Roma in the EU – a question of fundamental rights implementation

France's controversial 'repatriation' of Bulgarian and Romanian Roma during the summer of 2010 put the situation of Roma communities in Europe high on the political agenda. The fact that the right to free movement and residence of European Union (EU) citizens of Roma origin was called into question generated widespread public and political debate over the situation of one of Europe's largest ethnic minorities, the Roma minority, and the fulfilment of their fundamental rights. In its determination to weave fundamental rights into the fabric of EU law, the European Commission sent strong political signs in 2010 in relation to Roma, not least in setting up a Roma Task Force in September 2010.

The issue of Roma inclusion is a question of fundamental rights implementation, as Roma are disproportionally affected by social exclusion, discrimination, unemployment, poverty, bad housing, low levels of education and poor health standards. Although the Lisbon Treaty stipulates that the EU should aim to combat social exclusion and discrimination based on ethnic origin when defining and implementing its policies, and despite the application of legal instruments such as the Racial Equality Directive, the Roma continue to live in a vulnerable situation within the EU and to be discriminated against due to their ethnic origin.

The discrimination of Roma in Europe entered the collective conscience in the context of free movement of Roma people and their 'repatriation'. In France, where large numbers of Roma were sent back to their EU countries of origin over the summer of 2010, the respective policies at national level raised concerns of compatability with EU law and have sparked a wide and heated debate. At the end of July, the French government ordered a clampdown against Roma immigrants from Romania and Bulgaria, expelling a large number of Roma and demolishing their camps. The argument for targeted discrimination rested on a French interior ministry paper ordering priority action specifically against the Roma. The paper was in circulation for five weeks before it was leaked to the French media and subsequently withdrawn.

The development and the analysis of the situation of Roma in **France** resulted in the establishment of the European Commission's Roma Task Force, based on a joint effort by European Commission Vice-President Viviane Reding, the European

Roma and key developments:

Between 10 and 12 million Roma live in the EU, candidate countries and potential candidate countries in the western Balkans. This encompasses a broad variety of population groups such as Sinti, Gypsies, Jenisch, Kalé, Camminanti, Ashkali and Travellers, and their subgroups. Using 'Roma' as an umbrella term rules out any prejudice regarding the manner in which any of these groups present themselves.

Key developments, mainly in those EU Member States where Roma account for a significant part of the population, included the following:

- Roma increasingly faced difficulties in freely moving and residing within the EU. Certain Member States reinforced policies of 'repatriations';
- the housing conditions of Roma populations remained a particularly problematic area. The EU might provide further stimuli to improve the situation through a revision of the European Regional Development Fund (ERDF) with regards to the eligibility of housing interventions in favour of marginalised communities;
- the employment rate among Roma continued to be lower than that in the majority population;
- the level of education among the Roma population remained very low. Despite the reform of national educational systems, segregating tendencies have been reported in a number of Member States;
- Roma continued to suffer from poor health conditions, including lower life expectancy, and tended to have limited access to healthcare services.

Commissioner for Employment, Social Affairs and Inclusion László Andor, and the Commissioner for Home Affairs Cecilia Malmström. Its mandate was to assess Member States' use of EU funds for Roma integration, and their effectiveness. The scope of the topic of Roma and their living situation goes far beyond the issue of cross-border movement or the use of EU funds. This section of the FRA Annual Report, focusing on the Roma and their fundamental rights situation in the EU, will first sketch out the initiatives and measures taken at EU level in 2010, before looking in greater detail at the issue of freedom of movement and 'repatriations' of the Roma in the EU. It will then examine the social and economic situation of the Roma, notably their access to housing, employment, education and healthcare. Here, the focus will rest on those EU Member States where the Roma account for a significant proportion of the population.

European initiatives paving the way for Roma inclusion

2010 witnessed the continuation of a process that has put the social and economic situation of the Roma high on the EU policy agenda, culminating in the establishment of the Roma Task Force in September 2010.

On the occasion of International Roma Day on 8 April 2010, the Second European Summit on Roma inclusion[1] took place in Córdoba in Spain. These summits bring together high level representatives from EU institutions, national governments and civil society organisations from all over Europe. The Córdoba summit focused on the 10 Common Basic Principles for Roma Inclusion, which were annexed to the June 2009 conclusions of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) meeting.[2] These principles aim to guide the EU institutions and Member States when they design and implement new policies or projects for Roma inclusion. In order to underline the political will at EU level to advance the social and economic integration of the Roma in Europe, the then Council Trio Presidency – **Spain**, **Belgium** and **Hungary** – issued a joint statement at the Córdoba summit. The declaration was based on the commitment to mainstream Roma issues into all relevant policies, a roadmap for the actions of the European Platform for Roma Inclusion[3] – an annual platform for the exchange of good practices and experiences – and the effective use of EU Structural Funds.[4]

The European Council's commitment to improve the situation of the Roma was translated into more operational terms by the European Commission. In its Communication on *The social and economic integration of Roma in Europe* of 7 April 2010, the European Commission identified some core challenges that the EU and its Member States need to address, including: the promotion of the integrated use of EU funds to tackle the multidimensional challenges of Roma exclusion, a focus on the most disadvantaged micro-regions, and the mainstreaming of Roma inclusion into other policies, such as education, employment, public health, infrastructure, urban planning, economic and territorial development.[5]

On 7 June 2010, in its *Conclusions on advancing Roma inclusion* the Council invited the European Commission and the EU Member States, in close cooperation and in accordance with their respective responsibilities, to mainstream Roma issues "in the fields of fundamental rights, gender equality, personal security and protection against discrimination, poverty and social exclusion, regional cohesion and economic development, as well as in other fields that are key to the active inclusion of Roma, such as ensuring access to education, housing, health, employment, social services, justice, sports and culture, and also in the EU's relations with third countries".[6]

> *"The issue of Roma inclusion is a question of human rights implementation. We have the political commitment at EU level [...]. We are all committed to the common basic principles of inclusion and equality. But improving the situation of the Roma population is about more than just principles of social inclusion. It is about **all** actors contributing to turning these principles of inclusion and equality into **real** rights."*
>
> *Morten Kjaerum, FRA Director, Second European Roma Summit, 8 April 2010*

In reaction to the concerns about Roma rights and their socio-economic situation in Europe that emerged in summer 2010, the European Commission established a Roma Task Force on 7 September 2010. The task force included senior officials from all relevant Commission departments and representatives of the European Union Agency for Fundamental Rights (FRA). It aimed to streamline, assess and benchmark the effectiveness of EU and national funding by all Member States in favour of the integration of Roma for the period 2008-2013.[7] Although the responsibility for the integration of Roma rests primarily with the EU Member States, the EU has made substantial funding available to support Member State actions in this area. In other words, the European Commission's Roma Task Force has been seeking to analyse how EU Member States were following up on the Commission's Communication of 7 April 2010.

