



Labour Plus

Ethnic minority participation through
education and employment

The situation of Roma in Europe

Phoebe Stirling, ENTP

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This document presents information intended to situate the current study within the context of the knowledge and debates surrounding the situation of Roma in Europe in 2013. It includes details from a memo taken during a meeting on discrimination against Roma in Europe, held at the European Parliament (EP) on 9 April 2013. Other information presented here has been taken from secondary research materials as well as from the various publications made available during the meeting itself and is not the original work of ENTP

1. Free movement of labour: Rules on EU citizens' rights to free movement and migration, including the right to work, to housing and to social security

Please note that this section presents information quoted from secondary research materials as well as from the various publications made available during a meeting organised by Amnesty International and the European Roma Policy Coalition on 9 April 2013 (see p12) and is not the original work of ENTP.

In his opening remarks at the joint FRA, COE, OSCE International Conference on Roma Migration and Freedom of Movement in Vienna, 2009, Director of the EU Agency for Fundamental Rights (FRA) Morten Kjaerum championed the fundamental right to free movement, stating that:

“According to the EUROBAROMETER published two months ago, 42% of Europeans consider that the European Union means first of all ‘freedom to travel, study and work anywhere in the EU’. At the same time, Eurostat estimates that 8 million EU citizens, some of them Roma, already exercise their right to freedom of movement and residency.

Why do Roma EU citizens move to other Member States in the first place? On the one hand there are significant push factors causing Roma to leave their country of origin. These include unemployment, poverty and increasing levels of racism in countries of origin; these factors are compounded by the effects of the economic crisis and violent attacks against Roma. On the other hand, there are also important pull factors, mainly the aspiration for improved living standards, as well as the prospect of finding work and better educational opportunities for their children.

The case of Roma EU citizens settling in other EU Member States raises questions in terms of wider debates on anti-discrimination and integration. Further, it challenges the meaning of EU citizenship and associated rights.”¹

The [Charter of Fundamental Rights of the European Union](#) prohibits any discrimination based on race, colour, ethnic or social origin. The chapters on freedoms and solidarity establish the right to education and access to preventive healthcare and medical treatment.²

The Charter of Fundamental Rights of the European Union states that:

- Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State
- Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Community law and national laws and practices.
- In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.³

In order to better understand how the EU rules work, one can take the example of benefits and social security. It is important to distinguish between two categories of benefits, defined by the European

¹ Source: http://fra.europa.eu/sites/default/files/fra_uploads/665-RomaMovementSpeech09-101109.pdf

² Source : <http://fra.europa.eu/en/theme/roma>

³ Source :

http://infoportal.fra.europa.eu/InfoPortal/infobaseShowContent.do?btnCat_40&btnCountryBread_169

Commission as:

- Social assistance benefits – such as Income Support or Housing Benefits– are typically means tested and given to people in need. These benefits are not financed by contributions paid by the individuals, but through general taxation.
- Social security benefits are granted to provide cover against the classical social security risks – sickness, maternity and paternity, accidents at work and occupational diseases, old-age and invalidity, unemployment and having to assume financial responsibility for a family.⁴

The Commission states that EU citizens who are workers or self-employed (and their family members) are eligible for social assistance benefits *and* social security benefits throughout the EU without any conditions. This is because they contribute, like all other workers, through their taxes to the public funds from which the benefits are financed.

EU citizens who are not employed are eligible for social security benefits, but not social assistance benefits. Before EU migrant citizens not active in the labour market become eligible for social security benefits, EU law says that they have to pass a “habitual residence test” proving that they have a genuine link with their country of residence. This test has been agreed by all Member States under [the EU regulation on the coordination of social security systems](#).⁵

In 2007, directed by the Labour Exchange, a Lithuanian woman of Roma origin applied to a café for a job as a dishwasher. Administration in the enterprise claimed the position was occupied. For the first time in Lithuania, the situation testing method was applied: after a Roma woman had been refused employment, a Lithuanian woman was asked to apply for the same job and immediately offered the job in contrast to the Roma woman. While negotiating the contract, the administrator revealed that they had had a woman sent by the Labour exchange, saying that she was a gypsy and as the staff did not want a gypsy, they could not therefore employ her. A complaint was filed with the Office of Equal Opportunities Ombudsperson, who ascertained direct discrimination in the sphere of employment. On 30 June 2008, the court adopted the ruling, stating that a person of Roma origin had faced direct discrimination while seeking employment.

