



**ROMA POLICY-MAKING IN ROMANIA
AND BULGARIA:
IN NEED TO PRIORITISE COMBATING
ANTI-GYPSYISM**

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ECMI WORKING PAPER #111
December 2018



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ECMI Working Paper # 111
European Centre for Minority Issues (ECMI)
Director: Prof. Dr. Tove H. Malloy
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ISSN 1435-9812; ISSN-Internet 2196-4890



ROMA POLICY-MAKING IN ROMANIA AND BULGARIA: IN NEED TO PRIORITISE COMBATING ANTI-GYPSYISM

Policies instituted with a view to improving the situation of the Roma in Romania and Bulgaria in recent years have resulted in very limited positive outcomes, as evaluated by international organisations and independent NGOs. Based on a broad outline of these policies, this Working Paper will argue that recognising the impact that anti-gypsyism has on the lives of the Roma, as well as strongly prioritising actions to combat it, represent fundamental conditions for improving the situation of this community.

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Introduction

Policies for integrating Roma minorities across Europe have had limited and patchily successful results. Despite years of policy-making in the fields of education, housing, employment, healthcare, and anti-discrimination, most evaluations offer a rather bleak picture of their outcomes.

Romania and Bulgaria, home to the largest Roma populations in Europe – both as indicated by census results and as estimated by the Council of Europe (2012) – have set up over time a complex institutional and policy response with a view to improving the situation of this ethnic group. Despite efforts in both countries, the outcomes of the policies instituted are constantly being evaluated as insufficient.

This Working Paper will provide a broad outline of the main policies instituted with a view to improving the situation of the Roma in Romania and Bulgaria, and of their outcomes, as evaluated by international organisations and independent NGOs. The evaluations of these outcomes are largely negative for most of the areas of intervention in both countries, and, importantly, emphasise the generalised discrimination of persons of Roma background in almost every area. This Working Paper will conclude that recognising the impact that anti-gypsyism has on the lives of the Roma, as well as prioritising actions to combat it, represent a fundamental condition for improving the situation of this community.



I. General Considerations

Community Size and Geographical Distribution.

Romania and Bulgaria have largely similar proportions of Roma populations on their territory, with 619,007 persons having declared their ethnic background as Roma in the 2011 census (amounting to 2.88 percent of the total population) in Romania, while in Bulgaria the latest census registered 325,343 persons of Roma ethnic background (4.31 percent of the total population). For both countries, the Council of Europe (2012) estimates indicate a larger number of people of Roma background and therefore higher percentages, namely 1,850,000 in the case of Romania (amounting to 8.63 percent of the total population), and 750,000 in the case of Bulgaria (9.94 percent of the total population). Also in terms of the geographical distribution of their respective Roma communities, the two countries share similar characteristics; both in Romania and Bulgaria the Roma communities are fairly evenly spread across the territories, with more recent generations of Roma having settled in urban areas seeking employment; following the collapse of communism and the economic upheavals in the region, many urban Roma lost their jobs and were forced to move to less expensive but underdeveloped areas outside cities (National Democratic Institute for International Affairs, 2003, p. 7).

Legal status.

Both Romania and Bulgaria have signed and ratified the Council of Europe Framework Convention for the Protection of National

Minorities; the rights of the Roma communities are protected in both states under this treaty.

Participation

In Bulgaria, the Roma are poorly represented both in the national Government and within municipal authorities (United Nations Human Rights Council, 2012). Although there is a consultation mechanism in place for ensuring the participation of minorities, its limited capacity has been often found to impede the possibilities of the Roma community to influence policy-making (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2014). The National Council for Cooperation on Ethnic and Integration Issues (NCCEII) was set up in 1997 under the Deputy Prime Minister. Its mandate is to “coordinate programmes and policies related to ethnic minorities and monitor the implementation of integration policies, in consultation with government bodies, civil society and other relevant stakeholders; NGOs representing ethnic minorities, including Roma, are members” (United Nations Human Rights Council, 2012). However, its limited budget and lack of clear powers have resulted in a weak capacity to achieve results. These weaknesses prompted a number of Roma NGOs to leave the NCCEII in early 2013, and in addition, the 3rd Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities (henceforth ACFC) on Bulgaria notes that in Bulgaria “the Roma minority remains largely sidelined from the legislative and executive spheres”, with no



ministers or deputy ministers identifying as Roma, and only one Member of Parliament identifying as Roma (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2014, p.37). Consequently, the Roma lack an effective mechanism for ensuring their political participation that would allow them to have a meaningful say in those issues affecting Roma communities.

In Romania, there are 20 recognized national minorities (the Roma included) who each have the right to send to Parliament one representative, provided they pass a reduced electoral threshold (5 percent of the average number of votes received by a mainstream MP). The Roma minority thus is represented by one Roma MP; given the number of persons self-identifying as Roma in the country, this is a deeply inadequate level of representation. At the local level things are slightly better, with Roma parties managing to secure 1 position as mayor and 161 local councillors in 2012 (Embassy of Finland to Bucharest, 2014, pp.14-15). A further mechanism for participation is the inclusion of all minority organisations which are represented in Parliament in the Council of National Minorities (CNM), a consultative body advising the government on minority-related issues. However, as in the case of Bulgaria, this body has limited powers, no budget of its own, and therefore its capacity to influence decision-making is questionable. In its latest Opinion, the ACFC threw further doubt on the functioning of the CNM, noting that those organisations benefit from an almost monopolistic position, stifling intra-community pluralism (Advisory Committee

on the Framework Convention for the Protection of National Minorities, 2017, p.2).