To further strengthen a pan-European response to the integration and well-being of Roma, the Parliamentary Assembly of the Council of Europe adopted in the course of 2010 two reports on the situation of Roma in Europe and on the case of Roma within the recent rise in national security discourse in Europe,[8] in which it stressed that many initiatives remained isolated and limited – therefore offering only partial responses. The

1 For more information, see http://ec.europa.eu/social/main.jsp?catId=518&langId=en&eventsId=234&furtherEvents=yes.
2 Council of the European Union, EPSCO (2009).
3 For more information, see: http://ec.europa.eu/social/main.jsp?catId=761&langId=en.
4 Council of the European Union (2010).
5 European Commission (2010b); for more information, see also: European Commission (2010c).
6 Council of the European Union, EPSCO, *Council conclusions on advancing Roma inclusion*, Luxembourg, 7 June 2010.
7 European Commission (2010).
8 Council of Europe, Parliamentary Assembly (PACE), (2010a) and (2010b).

reports also highlighted that concrete results of a wide range of measures could not be properly evaluated because many governments refused to collect statistics based on ethnicity. On 20 October, the Council of Europe held a High Level Meeting on Roma and Travellers in Strasbourg, gathering representatives of the 47 Council of Europe countries, the EU and the Roma community. In issuing the 'The Strasbourg Declaration on Roma',[9] the Council of Europe Member States agreed to work together to combat discrimination against the Roma, thereby ensuring their social inclusion, empowerment and better access to justice. At this meeting, Commission Vice-President Viviane Reding announced that, based on the findings of the Roma Task Force, the European Commission would present an EU framework for national Roma integration strategies in April 2011.[10]

Promising practice

Council of Europe to train Roma mediators

As a follow-up to the High Level Meeting on Roma and the adoption of the Strasbourg Declaration in Strasbourg in October 2010, the Council of Europe launched a European training programme for Roma mediators, who will give legal and administrative advice to communities. The programme envisages the training of school, health and employment mediators working with Roma people who face difficulties in exercising their social rights, namely accessing housing, education, employment and healthcare services. Roma mediators will also work to improve the link between the Roma communities and civil society.

For more information, see: www.coe.int/t/dg3/romatravellers/source/documents/Call_trainers_final_EN.pdf

Freedom of movement within the EU

In the summer of 2010, the issue of free movement and 'repatriations' of Roma became prominent, notably in relation to **France**,[11] where the respective policies at national level raised concerns of compatibility with EU law, as well as with international human rights law. In light of these 'repatriations' or so-called 'voluntary returns', EU institutions as well as the Council of Europe's European Commission against Racism and Intolerance (ECRI) voiced their concerns.

On 24 August 2010, ECRI noted that "while France may impose immigration controls in accordance with its international obligations, ECRI wishes to recall that EU citizens have the right to be on French territory for certain periods of time and to return there. In these circumstances, France should look for sustainable solutions in cooperation with partner States and institutions".[12] The United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) also noted in its concluding observations for **France** in September 2010 that "there have been reports that groups of Roma have been returned to their country of origin without the free, full and informed consent of all the individuals concerned".[13]

> *"No one should be expelled on the basis of their ethnic origins. It is not acceptable to stigmatise people because of their ethnicity. Roma people are Europeans and therefore their rights have to be respected like those of any other EU citizen."*
>
> *Jerzy Buzek, European Parliament President, 17 September 2010*

The European Parliament in its Resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the EU emphasised the right of all EU citizens and their families to free movement and residence throughout the EU. The Parliament expressed "deep concern at the measures taken by the French authorities and by other Member States' authorities targeting Roma and Travellers and providing for their expulsion". It emphasised that mass expulsions are prohibited by the EU Charter of Fundamental Rights and the European Convention on Human Rights (ECHR). In accordance with the Free Movement Directive, the Parliament also recalled that people's lack of economic means cannot justify the automatic expulsion of EU citizens under any circumstances. Moreover, it stressed that restrictions on freedom of movement and residence on grounds of public policy, public security and public health can be imposed solely on the basis of personal conduct, and are not justified by general considerations of crime prevention or on the basis of ethnic or national origin.[14]

In order to quickly establish the facts and to assess whether the measures taken by the French authorities were in compliance with the Free Movement Directive and the EU Charter of Fundamental Rights, the European Commission and French authorities had a detailed exchange on the transposition of EU law. The European Commission took note of the assurances given by France on 22 September 2010. Nonetheless, a French government administrative instruction[15] from 5 August 2010 was not in conformity with this orientation: it was thus repealed and replaced by a different instruction on 13 September 2010.[16]

In order to verify the application of the political assurances given by the French authorities on 22 September 2010 and of the Free Movement Directive in practice, the European Commission asked the French authorities to provide detailed documentation to this end. Since France had not transposed the Free Movement Directive on the right of free movement into national law in a manner that rendered those rights completely effective, the Commission

9 Council of Europe (2010).
10 Reding, V. (2010).
11 Carrera, A. and Faure Atger, A., CEPS (2010).
12 Council of Europe, ECRI (2010a).
13 UN, CERD (2010a).
14 European Parliament (2010c).
15 France, Ministry of Interior, Overseas and Territorial Communities (2010a).
16 France, Ministry of Interior, Overseas and Territorial Communities (2010b).

further asked the French government to include those safeguards in French legislation and to adopt legislation swiftly. On this basis, the European Commission decided on 29 September 2010 to issue a letter of formal notice to France[17] unless France replied to its requests by 15 October 2010. On that day, France provided detailed documentation including draft legislative measures and a precise calendar for putting the safeguards required under the Free Movement Directive into French legislation. France also provided samples of decisions taken by the national authorities in the relevant period of time, such as the annulment of the administrative instruction of 5 August 2010, as well as clarifying material related to their proceedings over the summer.

On 19 October 2010, the European Commission therefore announced that infringement proceedings were suspended.[18] On 26 November 2010, the Commission informed France that until the legislation was adopted, it would be desirable to take appropriate administrative measures to ensure that the provisions of the Free Movement Directive are followed systematically in practice by the relevant authorities. In their reply of 7 December 2010, the French authorities reaffirmed their commitment to transpose the Free Movement Directive. They took note of other points raised by the European Commission and confirmed their intention to ensure compliance with the principles laid down in the directive.