However, as recognized by the FRA, reactions to the arrival of Roma EU citizens are often based on prejudice and racism. The reactions of local authorities are not always in line with the Member States’ commitments to social inclusion, equality and non-discrimination,⁶ and undermine the ability of EU migrant citizens to find work and to establish a ‘genuine link’ with their country of residence. The discrimination with which Roma are treated, acts as a barrier to their integration. This affects Roma and other minorities disproportionately to other EU citizens, and amounts to social exclusion

⁴ Source: <http://blogs.ec.europa.eu/ECintheUK/getting-the-facts-straight-eu-rights-to-reside-in-another-member-state-eu-benefit-claimants-and-nhs-treatment-entitlement/>

⁵ See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:284:0001:0042:EN:PDF>

⁶ Source: http://fra.europa.eu/sites/default/files/fra_uploads/665-RomaMovementSpeech09-101109.pdf

The FRA also found that the 2008 Free Movement [Directive](#)⁷ is not always applied correctly 'on the ground', particularly regarding residence registration procedures. This, in turn, can disproportionately affect Roma and other minority migrants' access to, for example, national health systems, public housing, and social assistance or labour market integration measures.

Equinet – The European network of equality bodies – provides explanation by way of example, of illegal discrimination of Roma in the Labour market:⁸

⁷ See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>

⁸ See: *Making equality legislation work for Roma and Travellers*, (Equinet 2009)

2. What Next for the EU Framework for Roma Integration?

This section presents information about the status of the EU strategy to tackle Roma integration, originally presented in the publication by the Roma Initiatives Office, Open Society Foundations (Published: Budapest, Hungary, February 2013)⁹

Progress of National Roma Integration Strategies for all EU Member States:

- The *EU Framework for national Roma integration strategies up to 2020* was adopted April 2011. The Framework obliged all EU Member States to develop a National Roma Integration Strategy (NRIS) for Roma inclusion in education, health, housing and employment, by the end of 2011. The Council of the European Union fully endorsed the Framework.¹⁰
- The Commission's *Communication, "National Roma Integration Strategies: a first step in the implementation of the EU Framework"* was adopted on 23 May 2012, providing an assessment of all 27 National Strategies.¹¹
- The NRIS were deemed to fall short of what is required. The Communication set out priorities that MS should address in order to meet their responsibilities, identifying strategy deficits in health, housing education and employment, and in funding and coordination. Viviane Reding, Commissioner for justice, expressed her deep regret that not all MS addressed the issues of access to decent healthcare and housing. Most MS failed to explain how they see cooperation with regional and local authorities, on the one hand, and civil society and Roma communities, on the other: "Member States need to make more efforts to meaningfully involve both the regional and local authorities and civil society at all stages of the national strategies".

The Evolving Role of the EU

- With EU enlargement in 2004 & 2007, approximately 4.5 million more Roma became EU citizens. Roma issues become mainstream EU policy concerns in 2010, after Commissioner Reding attacked the French government over mass Roma expulsions.
- Commissioner Reding states in 2010 that the European Commission "stands ready to act as a broker between Member States and to monitor and assess progress being made."
- Civil society advocates call on the EU to go "beyond brokerage" and to:
 - Devise a roadmap for Roma inclusion with well-defined benchmarks
 - Mandate civil society to gather data and conduct assessments across MS
 - Bolster the EU platform for inclusion; rigorously monitor how EU money is spent
- Issue annual monitoring reports to accelerate progress, and identify and remedy abject policy failures There remains the risk of "Europeanisation" of the problems which could symbolically transfer responsibility from MS to EU institutions without providing appropriate instruments to deal with problems

⁹ See: <http://www.opensocietyfoundations.org/publications/beyond-first-steps-what-next-eu-framework-roma-integration>

¹⁰ See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0173:en:NOT>

¹¹ See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012DC0226:en:NOT>

and without sufficient commitment from MS.

- Some of the clamor for “Europe” to do more to address Roma exclusion seems oblivious to the limitations of the competencies of the various institutions. As far as practical politics is concerned, the primary responsibility to remedy exclusion and inequality lies with national governments.
- The EU rightly insists that the primary responsibility for Roma integration lies within Member States; however it is clear the Framework will founder if states are left to their own devices.