II. Major Issues Confronting the Roma Communities in Bulgaria and Romania

Anti-gypsyism

Defined by the Fundamental Rights Agency as “discrimination, harassment or hate crime against Roma” (European Union Fundamental Rights Agency, 2018a, p.15), anti-gypsyism is widespread in both countries, in all its manifestations.

Discrimination

In both Romania and Bulgaria there are very high levels of discrimination against the Roma community, in all areas of life. The authorities in both countries have set up anti-discrimination legislation and specialised institutions to combat discrimination, which have received generally positive evaluations from international monitoring bodies, albeit with certain reservations in relation to the insufficient funding of these institutions (in both countries) and some unresolved organisational issues in Romania, such as the lack of adequately trained staff or the lack of transparent internal procedures to guarantee that the cases are timely and comprehensively addressed (World Bank Group, 2014, p.208). However, despite the legal and institutional framework, discriminatory attitudes persist, and cases of discrimination in education, housing, employment, and health emerge frequently.



Unfortunately, recourse to justice is still beyond the reach of the overwhelming majority of the victims.

As mentioned above, Bulgaria has set up both legislation and a dedicated institution to combat discrimination. The Protection against Discrimination Act (2004) includes the prohibition of discrimination on grounds of race, religion, ethnic or national origin and nationality, providing for the establishment of the Commission for Protection against Discrimination. The Commission for Protection against Discrimination was subsequently set up in 2005, as an independent body for the prevention of discrimination, protection against discrimination and ensuring equal opportunities. In its 2008 Report on Bulgaria, the European Commission against Racism and Intolerance (henceforth ECRI) evaluates the Act as “broadly in keeping with international and European standards in the area of protection against racial discrimination”, while positively appreciating the Commission for “doing good work”, noting that NGOs expressed satisfaction with it.

Despite the positive evaluations of the legal and institutional set up, reports indicate an increasing social distance between Roma and non-Roma and a deterioration of the majority’s attitudes towards Roma, with cases of hate speech and direct discrimination occurring frequently and having the support of the majority of the population in Bulgaria (Roma Education Fund, 2015, p.17). As an example, a study conducted by the Commission for Protection against

Discrimination demonstrates the widespread discriminatory attitudes present in the Bulgarian educational system; the study found that 25 percent of Bulgarian teachers considered that children from different ethnic backgrounds should study in separate schools, while 20 percent considered that children from different ethnic backgrounds have different abilities (Roma Education Fund, 2015, p.17).

Similar to Bulgaria, Romania has also set up legal and institutional mechanisms to combat discrimination: Law No. 48/2002 on the Prevention and Sanction of all Forms of Discrimination sanctions direct and indirect discrimination on a range of grounds, including race, nationality, and ethnic background, in areas such as employment and access to public services, health care, housing, public places, etc. The Law also provides for the setting up of the National Council for Combatting Discrimination (NCCD), tasked with sanctioning discriminatory acts and adopting positive anti-discrimination measures. In its latest report on Romania, ECRI (2014) recognises the progress made by the NCCD, but emphasises that there are still unresolved issues, among them related to the appointment of the members of the NCCD Steering Committee and to the funding of the Council.

In practice, Roma face discrimination in all areas of life. In employment, recent data indicates that a Roma person is ten times more likely to be laid off than the overall population, while 41 percent of Roma self-report discrimination when looking for a job



(World Bank Group, 2014, p.72). In education, situations of unequal treatment of Roma students by teachers are frequent, with Roma pupils being often regarded as unmotivated students who are not interested in studying (World Bank Group, 2014, p.202). Perhaps the area in which Roma face the highest level of discrimination is housing, with 31 percent of Roma who searched for housing reporting having been discriminated against (World Bank Group, 2014, p.197).

The NCCD carried out in 2013 a study on perceptions and attitudes of discrimination, whose results confirm the widespread discriminatory attitudes of non-Roma towards Roma: 20 percent of respondents declared that the most characteristic trait of a Roma person is that they are thieves or criminals; 58 percent declared they would not accept a Roma person to become part of their family; 55 percent declared they would not accept a Roma person to become their friend; and 48 percent declared they would not accept to have a Roma person as a co-worker (National Council for Combating Discrimination, 2013).

Hate Speech

In both Bulgaria and Romania, the media and sometimes high-level politicians present an overwhelmingly discriminatory and stereotyping discourse about the Roma.