Expulsions and repatriations of Roma EU citizens are not a new issue, and were reported in 2009 by civil society sources. For instance, according to the *Roma Rights Record* of the European Roma Rights Centre (ERRC), about 10,000 Roma were expelled from **France** in 2009, while **Germany** paid an 'aid to return' to more than 100 Roma to voluntarily return to Romania in June 2009.[19] In the same year, removals and expulsions of Roma EU citizens were also reported in **Italy**.[20]

of whom 828 were said to be 'voluntary' returns in nature and 151 forced returns.[21] In **Italy** voluntary repatriations and evictions were reported, with the local government in Pisa issuing contracts for the "repatriation of Romanian Roma" and providing funds for approximately 100 Roma to return to Romania.[22] The European Roma Rights Centre (ERRC) reported that in 2010 **Denmark**[23] and **Sweden**[24] expelled 23 and 50 Romanian nationals, respectively, back to **Romania** in 2010. It is worthwhile noting that the Danish government did not confirm that the expelled persons were of Roma ethnic origin since neither the Danish Immigration Service nor the Ministry of Refugee, Immigration and Integration Affairs register persons according to their ethnic origin. In France, the ERRC said that French authorities had expelled approximately 8,000 Roma by September 2010.[25]

Promising practice

Establishing a contact office for European migrant workers and Roma

The Berlin Senate set up a contact office for European migrant workers and Roma. Six social workers offer support to newly arrived Roma in Berlin regarding access to regular work, healthcare and decent housing. The contact office is also engaged in raising public awareness of the situation of Roma and in mediating when anti-Roma incidents occur. In August 2010, the Berlin Senate updated its information leaflet for public administration employees on the legal rights and duties of Roma and European migrant workers to cover the areas of employment, schooling and social benefits.

For more information, see: www.berlin.de/imperia/md/content/lb-integration-migration/publikationen/recht/handreichung_roma_u_europ_wanderarbeitnehmer_innen_bf.pdf?start&ts=1281002053&file=handreichung_roma_u_europ_wanderarbeitnehmer_innen_bf.pdf

FRA ACTIVITY

Promising Roma integration initiatives, few concrete steps

In its report on *Selective Positive Initiatives – The Situation of Roma EU citizens moving to and settling in other EU Member States*, the FRA identified promising initiatives of Roma integration at regional as well as local level in **France**, **Italy** and **Spain**.

However, the research found little evidence that public authorities in receiving countries had developed any concrete strategies or measures at grass roots level to integrate Roma EU citizens from other Member States. This reflects a general lack of policies and measures to raise awareness and promote free movement and residence.

In 2010, some EU Member States continued to remove and repatriate Roma EU citizens to their country of origin paying an 'aid to return'. According to French authorities, a total of 979 Romanian and Bulgarian nationals in an irregular situation were returned to their countries of origin between 28 July and 27 August 2010,

17 European Commission (2010d).
18 European Commission (2010e).
19 ERRC (2010b) and ERRC (2010a).
20 ERRC (2009).
21 Eric Besson (2010).
22 Open Society Foundations, Open Society Justice Initiative (2010).
23 ERRC has filed appeals against deportation orders issued to 10 Romanian Roma by the Danish Immigration Service with the Danish Ministry of Refugees, Immigration and Integration Affairs. The appeals, filed on 3 September 2010, follow the arrest of the Roma concerned during police actions targeting 23 EU Roma in Copenhagen on 6 July 2010 and their collective deportation from Denmark to Romania the very next day. More information available at: http://www.errc.org/cikk.php?cikk=3675.
24 ERRC (2010b).
25 ERRC (2010b) and (2010a).

Assessing the social and economic situation of Roma

As highlighted in the FRA's last two Annual Reports, the various problems Roma face in the areas of housing, employment, education and access to healthcare have raised considerable concerns in recent years, including at European Union level. Yet, despite increasing awareness, and new policies and measures by EU Member States, the situation of the Roma population living within the EU has not substantially improved, according to data and information collected by the Agency's Racism and Xenophobia Information Network (RAXEN) in 2010.[26]

As EU Member States continue to lack regular and effective mechanisms to collect usable and meaningful data on the socio-economic situation of the Roma population, broken down by ethnicity, age, sex and disability, the assessment of their situation has shortcomings and is incomplete.

FRA ACTIVITY

Filling the data gap – the FRA Roma survey in 11 EU Member States

To fill the gap in the availability of reliable and comparable data on the situation of Roma in the EU, at the end of 2010 the FRA decided to carry out a survey in 11 EU Member States on Roma's experiences in relation to discrimination and their situation with respect to employment, housing, education and health, among other areas. The survey will also interview members of the majority population living in neighbourhoods alongside Roma in order to create benchmarks for comparison between these two population groups. The survey's findings will support the European Commission's Roma Task Force in assessing Member States' use of EU funds for Roma integration, thereby providing information for those developing policies and other initiatives directed at Roma in key substantive areas related to fundamental rights.

More specifically, the survey will provide new information on the experiences and opinions of the Roma with respect to the seven EU Member States surveyed in the FRA European Union Minorities and Discrimination Survey (EU-MIDIS) – Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania and Slovakia – and in relation to four additional EU Member States that were not covered in EU-MIDIS (France, Spain, Italy and Portugal).

26 For more information, see also: European Parliament (2010).

Employment

Despite the fact that several Member States have undertaken vocational training measures and programmes to maximise the employability of the Roma, these measures typically have only limited impact on employment rates among Roma.[27] In order to assess the employment status of Roma populations, the results of the FRA European Union Minorities and Discrimination Survey (EU-MIDIS)[28] were compared with those of the European Social Survey (ESS)[29] for the first time in response to a request from the European Commission Roma Task Force. This allows for a comparison of the employment status of Roma with that of the respective majority populations in the seven EU Member States covered by the FRA EU-MIDIS survey, namely Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania and Slovakia. In total, 3,510 Roma people were interviewed from these seven EU Member States. The ESS was selected as the benchmark, given that the survey used some of the same questions as EU-MIDIS, allowing for comparisons to be made on these items. Furthermore, the interviews in round four of the ESS were carried out at a similar time to EU-MIDIS, in 2008. Whereas the results of the ESS are representative of the general population in the country and can be considered to reflect the national average for a given variable, the results of the EU-MIDIS are representative of the areas where the survey was carried out – that is, areas in the EU Member States where the Roma population was sufficiently concentrated for random route sampling, given the absence of address lists which could have been used as a sampling frame.