3. Data and research on Roma equality and on Roma discrimination

This section presents data and information from various surveys intended to analyze the scope and extent of discrimination and inequality faced by Roma in Europe in 2013.

In parallel to the efforts made in 2011 by the European Commission to address Roma inclusion in Europe (marked by the publication of the *EU Framework for national Roma integration strategies up to 2020*), during 2011 the FRA, UNDP and the World Bank contributed to this process by providing data, analysis and evidence-based advice. Funded partly by DG Regional Policy of the European Commission and partly through their own resources and others, they undertook survey work in 11 EU Member States and in neighboring countries.

Across these 11 EU Member States (Bulgaria, the Czech Republic, France, Greece, Italy, Hungary, Poland, Portugal, Romania, Slovakia and Spain) the surveys interviewed 22,203 Roma and non-Roma, providing information on 84,287 household members. Interviews were carried out in respondents' homes; people self-identified as Roma.

Surveys addressed questions about basic socio-demographic characteristics of household members, about their situation in employments, education, health and housing, about the neighborhood and its infrastructure, about integration, discrimination, rights awareness and citizenship issues, and about mobility and migration.

Selected survey findings: the situation of Roma in priority areas ¹²

Education

- On average, only one out of two Roma children surveyed attends pre-school or kindergarten;
- Nine out of 10 Roma children aged 7 to 15 are reported to be in school;
- Participation in education drops considerably after compulsory school: only 15% of young Roma adults surveyed complete upper-secondary general or vocational education.

Poverty

- On average, about 90% of the Roma surveyed live in households with an equivalised income below national poverty lines.

Employment

- On average, fewer than one out of three Roma are reported to be in paid employment;
- One out of three Roma respondents said they are unemployed;
- Others said they are homemakers, retirees, not able to work or self-employed.

Housing

- On average, in the Roma households surveyed more than two persons live in one room;
- About 45% of the Roma live in households that lack at least one of the following basic housing amenities: indoor kitchen, indoor toilet, indoor shower or bath, and electricity.

¹² See: *The situation of Roma in 11 EU Member States – survey results at a glance* (FRA 2012), <http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance>
The Situation of Roma in Europe, 2013.

Selected Survey findings: data on Roma discrimination and anti-Roma crime¹³

Discrimination

- About half of the Roma surveyed said that they experienced discrimination in the past 12 months because of their Roma background;
- The proportions range from over 25% in Romania to around 60% in the Czech Republic, Greece, Italy and Poland. Levels of discrimination in Romania and Bulgaria are relatively low compared with other EU Member States;
- Recipients were asked if they knew of any law that forbids discrimination against ethnic minority people when applying for a job. About half of the Roma respondents were aware of anti-discrimination legislation.

Anti-Roma Crime

- On average, 18% of Roma respondents said they had experienced at least one assault, threat, or serious harassment in the last 12 months that they considered to be racially motivated;
- Most incidents were not reported to the police (57%-90% depending on country & offence). Reasons for not reporting crimes include: nothing would change as a result; incidents happen all the time; dislike of, fear of, or previous bad experiences with the police;
- The FRA found that all 27 EU member States differ in the hate crime data they record and publish. This means official data collection mechanisms on hate crime often fail to capture the real situation on the ground.

In 2009, Equinet – the European Network of Equality Bodies – conducted a survey on the work of the specialized equality bodies across Europe on Roma and Traveller issues. 20 equality bodies in 16 Member States responded to a questionnaire addressing their vision and objectives, legal, research and communication work, promotion or equality and strategic planning on Roma and Traveller issues. Conclusions drawn from the survey focus on the theme of ‘Making equality legislation work for Roma and Travellers.’

Selected conclusions and recommendations: Making equality legislation work¹⁴

- Roma and Traveller discrimination is strongly related to structural and systemic inequalities which can render action confined to individual handling of cases less effective and requires a strategic and holistic approach.
- There are significant and problematic differences in the situation and experience of Roma and Traveller people who have migrated into a Member State and Roma and Traveller people who are citizens of that state.