In recent years, in Bulgaria anti-Roma rhetoric has become increasingly widespread in political discourse and the media; in addition, the spread of extremist political parties, some of which are closely linked to private television stations, has fuelled the

increase in anti-Roma discourse. The 2014 ECRI Report on Bulgaria noted that “racist and intolerant hate speech in political discourse continues to be a serious problem in Bulgaria and the situation is worsening” and “the main targets of racist hate speech are Roma, Muslims, Jews, Turks, and Macedonians.” For instance, the election campaigns in 2013 and 2014 saw an increase in racist statements by two ultra-nationalist parties, the NFSB (National Front for Salvation of Bulgaria) and VMRO-BND (Internal Macedonian Revolutionary Organisation - Bulgarian National Movement). A section of VMRO’s programme was entitled “Solving the Gypsy question”, which proposed mandatory labour for the Roma. NFSB’s programme included a section on “Treatment of ethnic communities”, arguing that the existence of different ethnicities in Bulgaria threatened the country’s national identity. The two parties continued to make anti-Roma statements after the elections, from the position of members in the ruling coalition, without legal challenge (Roma Education Fund, 2015, p.17).

In Romania, ECRI (2005) noted the media’s tendency to refer to the Roma minority in derogatory terms; following a number of penalties applied by the National Council for Combating Discrimination and due the increased vigilance of NGOs and supervisory bodies, ECRI notes a decrease in the number of derogatory articles about Roma. However, despite the decrease in number of discriminatory articles, ECRI notes that the Roma are still mentioned mostly in the context of criminal behaviour. A particular



case of hate speech is represented by the racist slurs and chants during football matches. This is a regular occurrence, in particular against the team Rapid Bucharest, which is perceived as being a “Roma” club. Finally, racist statements by high-level politicians are not uncommon; one of the most notorious cases is that of Traian Basescu, at the time president of Romania, who during a 2010 news conference in Slovenia stated that “very few Roma want to work” and “traditionally many of them live off stealing”. He was subsequently fined by the National Council for Combating Discrimination (Mediafax, 2010).

Poverty

A 2016 report issued by the Fundamental Rights Agency, covering nine European countries (including Romania and Bulgaria) found that “80 percent of Roma live below the at-risk-of-poverty threshold of their country; that every third Roma lives in housing without tap water; one in 10 in housing without electricity; and that every fourth Roma (27 percent) and every third Roma child (30 percent) lives in a household that faced hunger at least once in the previous month” (European Union Agency for Fundamental Rights, 2018, p.9). In this context, the data depicts a bleak picture of the situation of Roma communities across Europe, as living in deep poverty, much more so than their non-Roma neighbours, and facing extremely high levels of social exclusion.

Poverty in Bulgaria is “disproportionately concentrated” in the Roma and Turkish ethnic groups: a 2010 World Bank study

found that 67 percent of Roma are among the poorest 20 percent of all people in Bulgaria (Roma Education Fund, 2015, p.7). In addition, according to a Council of Europe and European Union Joint Programme (ND) some 33 percent of the Roma (compared with 5 percent of non-Roma), live in absolute poverty.

Quite similarly, the at-risk-of-poverty rate of Romanian Roma is 84 percent, almost 3 times higher than among neighbouring non-Roma persons; the rate of Romanian Roma households in severe material deprivation is also very high (90 percent) (World Bank Group, 2014, p.5). A 2015 World Bank Report found that even when important background characteristics were held constant, merely “being a Roma” remained a key determinant of living in poverty. The World Bank analysis demonstrated that a Romanian individual is 38 percent more likely to be at risk of poverty if he or she is of Roma origin, as compared to a non-Roma individual of similar age, education level, household composition, community composition and geographic location (World Bank Group, 2014, p.6).

Furthermore, the World Bank report warns of poverty profiling, meaning the service providers’ profiling of Roma through assumptions on their lack of financial resources or high risk of default. This is a practice conducive to discrimination in many areas, as poor Roma are perceived as high-risk, and therefore their access to loans, health services etc. is often denied (World Bank Group, 2014, p.205).



Migration

Research on Romani mobility within Europe emphasises the difficulties in estimating the numbers of Roma migrants in their countries of destination. Although the percentage of Roma from South-East and Central European countries migrating to western European countries has been estimated as smaller than the percentage of the migrant majority populations (Roma Situation in Romania, 2012, p.216), Roma migration has been perceived as problematic in the countries of destination.

Motivated by economic reasons, Roma migration has been characterised by a lack of resources necessary for travel. This situation likely generated a marginal migration with precarious circumstances at destination (Roma Situation in Romania, 2012, p.216), transforming Roma migrants into a very visible and often discriminated group in their countries of destination. In addition, Roma citizens are overrepresented as victims of human trafficking, as well as offenders (Embassy of Finland to Bucharest, 2014, pp. 9-10). Research shows that the majority of Roma migrants are young, aged between 18 and 39; their migration trajectories have been shown to follow a pattern of frequent departures and returns, rather than periods of long stays. In many cases, Roma persons from a given community will choose to migrate to the same country and location as other members of the community (World Bank Group, 2014, p.80). The main countries of destination were identified as Spain and Italy, followed by France, Germany and Hungary.