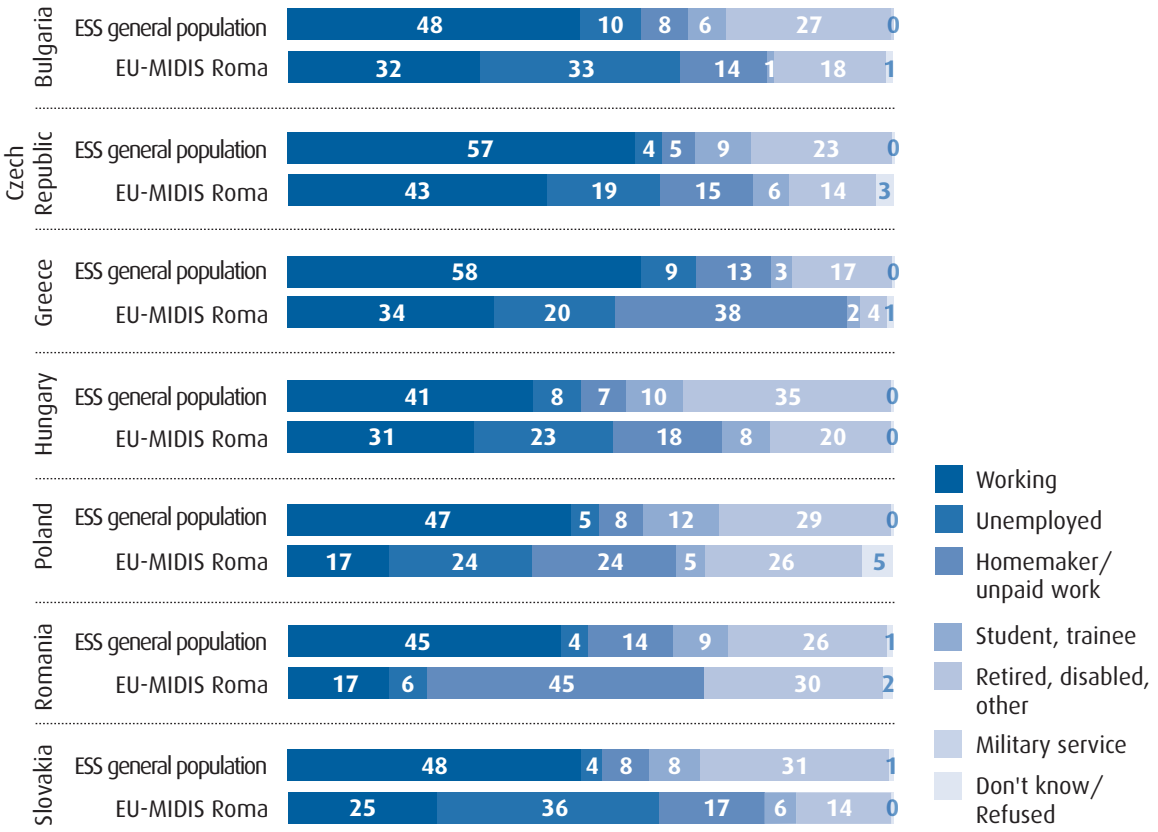
> *Member states of the Council of Europe want "to ensure equal access of Roma to employment and vocational training in accordance with international and domestic law, including, when appropriate, by using mediators in employment offices. Provide Roma, as appropriate, with possibilities to validate their skills and competences acquired in informal settings".*
>
> *'The Strasbourg Declaration on Roma'*
> *Council of Europe High Level Meeting on Roma, Strasbourg, 20 October 2010, available at: http://www.coe.int/t/dc/files/source/2010_cm_roma_final_en.doc*

In both the EU-MIDIS and ESS surveys the respondents, aged 16 years and older, were asked to indicate whether at the time of the interview they were employed, unemployed, taking care of the home, studying, retired, or fell into some other category. In all seven EU Member States, the Roma respondents indicated a level of employment below that of the general population in the respective country (Figure 1). Respondents' self-reported situation is what is meant here by 'employment status'. The most notable difference can be observed in **Poland**, where 17%

27 FRA (2009a).
28 FRA (2009c); further information available at: fra.europa.eu/fraWebsite/eu-midis/index_en.htm.
29 ESS (2008); further information available at: ess.nsd.uib.no/ess/round4/.

of the Roma respondents said they were working, compared with 47% of the general population – a difference of 30 percentage points. In **Romania**, the employment rate of the Roma was 28 percentage points lower than that of the general population, with 17% of the Roma indicating they were working, compared with 45% of the majority population. In **Hungary**, where the difference between the Roma and non-Roma. According to the note, the employment rate differential amounts to about 26 percentage points. Furthermore, the note finds that closing the productivity gap for Roma in central and eastern Europe could potentially add as much as EUR 9.9 billion annually to the economies of these four countries in increased output, and EUR 3.5 billion annually in fiscal benefits. Furthermore,

Figure 1: Comparing results from EU-MIDIS (Roma) and the European Social Survey (general population): employment status among Roma respondents



Source: FRA, 2010

Roma in the EU-MIDIS survey and the majority population in the ESS survey is smallest, there is a 10 percentage point difference in employment rates of 31% and 41%, respectively. It should be noted that, when interpreting these figures due regard should be given to the different sampling of both surveys. Therefore, the results are only indicative of differences.

According to a policy note entitled *Roma Inclusion: An economic opportunity for **Bulgaria**, **Czech Republic**, **Romania** and **Serbia*** published by the World Bank at the end of September 2010, Roma with jobs earn much less than non-Roma. The average wage gap is almost 50% and is related to the lower educational attainment of Roma. The World Bank note is based on quantitative data from seven household surveys in the abovementioned countries and information from interviews with 222 stakeholders, including government and non-government officials, and bridging the gap in labour market opportunities and education would add up to EUR 6 billion to economic production and some EUR 2 billion to government revenues in these countries every year.[30]

A combination of low education levels and discrimination was identified as the reason for this situation. In late 2009 and in 2010, various international monitoring mechanisms addressed these issues with regard to a variety of EU Member States. Following a visit to **Bulgaria** in November 2009, the Council of Europe Commissioner for Human Rights published a report in February 2010 pointing out that, despite governmental measures undertaken to improve the access of Roma to the labour market, "discrimination is still an important factor preventing certain minorities, in particu-

30 World Bank (2010a).

lar Roma, from accessing employment".[31] Together with discrimination, Roma's relatively poor educational background – which in itself reflects discrimination – reduces their employability (see also the following section on the Roma's level of education and segregation).

