, vol. 23. See also the documents elaborated by the Public Policies Unit, which can be consulted on the website: http://www.sgg.ro/index.php?politici_publice

7.5. Social services

With regard to the infrastructure necessary to promote the professional integration, we can affirm that it is partially developed at urban level, the rural environment being further sub-developed in terms social services specialized in employment facilitation.

The resources necessary to evenly cover the need for social services continue to be uncorrelated with the social context in Romania and with the difficulties specific for Roma communities.

Because of the lack of reliable statistical information on the type and methods of providing integrated social services intended to increase the employment rate and the social inclusion, it is still difficult to quantify the impact of policies in this area. Also, a parallelism with regard to the training of experts with similar, if not identical, duties (the social worker compared to the sanitary mediator and school mediator) persists, fact which brings lack of clarity in defining the competencies and responsibilities of these civil servants. The use of non-standardized work instruments as well as the non-compliance with the action methodology in ensuring and providing professional counselling and mediation services creates confusion in the subsequent implementation of the policies in this area.

Another impediment is represented by the lack of correlation between the social realities in the European and national context, by one side, and the allocation of the financial and human resources to relevant projects, by the other side, such allocation being made without a concrete analysis of the potential impact of the projects at national level.

The process of decentralization of the public social services is a perpetual goal of different governments and a recommendation, which is present in all the strategic documents, but the reality shows that the process advances with great difficulties at the local level.

The universality approach in social services, saying that all the citizens are entitled to benefit of access to social services (therefore, Roma, too) without discrimination, leads to finding an interesting aspect, namely that Roma group is considered a vulnerable group and in such circumstances, is needing specialized social services in the same manner as the persons with disabilities. *This type of approach might lead to an interpretation with a high discrimination potential against Roma people.*

The non-governmental organizations continue to be major providers of social services intended to support Roma professional integration but still remains the difficulty to ensure the sustainability of these services because, as we mentioned above, monitoring is a process still insufficiently promoted.

The Roma access to formal employment continues to happen in fields characterized by the need of low educated labour force and by a low remuneration level (many of Roma being employed by the public sanitation services).

These conclusions can be, at the same time, recommendations for the future programmes intended to the development of the social services that facilitate the Roma access on the labour market.

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