A comparative study analysing the situation of migrant Roma from Bulgaria and Romania in Italy and Spain concluded that the conditions in the receiving countries play a fundamental role in the integration of the Roma migrants – the study found that Roma migrants in Spain enjoyed better access to public services, housing conditions were better, their desire to return was less pronounced, and benefitted for a mostly regular legal status; this situation meant that the discrepancies in the situation of Romanian Roma and Bulgarian Roma were not significant. In Italy on the other hand, the study found that the difference in the situation of Romanian and Bulgarian Roma were striking, usually at the disadvantage of Romanian Roma (Tarnovschi, 2012, p.85).

Plight of Romani Women

A 2016 study undertaken by the Fundamental Rights Agency in 11 European countries showed that the average situation of Roma women in the most important areas of social life, such as education, employment and health, is worse than that of Roma men (European Union Agency for Fundamental Rights, 2016, p.9). As such, the gap between Roma men and Roma women in what concerns self-reported literacy rates was found to be “significant”; in terms of employment, the study found that on average 21 percent of Roma women were in paid work, compared to 35 percent of Roma men; concerning medical insurance coverage, 18 percent of Roma women were not covered, compared to 8 percent of non-Roma women living nearby; finally, the report found that 42 percent of the Roma surveyed lived in



conditions of severe deprivation (without running water, connection to the sewage system and/or electricity) compared to 12 percent of non-Roma living nearby.

The issues identified in this study are to be found in both Bulgaria and Romania. For instance, in Bulgaria, only 32 percent of Roma women aged 15-18 are enrolled in formal education, while functional illiteracy is three times higher among Roma women than among Roma men (according to the Council of Europe and European Union Joint Programme “Access to Justice of Roma and Traveller Women”); in Romania, there is also a considerable gender gap in educational attainment between Roma women and men (World Bank Group, 2014, p.26).

Roma women employment indicators show a very low employment rate in both Bulgaria and Romania, with the majority of employed Roma women working on non-standard contracts and in precarious occupations (Preoteasa, 2013, p.166). In the case of Romania, unemployment rates are particularly high among Roma women, both in absolute terms and in comparison with Roma men (43 percent working age Roma women are unemployed, compared to 28 percent of working age Roma men) (World Bank Group, 2014, p.66).

In both Romania and Bulgaria, Roma women have low rates of health insurance, due in part to their absence from the formal labour market, and have to face various discriminatory practices when trying to access healthcare services. The practice of segregating Romani women in maternity wards in Bulgaria has been documented and

condemned (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2010, p.13), while in Romania the segregation of Roma and non-Roma patients and the lower quality treatment of the Roma have similarly been widely reported (World Bank Group, 2014, p.202). An example of the devastating consequences of poor access to medical services of Romani women in Romania, is the fact that maternal mortality is over 15 times higher among Roma women than for non-Roma (World Bank Group, 2014, p.165).

III. Institutional Setups Relevant for Roma Inclusion

Bulgaria

The National Council for Cooperation on Ethnic and Integration Issues

In Bulgaria, the most important institution in protecting and promoting the rights of the minorities (Roma included) is the National Council for Cooperation on Ethnic and Integration Issues (NCCEII), under the administration of the Council of Ministers. The NCCEII is a coordinating and consultative body, with the role of assisting the Government in formulating policies relevant to minority groups.

The membership of the NCCEII consists of representatives of organisations of national minorities and organisations working on minority issues, as well as representatives of all ministries and several state agencies. Non-governmental organisations wishing to join



the NCCEII can submit an application, which is then reviewed by a committee appointed by the Chairperson of the National Council and headed by a Deputy Chairperson.

The National Council holds meetings every three months, as convened by the Chairperson or at the request of at least one-third of the members.

The NCCEII develops activities on a broad thematic range, including promoting equality of opportunities, combatting racism and xenophobia, as well as preventing and combating discrimination based on ethnic grounds; improving access to healthcare, education, and employment, as well as improving living conditions of persons belonging to ethnic minority groups, with a focus on the most socio-economically vulnerable; the preservation and development of the cultural, religious and linguistic identities of minority communities.

Within the NCCEII, a special Commission for Roma Integration has been established, with the purpose to provide advice on matters related to the drafting and implementation of policies for the integration of Roma into Bulgarian society. It holds meetings once every two months. NCCEII coordinated and monitored the National Action Plan for the "Decade of Roma Inclusion 2005 – 2015" initiative, including the commitments of all state institutions in this respect; it drafted the annual Progress Reports to be submitted to the Council of Ministers. Also, it was the responsibility of the NCCEII, together with the Ministry of Health, to institutionalise the profession of the health mediator and transform it into a good practice.

Regional and municipal Councils for Cooperation on Ethnic and Integration Issues

The work of the NCCEII receives the support of Regional and respectively Municipal Councils for Cooperation on Ethnic and Demographic Issues, functioning in most regional and municipal administrations in the country. The Regional Councils are chaired by the respective Regional Governors, and their membership consists of the heads of central administrative structures at the regional level, the deputy mayors in charge of ethnic and demographic issues, and representatives of non-governmental organisations. Similarly, municipalities may establish Municipal Councils for Ethnic and Demographic Issues, with the role of drafting and implementing municipal programmes for the integration of persons belonging to ethnic minorities. Both Regional and Municipal Councils report quarterly on their activities to the Secretariat of the NCCEII (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2007).