The 2009 ECRI report on **Greece** noted that "most Roma who live in settlements continue to earn their income from scrap and garbage collection and few are employed in the mainstream labour market due to discrimination and prejudice, although their lack of qualifications, as a result of a low education level, also play a role".[32] With regard to **Hungary**, the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) came to a similar conclusion. In its third opinion on Hungary, adopted in March 2010, it expressed concern that "despite the measures taken to encourage the employment of the most vulnerable groups, persons belonging to the Roma are more often discriminated against in the labour market than others".[33] The same Committee, in its second Opinion on **Portugal**, pointed out that Roma frequently face discrimination in access to employment which limits their participation in socio-economic life. The Committee also mentioned that "even though programmes of vocational training and retraining of Roma have been carried out, they often have only a limited impact on the employment rates of Roma. Moreover, Roma representatives regret that there is limited support for self-employment and the setting up of small businesses, which could constitute alternatives to itinerant trade and working on fairs and markets".[34]

As regards attitudes at the workplace, a survey on the perception of the general population of the Roma minority in **Romania** included questions on the acceptance level of the general population to having a Roma co-worker. The survey, carried out by the Romanian Institute for Evaluation and Strategy (*Institutul Român pentru Evaluare si Strategie, IRES*) in 2010, interviewed 1,321 respondents based on a Computer Assisted Telephone Interviewing (CATI) method with a 2.8% error. The survey findings showed that only 54% of the respondents agreed with the idea of having a Roma as co-worker, compared with 69% and 84% of respondents accepting a Hungarian or German co-worker, respectively; 68% of the respondents considered that Roma are disadvantaged in access to employment.[35]

Level of education and segregation

The educational situation of Roma pupils remains unsatisfactory despite efforts undertaken by EU Member States and a recommendation of the Council of Europe Parliamentary Assembly (PACE). In June 2010, PACE issued a recommendation to its Member States to dismantle segregated schooling by ensuring the effective and non-segregated access of Roma to mainstream education while expecting Roma to accept that they should fulfil their obligations with regard to education.[36] In the absence of official data providing statistics broken down by ethnicity, there is evidence from surveys that a high proportion of Roma in several EU Member States continue to attain a lower level of education in comparison with the majority population. As highlighted in the previous section, low levels of education and literacy significantly reduce Roma's employability.

To allow for a comparison of the educational attainment of Roma populations with that of the respective majority populations, the results of the FRA EU-MIDIS survey were again compared with those of the European Social Survey. Both surveys asked the respondents how many years of school they had attended. Responses do not tell the exact qualification achieved but serve as an indicator for the level of education that respondents obtained. The seven EU Member States covered correspond to those included in the EU-MIDIS survey in which Roma populations were interviewed – that is, Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania and Slovakia. As already highlighted, when interpreting the results of the surveys, due regard should be given to the different sampling frames of both surveys, and the fact that the Roma and majority populations were surveyed in different areas, at different times and with slightly different questions. The results are therefore only indicative of differences.

> *"The first point is the need to tackle the root causes of exclusion. First and foremost, this means promoting education for young Roma. This needs to start as early as possible in order to give young Roma children a fair start in life. Increasing Roma's employability depends on improving their education. Desegregating schools and kindergartens is crucial if Roma children are to have the chance to later participate fully in society."*
>
> *László Andor, European Commissioner for Employment, Social Affairs and Inclusion, Brussels, 1 December 2010*

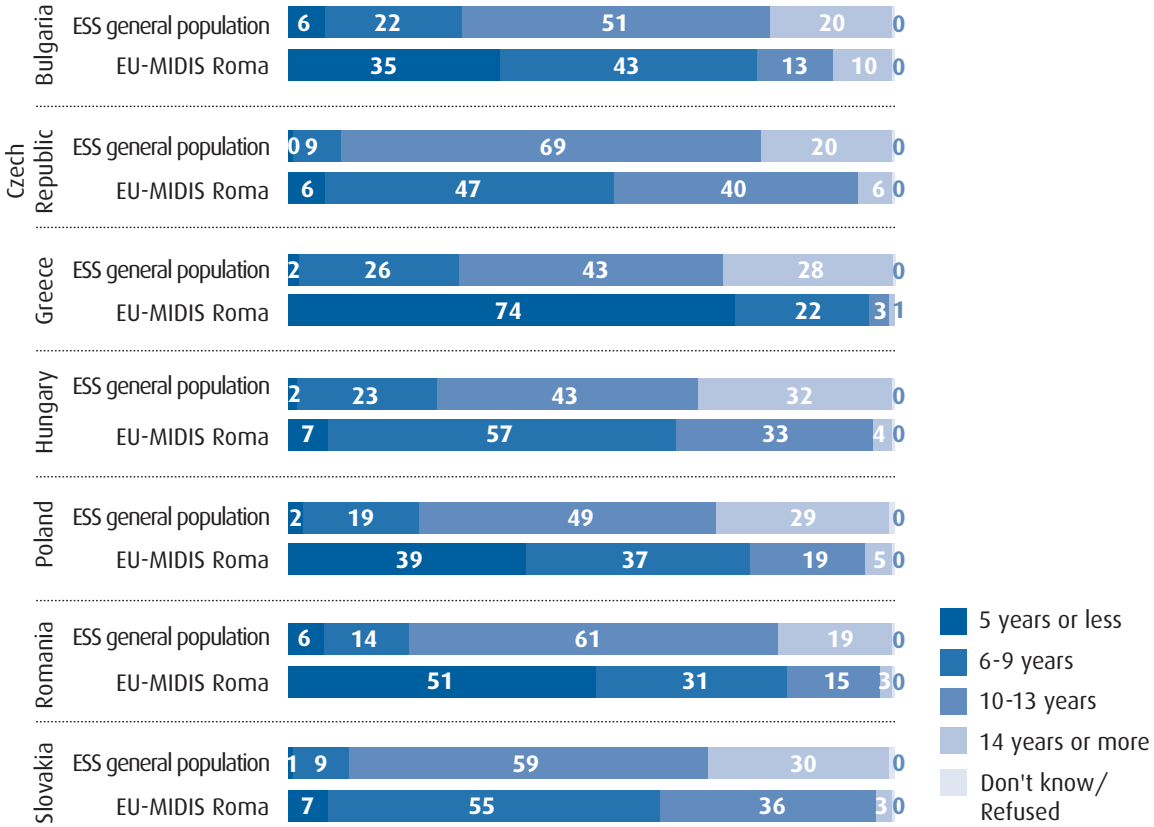
In all seven Member States surveyed, the results show a higher proportion of Roma with low levels of education – five years of school or less. While between 19% and 32% of respondents in the general population across the sampled countries had completed 14 years of education or more, the highest figure for Roma was 10% in Bulgaria (Figure 2). Large differences exist in Greece, where 97% of the general population state that they have been in school for five years or more, compared with 26% of the Roma respondents. This means that the majority of Roma respondents in Greece have completed five years or less of schooling.