¹³ See: *Minorities as victims of crime*, and *Making hate crime visible in the European Union: acknowledging victims’ rights* (FRA 2012), <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime> and <http://fra.europa.eu/en/publication/2012/making-hate-crime-visible-european-union-acknowledging-victims-rights>

¹⁴ See: *Making equality legislation work for Roma and Travellers*, (Equinet 2009)

- The long history of social economic and cultural exclusion of Roma and Traveller people inevitably leads to a lack of trust in the good will or effectiveness of statutory authorities of bodies. This presents a barrier to the work of equality bodies and leads to under-reporting of incidents and discrimination. This situation of mistrust needs to be addressed by a break with the tradition of exclusion, discrimination and racism experienced by Roma and Traveller people.
- The work of any organisation with Roma and Traveller people needs to be based on the recognition of their distinct identities and cultures.
- The work of any organisation with Roma and Traveller people needs to involve a dual strategy of mainstreaming and targeting. Mainstreaming ensures that service provision to the general public secures the inclusion of Roma and Traveller people. Targeting is concerned with positive action that would meet needs specific to these groups.
- There are a number of further actions that could be usefully advanced by national/local authorities in making equality legislation work for Roma and Traveller people. These include:
 - o Support to local initiatives;
 - o Support to positive action initiatives;
 - o Policy mainstreaming;
 - o Training for public officials.
- It could be more effective to take into account the particularities of different areas of the same country and to focus on specific solutions addressing better the particular needs of the Roma or Traveller group concerned.
- Action promoting equality and combating discrimination can only be fully effective if Roma and Travellers themselves and their organisations are actively involved and included. One way to achieve this participation is to create platforms for dialogue involving Roma and traveller people and organisations.
- The role of local authorities is vital for the progress and success of any action aiming at the promotion of Roma and Traveller rights. The long-term lack of action on the part of the competent authorities makes it easier for the local residents to demand expulsion of Roma and Travellers from the area, instead of reminding public authorities their duty to take action to combat Roma and Traveller exclusion and isolation.
- Employers, trade unions and NGOs could serve as champions for good practice, as advocates for equality and as catalysts for the full and effective implementation of equality legislation:
 - o Collaborate with equality bodies;
 - o Implement positive action;
 - o Build competence;
 - o Support advocacy.

4. Panel discussion: How can it happen here? Roma discrimination in Europe

Organiser: Amnesty International / European Roma Policy Coalition (ERPC)

Date: 9 April 2013

Place: Brussels: European Parliament

Summary:

- 2 Panels addressed institutional discrimination and hate crime against Roma in Europe;
- The meeting addressed the present situation of Roma, in light of the EU Framework for National Roma Integration Strategies (adopted 2011), and in light of the EU Racial Equality Directive (2000, which specifically addresses EU labour law). All 27 Member States (MS) have been obliged to transpose the 2011 Framework into National Roma Integration Strategies, and are obliged to respect the 2000 Directive.
- Much of the debate focused around MS' breach of the commitments reflected in these obligations, failures in policy implementation and lack of tangible results.
- Voices from the audience and from civil society called out for stronger sanctions for MS in breach of commitments. Voices from the EU institutions acknowledged the breach of commitments and maintained that sanctions are in place.
- (Political) representation of Roma was also addressed. Four Romani activists were represented on the panels.

Introduction and key messages from host – Helene Flautre, MEP (Greens/EFA)

Introduction and key messages > Each Member State (MS) is required to have a national strategy > A European Roadmap is also of great importance > Housing, Health, Education and Employment are essential for wellbeing of all European citizens.

Panel 1: Discrimination against Roma in access to housing and education:

Chair – Belen Sanchez-Rubio – ERPC chair and Director of International Programmes, FSG

- Discrimination concentrates in basic spheres of life such as housing & education > these are mutually related issues > National Roma Inclusion Strategies could be effective but lack solid political will and data about institutional discrimination.

Claudia Greta – Romani activist from Romania

- Testimony about eviction from rented accommodation in Romania > rented accommodation rather than squatted accommodation > two days eviction notice > evacuation by force.
- Drew attention also to the difficulty in finding work, and the importance of stable employment for finding housing > would like to work, but poor access to employment leads to lack of income for housing.

Iveta Horvatova – Romani activist from the Czech Republic

- Addressed the issue of segregated education in primary school > dual curriculum > draws attention also to responsibility of Roma towards their children's education.