The Commission for Protection against Discrimination

The Commission for Protection against Discrimination was set up on 13 April 2005 with the purpose to prevent and protect against discrimination, and to ensure equal opportunities. The Commission receives Individual complaints and can impose fines.



Commission on the Implementation of the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020)

The Commission brings together representatives of the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Agriculture and Food, the Ministry of Youth and Sports, the Ministry of Regional Development and Public Works, the Ministry of Health, the Ministry of the Interior, the Ministry of Culture, as well as representatives of non-governmental organisations working in the field of Roma integration; also represented are the Central Coordination Unit of the Council of Ministers, the Bulgarian Academy of Sciences and the National Association of Municipalities. The Commission has two working groups, namely the Interdepartmental Working Group for Roma, and the Interdepartmental Working Group for monitoring the implementation of the National Strategy (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2017a).

The Roma Public Council on Culture within the Ministry of Culture

In 2000, the Ministry of Culture created a Roma Public Council on Culture, with the participation of various renowned cultural personalities of Roma origin. The Council's chairman is also a senior expert on the staff of the Ministry of Culture.

Ombudsman

Following the adoption of the *Law on the Ombudsman* in 2003, the first Ombudsman

was elected by the National Assembly in April 2005. The Ombudsman is an independent institution, whose role is to uphold the rights and freedoms of citizens in their interactions with public authorities.

The Directorate for Ethnic and Demographic Issues

The Directorate is part of the administration of the Council of Ministers assisting the Government in the drafting and implementation of policies for the integration of persons belonging to ethnic minorities; a further role of the Directorate is to provide organisational and technical support to the National Council for Cooperation on Ethnic and Integration Issues, in particular by assisting the Chairperson of the Council in fulfilling his/her duties. The head of the Directorate is the Secretary of the NCCEII.

Romania

Although the institutional structure in Romania appears slightly more developed than in Bulgaria, with the existence of a state agency specifically dealing with Roma issues (the National Agency for Roma), it has been argued that there are many overlaps and confusions as to the roles and responsibilities of the various institutions dealing with Roma issues. In addition, reports mention that some structures, in particular the Inter-Ministerial Working Group and the Ministerial Commissions, are highly dysfunctional and exist mainly “on paper only”, and that local structures are neither sufficiently institutionalized nor are their mandate clear, which gravely reduces the overall effectiveness of policies for improving the



condition of the Roma (Embassy of Finland to Bucharest, 2014, pp.11-12).

The National Agency for Roma

The National Agency for Roma (NAR) was established in 2004, as a government agency responsible for coordinating and monitoring the implementation of the National Roma Inclusion Strategy for 2012–2020 and bringing together representatives from relevant ministries and public bodies and Roma civil society, promoting the improvement of the social and economic of situation of Roma, promote their culture and employment, and monitor the development of their social participation and living conditions. The NAR has been responsible for administering and implementing projects funded by various EU instruments.

Regional and County Offices of the National Agency for Roma

The NRA has seven Regional offices covering all Romania, responsible for monitoring the implementation measures of the NRIS at the lower levels of governance, as well as liaising with local partners, including the County Offices for Roma.

County Offices for Roma have been set up in all counties at the level of the prefecture and are administered by the Ministry of Internal Affairs with technical cooperation with the NAR. The County Offices are responsible for implementing local-level programmes promoting the social inclusion of Roma in cooperation with representatives of the Roma civil society and local governments.

The National Council for Combating Discrimination (NCCD)

The NCCD was established in 2002 to combat discrimination on a wide range of grounds, racial and ethnic grounds included. The NCCD is responsible for monitoring the implementation of Romania's international human rights commitments and of the national Anti-Discrimination Law (137/2000); very importantly, the NCCD can receive complaints from individuals who have been subjected to acts of discrimination and can take action against the offenders (it can issue warnings and impose fines). Many of the cases brought before it are acts of discrimination against persons of Roma background, although in absolute terms the number of complaints has been assessed as low. The reason may lie in the fact that the procedure for submitting a complaint is fairly complicated, so that many are rejected for not complying with the submission regulations; according to a World Bank report (2014), only 16% of all complaints were declared admissible in 2013.

Inter-Ministerial Working Group on Roma

The Inter-Ministerial Working Group was set up in 2011 as a high-level forum for ministries and public authorities responsible for implementing the NRIS. Coordinated by the Deputy Prime Minister and chaired by the President of the NAR, the Working Group meets every month; it reports to the Government twice a year.



Ministerial Commissions for Roma

Ministerial Commissions for Roma have been set up in those ministries with responsibilities in implementing the NRIS. They are chaired by the relevant State Secretaries and are tasked with evaluating the state budget and earmarking funds for measures aimed at improving the inclusion of Roma. The Ministerial Commissions and the Working Groups in subordinate state institutions also assist local government representatives and the civil society in applying and managing the EU Funds and make recommendations for the NRIS revisions.