A similar picture emerges in **Bulgaria**, **Poland** and **Romania**, where between 35% and 51% of Roma indicate that their education amounts to five years or less, compared with 2% to 6% of the general population as measured by the ESS. In the **Czech Republic**, **Hungary** and **Slovakia**, there are only small differences between the Roma and the general population when it

31 Council of Europe, Commissioner for Human Rights (2010).
32 Council of Europe, ECRI (2009), pp. 8 and 20.
33 Council of Europe, Advisory Committee on the FCNM (2010a).
34 Council of Europe, Advisory Committee on the FCNM (2010b), pp. 7 and 21-22.
35 IRES (2010).
36 Council of Europe, PACE (2010a).

comes to schooling of five years or less, with almost all respondents from both groups achieving this level. However, there are major differences between the general population and the Roma in these countries in terms of the number of years of school which the respondents have completed, with the Roma respondents showing consistently lower levels of education.

Figure 2: Comparing results from EU-MIDIS (Roma) and the European Social Survey (general population): years of education among the Roma (%)



Source: FRA, 2010

Although systematic segregation no longer exists as an educational policy in any EU Member State, segregation continues to be practised by schools and educational authorities in different, mostly indirect, ways in a number of Member States. This is sometimes the unintended effect of policies and practices, and sometimes the result of residential segregation. In this vein, the EU synthesis report on *Ethnic Minority and Roma women in Europe – A case for gender equality?* noted that "Roma children are more likely than other children to be segregated in special schools or classes, due to their greater learning difficulties, the reluctance of schools to enrol them, the pressure of ethnic majority parents not to have Roma children in class with their children, and the isolation of Roma settlements".[37]

A similar concern was expressed by the Council of Europe Commissioner for Human Rights in his report on **Bulgaria**. The Commissioner noted that although the number of Roma children in auxiliary and boarding schools is progressively decreasing, their presence in such schools is still disproportionately high.[38] In September 2010, the World Bank report, *A review of the Bulgaria school autonomy reforms*, revealed that problems integrating with other pupils and distance are the two main factors discouraging Roma pupils' attendance at regular schools.[39]

The issue of segregation was also raised in the **Czech Republic**. In March 2010, the Czech School Inspectorate (*Ceská školní inspekce*, CSI) published a report based on inspections carried out at 171 former 'special schools'.[40] The report highlighted continued segregation and discrimination of Roma pupils three years after the 2007 judgment by the European Court of Human Rights in *D.H. and Others v. Czech Republic*. In its report, *Injustice renamed: Discrimination in education of Roma persists in the Czech Republic*, Amnesty International claimed that the Czech Republic has simply renamed 'special schools' to 'practical elementary schools' but the system which places children in these schools and teaches a limited curriculum essentially remains the same.[41]

37 European Commission (2010f), p. 11.

38 Council of Europe, Commissioner for Human Rights (2010).
39 World Bank (2010b).
40 CSI (2010).
41 Amnesty International (2010a).

In its report on **Greece**, ECRI was concerned about "the fact that there are cases of Roma children being separated from other children within the same school or in the vicinity thereof".[42] With regard to **Germany**, the Council of Europe Advisory Committee on the FCNM noted that "Roma and Sinti children continue to face difficulties in education, due to the persistence of prejudice and stereotyping and that they are persistently over-represented in 'special' schools".[43] The results of an empirical investigation of the Edumigrom research project in **Hungary**, in which 18 schools and 35 classes in two urban areas were surveyed, reveal that the performance of Roma pupils was systematically poorer in segregated environments: 69% of Roma pupils performed poorly in segregated classes, compared with 40% of Roma pupils in mixed classes.[44]

Amnesty International raised concerns regarding the situation in the **Slovak Republic**. In its report, *Unlock their future: Steps to end segregation in education*, it points to serious gaps in the enforcement and monitoring of the ban on discrimination and segregation in the Slovak educational system. The report notes that segregation of Romani children takes various forms: special schools or special classes within mainstream schools designed for pupils with 'mild mental disabilities', as well as mainstream Roma-only schools and classes. While Roma are estimated to comprise less than 10% of **Slovakia**'s total population, they make up 60% of the pupils in special schools, according to a 2009 survey.[45] Several cases of segregation were also reported in relation to housing, where local governments physically separated Roma and the majority population to avoid confrontations between them (see the section on housing).

Housing conditions

Housing is the most visible sign of social exclusion experienced by the Roma community. Poor housing conditions and residential segregation have a negative impact on education, employment and health. Therefore poor housing prolongs the cycle of deprivation and social exclusion experienced by the Roma in the European Union.

Enjoyment of affordable, habitable, accessible and culturally adequate housing is a fundamental right. It is guaranteed under the International Covenant on Economic Social and Cultural Rights (ICESCR), which binds all EU Member States, as well as under the European Social Charter. The right to housing assistance is also enshrined in Article 34 of the Charter of Fundamental Rights of the European Union.

> *"Authorities must guarantee the rights of Roma to live with dignity in adequate housing, including the provision of all public utilities. Roma settlements lacking recognised tenure should be formalised, and forced evictions carried out in violation of human rights standards and procedural safeguards must be stopped."*
>
> *Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 30 September 2010.*

As underlined in last year's FRA Annual Report, Roma and in particular Travellers continue to be among the most vulnerable groups in private and social housing throughout the EU. This includes discrimination in access to housing, poor housing conditions, segregation and forced evictions. In a report on *The situation of Roma EU citizens moving to and settling in other Member States*, which was published at the end of 2009, the FRA found that Roma live in substandard, insecure and often segregated housing conditions. Such housing conditions often lead to major problems for Roma in other areas of life, such as education, employment and healthcare.[46]

Promising practice

Campaigning for a school without discrimination

In Romania, the National Council for Combating Discrimination, together with the Ministry of Education, Research, Youth and Sport, organised the campaign 'School without discrimination' for the third consecutive year in 2010. The campaign ran over the month of October and November, with its main goal to promote diversity education in the Romanian school system. In 2010, the initiative targeted teachers with a long training experience and inspectors for Roma in particular. The programme ran in different cities in Romania. It was, however, impossible to identify information concerning the success or failure of this initiative.

For more information, see: www.cncd.org.ro/noutati/Proiecte/Scoala-fara-discriminare-84/

42 Council of Europe, ECRI (2009), p. 22.
43 Council of Europe, Advisory Committee on the FCNM (2010c).
44 See V. Messing, M. Nemenyi, J. Szalai, with contributions from A. Szasz, (2010).
45 Amnesty International (2010b) and (2010c).
46 FRA (2009b).