Pia Lindhorm – Legal Officer, DG Justice, European Commission

- Investigating Roma specific issues in housing and education > Since 2010 EU framework for Roma Integration, the MS' National Strategies have been produced > assessments have been made about how far EU framework recommendations have been followed by MS in their National Strategies.
- The Racial Equality Directive specifically addresses employment, housing and healthcare, not for Roma specifically, but on the basis of ethnic origins and vulnerable groups, to which Roma are beneficiaries > This is already transposed into national law by all MS.
- This transposition is not the issue, but rather how it is implemented and applied > The Directive specifies MS to set up anti-discrimination authorities > The European Commission follows how MS follow the Directive and assesses breaches of the directive > cannot give details here of breaches of MS' obligations.

Amb Jakub Durr – Deputy Head of the Czech Permanent Representation to the EU

- Addressing the issue of capacity for change > there has been a lack of cooperation between the different ministries of governments in Central Eastern Europe > the horizontal approaches and common language necessary for advancing, were not supported by the structures of these administrations > recently there has been a move towards a more horizontal approach.

Iain Byrne – Economic, Social and Cultural Rights Team, Amnesty International

- Addressing the scale of the issue > segregated schools, forcible evictions, ghettoization, isolation & segregation, must be addressed > e.g. Slovenia only secures drinking water for people who are able to provide building permits for their homes, which specifically excludes Roma > Informal settlements and camps do not offer other options.
- Addressing what needs to be done > Binding legal obligations include international and EU commitments > there is a failure to implement these, translation is yet to occur > standards are in place but implementation is necessary > Infringement proceedings remain open but these are usually on technical issues > = a form of impunity > the Race Directive is no less binding than other EU policies.

Comments and questions to panel 1:

- Is there sufficient political will/courage present in the MS, to implement equality in education etc?
- How could the European Commission carry out the supervision of the Race Directive and the 2020 Strategy, which is, for example, badly implemented in Spain?
- Why is the effort to supply laws not supported by sanctions on governments that do not implement these laws. Governments are not sanctioned for failure to observe legislation > Answer from Helene Flautre: both the European Parliament and Commission draw attention to violations and never miss an opportunity to act > Answer from Pia Lindholm: MS can be fined, sanctions do exist, often it is press news which draws attention to infringements.

Panel 2: Anti-Roma racism and racially motivated violence

Chair: Shannon Pfoman – European Network Against Racism (ENAR)

The chair welcomed the panel with great haste due to restricted time

Jeno Setet – Romani activist from Hungary

- After the change of regime in Hungary there was no political will behind the National Strategy for Roma inclusion > National Strategies do not follow the directive of the EU > In Hungary, Roma children are sent away from school > Two key issues: exclusion of Roma from the labour market, and the number of Roma in segregated education, which causes exclusion from the labour market > this causes ethnic segregation > a law is on its way to address segregated education.
- Paramilitary groups are increasing, with connections to the police > in order to deal with hate crime, the EU needs to initiate infringement proceedings against MS who do not comply.

Mirabela Margelu – Romanian Romani activist living in France

- Roma community badly treated in France > Pressures were exerted by the Commission but action remained theoretical > local mayors do not want to put Roma children in school > associations which claim to help often benefit and Roma become a kind of business for them > Roma require practical solutions.

Henry Scicluna – Advisor, Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma issues

- Addressed the expression of racism at official levels > failure of states to investigate allegations could amount to a breach of article 14 of convention on discrimination > 19 judgments have found states guilty of breaching article 14.

Michail Beis – Coordinator Racism, Roma and Integration, FRA

- Victimization survey on minorities found that Roma are the most victimized group > many crimes go unreported due to lack of confidence in police > At a practical level, a solution oriented approach is necessary in order to show that authorities are taking hate crime seriously.

Kinga Goncz – MEP S&D, Vice-Chair Committee on Civil Liberties, Justice and Home Affairs

- Addressed the key question of political representation > proportionally, there should be 20 Roma MEPs in the European Parliament > If there is stronger representation of Roma at the local level, there might be stronger political will for action.

Comments and questions to panel 2:

- The political consciousness of the Roma people needs to be developed.
- There should be stronger sanctions available for non-compliance to the Directive.