The Prime Minister's Advisor on Roma Affairs

The position of Roma Advisor to the Prime Minister is honorary and carries no remuneration. The Advisor is expected to advise the Prime Minister on Roma issues, and at the same time serve as a role model for the Roma – this position is usually offered to famous Roma artists and young people of Roma origin with exceptional achievements.

Central Department for Monitoring and Assessment

Another structure suggested by the NRIS was the establishment of the Central Department for Monitoring and Assessment, responsible for collecting information on the implementation of the NRIS and preparing an annual evaluation report, to be endorsed by the Inter-Ministerial Working Group.

The Department for Interethnic Relations (DIR)

The Department for Interethnic Relations was set up in 1996, with the aim to promote cultural and linguistic diversity, prevent racism and xenophobia and foster intercultural dialogue. Initially, the DIR was also directly responsible for Roma issues, having a dedicated unit in this respect, which in 2004 was transformed into the independent National Agency for Roma (see above). Currently, the DIR implements the Government's minority policies, elaborates and approves draft legislation and monitors the situation of all national minorities.

IV. Main Policies for the Inclusion of the Roma

In 2011, the EU adopted the Council Conclusions for a Roma Framework, setting up the EU Framework for National Roma Integration Strategies (NRIS). The aim of the Framework was to close the gap between Roma and non-Roma by focusing on four main areas - education, employment, healthcare and housing, but also by requesting more funding, better monitoring, more focus on non-discrimination, the establishment of National Roma Contact Points (NRCP), and the involvement of non-governmental organisations. The EU Roma Framework was to a great extent modelled on the Decade of Roma Inclusion, for instance by establishing the same priority areas of action: education, housing, healthcare and employment; at the same time, it is the most comprehensive policy document adopted by the EC for the improvement of the socio-



economic situation of the Roma (Mirga-Kruszelnicka, 2017, p.8).

The adoption of the EU Roma Framework has had a generally positive impact across Europe, encouraging national governments to earmark funding and set up new policies, and bringing stakeholders together. One of the main limitations of this instrument however is its non-binding character; while it provides a conceptual framework, a set of guiding principles and common priority areas, the Framework is void of specific and mandatory measures (Mirga-Kruszelnicka, 2017, p.8) meaning that national governments can – despite having adopted their respective NRIS – avoid adequately implementing them. Both Bulgaria and Romania, despite having adopted their respective National Roma Integration Strategies, are falling short of their implementation. In the following, this paper will provide a brief overview of the main policies covering the four priority areas (education, housing, healthcare and employment) in the two countries.

Bulgaria

Prior to the adoption of the Bulgarian NRIS, the Bulgarian government had adopted many other policy documents concerning the integration of the Roma, such as the Framework Programme for the Integration of Roma in Bulgarian Society (2010-2020), Bulgaria's Action Plan under the Decade of Roma Inclusion 2005-2015 (which was structured along the above mentioned four pillars - education, health, employment and improving housing conditions, to which Bulgaria also added culture, protection

against discrimination and ensuring equal opportunities as national priorities).

As a result of the adoption of the EU Roma Framework, the National Roma Integration Strategy of the Republic of Bulgaria (2012-2020) was drafted and adopted, incorporating all programmes focusing on Roma integration, and thus replacing the existing policies at the time, so that a more comprehensive approach in line with European Commission requirements could be achieved (United Nations Human Rights Council, 2012, 7). The adoption of the NRIS was followed by the creation of strategies specific to each region of Bulgaria, as well as action plans at the level of each municipality.

Two years later however, the ACFC's Third Opinion on Bulgaria acknowledged the adoption of the Bulgarian NRIS, but found that the action plans were not funded; moreover, the ACFC noted that the "overall situation of many Roma in Bulgaria remains one of significant socio-economic disadvantage", in all areas covered by the NRIS (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2014, p.8).

Education

Education outcomes: In 2014 the ACFC noted that the number of Roma achieving better education outcomes, including completing university education, increased. Nevertheless, a 2016 US State Department report mentions that in 2016 only 1 percent of Romani children enrolled in first grade went on to complete 12th grade and that only 12 percent completed fifth grade, with many



students being demotivated and dropping out early due to a hostile or indifferent school environment.

Segregation: The ACFC notes that some school desegregation programmes were successfully carried out (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2014, p.8). However, despite some success, segregation of Roma pupils remains a significant problem; some estimates state that between 44 percent and 70 percent of the Roma children in school age, i.e., between 44,000 and 70,000 students, find themselves in segregated education. The conclusion of a 2015 Roma Education Fund report was that the government had failed to elaborate and fund a meaningful desegregation program (Roma Education Fund, 2015, pp.11-12). To this, it should be added that desegregation policies are carried out in a hostile and discriminatory environment; the 2015 Roma Education Fund study found that 25 percent of teachers believed that Romani students should study in segregated schools, while 20 percent were convinced that children from different ethnic backgrounds had different abilities.

Study of the Romani language: The study of Romani language as mother tongue is not provided in Bulgaria, thus teaching *in* the Romani language is not provided, with teaching *of* Romani being the only possibility. Moreover, the study of Romani is not included in the compulsory general curriculum, instead it is available as an element of the elective chapters of the school curriculum, with no provision for bilingual

teaching or for other subjects to be taught in the Romani language (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2014 p.7).