In late 2009 and in 2010, various international monitoring mechanisms addressed shortcomings in this area vis-à-vis a variety of EU Member States. With regard to **France**, the 2010 ECRI report,[47] as well as the CERD concluding observations,[48] noted that the French authorities had not provided Travellers with the necessary number of encampment areas, as foreseen in the Act of 5 July 2000, which is known as the 'Besson Act'. According to the ECRI 2010 report on the **United Kingdom** (UK), persons representing Gypsies and Travellers emphasised that "adequate site provision remains an especially pressing issue for their communities pointing out the reluctance of many councils to provide additional pitches frequently related to high levels of resistance amongst local communities and parish councils to such developments".[49] In **Austria**, the ECRI 2010 report acknowledged that although the situation of Roma has improved in recent years, they still encounter difficulties in obtaining housing, and in rural areas they often live apart from the rest of the population.[50]

> *"We were always afraid of the winter; that under the thick snow the roof would collapse. Indeed there were small parts that fell down. Now it is fixed and we can sleep."*
>
> *Interview with a Roma respondent, Hungary, in FRA (2009c)*

Moreover, the CERD's concluding observations on **Romania** raised concerns that Roma continue to be victims of racial stereotyping and racial discrimination in access to housing.[51] In its concluding observations on the **Slovak Republic**[52] and **Slovenia**,[53] respectively, the CERD noted that the Roma minority population encountered segregation, as well as other forms of discrimination in relation to housing. In **Poland**, the 2010 ECRI report,[54] as well as the opinion of the Advisory Committee established under the FCNM,[55] highlighted the issue of poor Roma housing conditions as an unsolved problem, despite the efforts made.

Furthermore, in **Italy**, an Amnesty International report deemed the points system currently used for the allocation of low-rent public housing in the city of Rome to be indirectly discriminatory against Roma. For instance, one criterion for the allocation of social housing is prior eviction from private accommodation (*sfratto*) and as a result Roma who have only lived in camps are effectively excluded from accessing social housing.[56] In June 2010, the European Committee of Social Rights (ECSR) reviewed evictions, as well as the living conditions which Roma and Sinti had endured in camps or similar settlements in Italy, and concluded that Italy violated the right to housing in conjunction with Article E on non-discrimination of the European Social Charter.[57]

In January 2010, the ECSR found **Greece** had violated the right of the family to social, legal and economic protection, on the grounds that a significant number of Roma families continue to live in conditions that fail to meet minimum standards of adequate housing and that Roma families continue to be forcibly evicted in breach of the European Social Charter and the legal remedies generally available are not made sufficiently accessible to them.[58]

In **Slovakia**, several cases were reported where local governments tried to solve confrontational relations between Roma and non-Roma populations by building walls or fences that physically separated Roma residents from non-Roma. The authorities in question tried to justify the construction of physical barriers by the need to protect non-Romani inhabitants from criminality and the different lifestyle of local Roma. Such barriers were erected in several Slovak towns and municipalities, including Ostrovany, Michalovce, Trebišov, Lomnička, Sečovce and Prešov. The Slovak National Centre for Human Rights (*Slovenské národné stredisko pre ľudské práva*, SNSĽP) also looked into the situation. In its expert opinion, the centre observed that, while these issues do not fall under any of the concrete areas protected by the country's anti-discrimination legislation, the application of the general principle of non-discrimination as stipulated by national law cannot be limited to these areas only. The areas covered by the Slovakian anti-discrimination legislation correspond to those covered by EU law, namely: employment, social protection, including social security and healthcare, education, and access to and supply of goods and services, including housing.

> *"[T]he walls that have been built in Ostrovany as well as in other cities in Slovakia are becoming an actual symbol of people's segregation."*
>
> *Slovak National Centre for Human Rights (2010)*

At EU level, the discussion focused on the question of how to best use EU structural funds with regards to housing. On 19 May 2010, the European Parliament and the Council adopted Regulation (EU) No. 437/2010 amending Regulation (EC) No. 1080/2006 on the European Regional Development Fund (ERDF) regarding the eligibility of housing interventions in favour of marginalised communities.[59] The new regulation extends housing interventions eligible for ERDF support to the renovation of houses in rural areas, and to the replacement of houses in both urban and rural areas. This amendment is a remarkable step, which helps

47 Council of Europe, ECRI (2010b), pp. 31-32.
48 UN, CERD (2010), Point 16, p. 4.
49 Council of Europe, ECRI (2010c), p. 43.
50 Council of Europe, ECRI (2010d), p. 31.
51 UN, CERD (2010b).
52 UN, CERD (2010c).
53 UN, CERD (2010d).
54 Council of Europe, ECRI (2010e), pp. 21-22.
55 Council of Europe, Advisory Committee on the FCNM (2009), paragraph 203-206.
56 Amnesty International (2010d), p. 5.
57 Council of Europe, European Committee of Social Rights (ECSR) (2010a).
58 Council of Europe, ECSR (2010b). See also the case concerning the family Georgopoulos, UN International Covenant on Civil and Political Rights (2010).
59 OJ 2010 L 132, pp. 1-2.

to address the specific situation of Roma communities who often live in rural areas and in 'houses' that hardly qualify as a property undergoing 'renovation'. Both the Council and the European Commission declared that the provision of ERDF-led housing interventions to marginalised communities throughout the EU should be of an "exceptional nature" and should only occur when they are "part of an integrated approach".[60] For this reason, the new European Commission Regulation 832/2010 of 17 September 2010 sets out rules for the application of European funds. The regulation clearly states that expenditure for housing in favour of marginalised communities shall only be committed if "such housing investment is part of an integrated approach and support for housing interventions for marginalised communities takes place together with other types of interventions including interventions in the areas of education, health, social inclusion and employment". Furthermore "the physical location of such housing ensures spatial integration of these communities into mainstream society and does not contribute to segregation, isolation and exclusion".[61]

FRA ACTIVITY

Roundtable on the use of structural funds

On 27 and 28 May 2010, the FRA, in cooperation with the Roma Civic Alliance, organised a Roundtable in Budapest on 'Roma inclusion and human rights implementation at the local level'. Representatives of the EU, international institutions, national and local authorities explored how EU structural funds could best be used and how local authorities can draw from these funds while implementing human rights at the local level. Such initiatives should address the needs of Roma communities, with the aim of reducing social inequalities, increasing gender equality and combating discrimination. The roundtable discussions covered a number of examples provided by representatives of Romani grass roots organisations and local authorities, which enabled participants to better assess the needs of local authorities and to learn from each other's experiences.