Housing

Adequate housing: One of the longstanding priorities of the Bulgarian government has been housing for the Roma, with a focus on improving living conditions for the Roma. Among the policy priorities of the government have been finding solutions to the land ownership and illegal construction issues in areas with high concentrations of Roma populations, as well as infrastructure provision, meaning the reconstruction and further building of existing technical and social infrastructure, and building of new infrastructure in areas inhabited by Roma (United Nations Human Rights Council, 2012, p.12.). Reports however state that many Roma continue to live in “appalling” conditions; a 2013 government-commissioned survey found that the average Romani home was only 28 square meters, 55 percent of homes had more than five occupants and only 4 percent had legally documented ownership; the same survey found that 28 percent had no electricity, 34 percent had no water supply, and 62 percent had no sewer connection (United Nations Human Rights Council, 2012, p.12.).

Forced evictions: A 2016 US State Department report states that several municipalities continued to initiate proceedings to demolish houses deemed to be illegally built occupied by Roma, but without providing adequate alternative shelter to the occupants; the report mentions the situation



in Stara Zagora, where in 2016 some 150 persons were evicted and their 26 dwellings demolished, as they were built illegally on both municipal and private land. The persons evicted were not offered alternative housing, as the mayor asserted they were not local residents and therefore the local authorities had no duty towards them (United States Department of State, 2016, p.33).

Health

One of the most successful policies in the area of health is the establishment of a National Network of Health Mediators, as a means of addressing the problems in accessing health services by Roma persons. According to reports, in September 2016, local authorities employed more than 130 health mediators appointed to full-time positions in 72 municipalities (United States Department of State, 2016, p.34).

The challenges in the area of health are nevertheless daunting; Roma life expectancy rates are over 10 years less than the average; child mortality was at 28 per 1,000 among the Roma as compared to 9.9 per 1,000 among Bulgarians; and just 5.4 percent of Roma were between 60 and 100 years of age, while the national average was 22.3 percent (Roma Education Fund, 2015, p.13).

Employment

Employment remains an area in which discrimination remains rampant; a 2013 survey found that average income in Romani communities was 71 percent lower than the national average, mostly due to high unemployment and prevalence of low-skilled

workers; it also found that 18 percent of Roma could not find a job because of their ethnic background (United States Department of State, 2016, p.40). Employed Roma men earn nearly one third less than men from the majority population, so that it is no surprise then that Roma consider that little action has been taken to enforce domestic or international antidiscrimination legislation with respect to employment (United Nations Human Rights Council, 2012, p.11).

Romania

The Government of Romania adopted the National Roma Inclusion Strategy for 2012–2020 in 2011; as in the case of Bulgaria, the NRIS replaced a previous major programme, the Strategy for Improving the Condition of the Roma, and largely takes over its priorities and policies. The Romanian NRIS states as its principal aim “(t)he social and economic inclusion of Romanian citizens belonging to Roma minority, by implementing integrated policies in the fields of education, employment, health, housing, culture and social infrastructure” (Agentia Nationala pentru Romi, 2014).

Two major criticisms of the Romanian NRIS relate to its implementation: first, the NRIS is largely based on the previous government strategy for the Roma, but the process of drafting the NRIS did not include either an evaluation of the positive and negative outcomes of the previous strategy, or a comprehensive baseline analysis; second, as a soft political instrument, the NRIS is difficult to implement in situations where coordination between different stakeholders



is problematic. Both these issues make the actual implementation of the NRIS challenging (Embassy of Finland to Bucharest, 2014, pp.11-12).

Education

Educational outcomes: In the field of education, there are a host of measures that have been implemented so as to improve the educational outcomes of the Roma. Among these, the most important are the school mediators programme, the setting up of the position of Inspector for Roma Education within the School General Inspectorates at county level, the programme offering special seats for Roma in universities, and the “Second Chance” programme (a programme designed to enrol in primary and secondary education those young people and adults who did not complete these educational levels). As in the case of Bulgaria, despite the measures taken in this field, there is a significant gap in educational outcomes between the general population and the Roma community: only some 37 percent of Roma children aged 3-6 are in pre-school education, as compared to 77 percent of their non-Roma neighbours.; there is a significant discrepancy between the national average (93.5 percent) and the enrolment rate of Roma (70 percent) in primary schools; some 25 percent of Roma adults over 16 years old declared that they cannot read and write, 23 percent of the Roma population did not graduate from any school (Marina and Csonta, 2012).

A 2010 report spells out the structural inequalities of Romanian schools in relation to Roma, thus linking the low enrolment of

Roma children to the quality of education provided. According to the study, the share of Roma children in a school correlates strongly with the lack of specialized labs, libraries, IT equipment and qualified teachers; also, the study showed "(p)ersistence of highly discriminatory perceptions and attitudes towards Roma children" both by their teachers and peers (Embassy of Finland Bucharest, 2014, p.5).

Segregation: As mentioned above, cases of direct discrimination leading to ethnically segregated classes/schools are usually accompanied by a highly precarious school infrastructure, many non-qualified or commuting teachers, and a lack of basic material resources (Duminica and Ivasiuc, 2011, p.173). Romani CRISS, one of the best known NGOs in Romania, monitored the situation of the Roma children in several schools from different counties and concluded that Roma children continue to be segregated in special schools for children with disabilities, in separate schools, or in separate classrooms. However, school inspectorates or schools will only rarely admit to the existence of segregation cases against Roma children (Marin and Csonta, 2012).

Teaching of the Romani language: According to Romania’s Second Periodical Report on the implementation of the European Charter for Regional or Minority Languages, in 2016, teaching of the Romani language was available to 32,158 students, who could study Romani language and literature and also study one hour weekly of Roma history and traditions. Teaching in



Romani language was available in one locality in Romania only, from kindergarten to the eighth grade inclusive.

Textbooks for teaching Romani in pre-school, school and high-school levels, as well as textbooks for several subjects in the Romani language, have been edited. Romani is taught at university level (including a specialisation as teacher of the Romani language); and a Masters' program in Romani was also established in 2009-2010 (Council of Europe, 2016, p.81).

Housing

Human rights groups have often criticized the Romanian government for its handling of the access to housing for Roma. A 2011 Amnesty International report showed that the Romanian legal framework regarding housing disadvantaged Roma, making it easy for local authorities to forcibly evict Roma families and relocate them in uninhabitable alternative housing (next to garbage dumps, sewage treatment plants, or in industrial areas hazardous for health). In addition, families relocated in such alternative housing face additional obstacles in entering the labour market or obtaining access to education (World Bank Group, 2014, p.204).

Though the National Council for Combating Discrimination has investigated and sanctioned several cases of forced evictions, its sanctions have not had any lasting impact on the phenomenon of forced evictions for the Roma (World Bank Group, 2014, p.204).

Health

Health mediators: As in the case of Bulgaria, the setting up of a network of health mediators for Roma communities has had a positive impact. Among the tasks performed by health mediators are offering assistance in obtaining health insurance, liaising between the Roma community and the medical personnel, providing health education and gathering health-related data. The programme has been assessed as a positive initiative in the area of Roma health care in Romania, especially in terms of preventive health care (Embassy of Finland to Bucharest, 2014, p.7). However, the lack of health insurance remains a problem for the Roma population, with only 53 percent of Romanian Roma being insured, compared to 78 percent of the non-Roma population (Embassy of Finland to Bucharest, 2014, p.7). In addition, due to a limited number of medical facilities, shortage of medical staff and fear of high medical costs, a large majority of the poor (85 percent) do not seek health care when they need it. The Roma are particularly affected and as such their life expectancy is some 6 years lower than the non-Roma population in Romania; only 2.6 percent of Romanian Roma are older than 65, as opposed to 18 percent among the general population World Bank Group, 2014, p.152).

Employment

There are no comprehensive governmental data on the situation of the Roma in the labour market, but various surveys indicate that Roma generally have a low level of employment, low wages and mainly temporary jobs; the employment rate of the



Roma population was 35.5 percent compared to 58 percent national employment rate of the population in 2011 (Marin and Csonta, 2012).

The Romanian NRIS includes 20 types of action in the area of employment, ranging from promoting entrepreneurship to raising awareness about discrimination at work. Other initiatives include the organisation of job fairs for Roma or employment targets for Roma for the National Employment Agencies; these however have had a limited impact (Embassy of Finland to Bucharest, 2014, p.6).

Discrimination represents a major obstacle in securing employment, just like in the case of Bulgaria. A study by the National Council for Combatting Discrimination showed that 48 percent of those interviewed do not want a Roma person as colleague at work (Marin and Csonta, 2014).

Conclusions

The majority of Roma in Bulgaria and Romania appear to share a fairly similar fate: poorer than the majority, marginalised, discriminated against, worse educated, in worse health, with very limited job prospects and living in dire circumstances. In terms of the policies employed for their inclusion, the two countries have developed generally similar approaches; given the two countries participation in Europe-wide initiatives such as the Decade for Roma Inclusion and the EU Roma Framework, this is not unexpected.

The limited success of policies – whether in the fields of education, housing, health, or

employment –for improving the situation of Roma communities in both countries, despite substantive efforts, suggests that anti-Gypsyism is a deeply rooted barrier preventing meaningful change. Policies to combat discrimination and hate speech in both countries have had limited effect and have so far not managed to curb the widespread discrimination experienced by persons of Roma background. It follows then that, in the absence of significantly increased efforts to combat anti-Gypsyism in all its forms, progress will be difficult to achieve.

Targeted social inclusion measures for Roma communities, better implementation of anti-discrimination legislation, enhanced powers and increased funding for the NCCD in Romania and the Commission for Protection against Discrimination in Bulgaria, and provisions for legal aid for victims of discrimination are just a few of the measures that could be taken to tackle anti-Gypsyism. One can only hope that governments will acknowledge the seriousness of this problem and take appropriate measures in due time; until then, improvements in the situation of Roma communities will likely remain limited.

Please note, this is work in progress. For any comments, corrections and suggestions, please write to carstocea@ecmi.de.



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