For more information, see: http://fra.europa.eu/fraWebsite/news_and_events/infocus10_2605_en.htm

Healthcare conditions

Inadequate access to housing, education and employment contribute to poorer health, on average, among Roma than among the general population. Data published in late 2009 and 2010 underlines that Roma populations suffer from poor health conditions and tend to have limited access to healthcare. In light of this, the fourth meeting of the EU Platform for Roma Inclusion in December 2010 determined the fostering of effective and quality care for Roma children and their families as one of the priority areas within its roadmap for actions.[62]

> *"Regarding the health status of the Roma, available data suggest that there is a higher incidence of chronic diseases in this group, which requires closer and more effective use of health services."*
>
> *Trinidad Jiménez García-Herrera, Spanish Minister for Health and Social Policy, Córdoba, 8-9 April 2010*

Within the framework of the EU Public Health Programme, the Spanish non-profit intercultural social organisation *Fundación Secretariado Gitano* (FSG) initiated the project 'Health and the Roma community – Analysis of the situation in Europe' in seven EU Member States, namely **Bulgaria**, **Czech Republic**, **Greece**, **Portugal**, **Romania**, **Slovakia** and **Spain**. The findings, based on responses from 7,604 Roma of all ages and covering 5,647 households, show that in **Bulgaria**, **Greece** and **Portugal** 46% to 62% of the Roma households surveyed live in areas with poor health conditions, and 43% to 53% in neighbourhoods distant from urban centres and therefore far from hospitals or healthcare centres. In the **Czech Republic** and **Slovakia**, almost one fifth of the surveyed Roma households lack health or social services in the vicinity of their homes.[63] Furthermore, according to the findings of the project on Health and Roma Community[64] a high percentage of Roma children fail to follow adequately the child vaccination programme. The largest proportion of minors that does not properly follow the child vaccination programme was found in Romania (46%), followed by Greece (35%) and Bulgaria (29%).

In its 2010 report, *Ethnic minority and Roma women in Europe – A case for gender equality?*, the European Commission also looks at the health conditions of Roma women and children, as well as their access to healthcare. The report states that "Roma women and men have an average life expectancy at birth considerably lower than the rest of the population. This is a consequence of their bad housing and living conditions, as well as their patchy access to screening and healthcare. [...] Roma women use healthcare services less than the rest of the population, because medical treatment may conflict with the Roma rules of hygiene and modesty, and because they often feel excluded by the negative attitudes/racism/discrimination of some healthcare workers and hospitals."[65]

As regards low life expectancy, the report concludes for **Romania** that "[e]arly and frequent pregnancies place Roma women at particular health risks, aggravated by poor access to health services and poverty, with a negative influence on

60 Interinstitutional doc. 7964/10 ADD 1 as of 7 April 2010.
61 Commission Regulation No. 832/2010, OJ 2010 L 248, Article 1 paragraph 4, pp. 1-35.
62 For more information, see: http://ec.europa.eu/social/main.jsp?catId=761&langId=en.
63 FSG (2009), p. 101.
64 *Ibid.*, p. 101.
65 European Commission (2010f), p. 11.

the life expectancy of Roma women. In addition to health risks, early and numerous births contribute to the exclusion of Roma women from education and labour market participation. The infant mortality rate for the Roma in **Romania** is four times higher than the national average".[66] The lack of prenatal care contributes to a high infant mortality rate among the Roma community and adversely affects the health of newborns by depriving them of timely access to healthcare.

Discrimination plays also a role in this context. In August 2010 CERD issued its concluding observations on **Romania**, which underlined the persistence of racist stereotypes and race discrimination against Roma in access to healthcare services, and recommended to the state party to guarantee access by Roma to healthcare and social services and to continue to support Roma health mediators.[67]

FRA ACTIVITY

Roma roundtable on the eve of the Second European Roma Summit

On 6 and 7 April 2010, on the eve of the Second European Roma Summit hosted by the Spanish EU Presidency, the FRA brought together Romani and Traveller women, as well as representatives from the European Commission, in Córdoba, **Spain**, for a roundtable examining the way forward: 'On a road to equality'. Romani women, together with the Agency, identified possible actions that EU Presidencies, the European Commission, but also the Member States could take up for discussion at the Platform of Roma Inclusion. Suggestions included support for ethnic data collection, recognition of multiple discrimination and the promotion of an open coordination mechanism for mainstreaming and realising the full equality of Roma women. To summarise and reinforce all of the statements made, the Romani and Traveller women endorsed a position paper.

The position paper is available at: http://fra.europa.eu/fraWebsite/attachments/RT_roma_summit_key_messages.pdf

Data collected at the national level highlight serious problems when it comes to healthcare access by Roma communities. For instance, in September 2010, the results of the *All Ireland Traveller health study* were launched. The study, which included Travellers living both in the **Republic of Ireland** and **Northern Ireland**, was conducted among 10,500 Traveller families. The research findings revealed that the male Traveller life expectancy at birth is 61 years, 15 years lower than that of the male majority population. Romani women's life expectancy is 70 years, 11 years fewer than that of the female majority population. In relation to racism and discrimination, the report found that almost one in two Travellers felt discriminated against in all areas of life. Some 40% of respondents indicated they had experienced some degree of discrimination in accessing health services.[68]

Outlook

The EU and its Member States have a particular responsibility towards the Roma who form the largest ethnic minority in the Union. The Council of Europe called on its Member States to treat the Roma issue not only from the perspective of a socially disadvantaged group, but from the perspective of a national minority entitled to enjoy the rights enshrined in the Framework Convention for the Protection of National Minorities (FCNM).

The EU Charter of Fundamental Rights sets out the values on which the EU is based. To make these values become reality for – and thereby improve the situation of – Roma communities, they need to be translated into practice. To this end, a number of elements are key to overcoming the challenges hindering the successful inclusion of Roma communities in today's EU societies. These include:

- the full use and application of existing EU legal instruments in compliance with the EU Charter of Fundamental Rights, such as the Racial Equality Directive and the Free Movement Directive;
- the promotion of 'joined-up governance' approaches for Roma inclusion by strengthening multilevel governance based on effective partnerships with all relevant stakeholders. These include national level coordination bodies for Roma, local and regional authorities, regional Roma coordinators, private companies, other specialised equality bodies and NGOs active in the field of Roma;
- improved cooperation between national, European and international players and representatives of the Roma communities, which can increase the effectiveness of available financial instruments to achieve Roma inclusion;
- the promotion of a more integrated and effective use of EU Funds to tackle the multidimensional challenges of Roma exclusion, including the development of national desegregation policies supported by the structural funds;
- systematic mainstreaming of Roma inclusion issues into the broad policy areas of education, employment, public health, infrastructure, urban planning, economic and territorial development;
- regular and systematic collection of official, usable and meaningful ethnically disaggregated data accompanied by all the necessary safeguards laid down, among other regulations, by the EU Data Protection Directive. Effective inclusion policies are informed policies.

66 *Ibid.*, p. 114.
67 UN, CERD (2010e), paragraph 14.
68 University College Dublin (2010).

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