



Roma civil monitor pilot project

A synthesis report on implementation of national Roma integration strategies

in Bulgaria, Czech Republic, Hungary, Romania and Slovakia

Focusing on structural and horizontal preconditions for successful implementation of the strategy

Prepared by:
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The report is based on national monitoring reports developed by coalitions of civil society organizations in these Member States (in alphabetical order):

- **Bulgaria:** AMALIPE Centre for Interethnic Dialogue and Tolerance; Gender Alternatives Foundation; Indy Roma 97 Foundation; Knowledge Association Lovech; Largo Association; National Network for Children; Resource Centre for Education and Culture SHAM; Roma Academy for Culture and Education; Roma Foundation "Iskra"; World Without Borders;
- **Czech Republic:** IQ Roma servis; Liga lidských práv; Otevřená společnost; ROMEA; Romodrom; Slovo 21;
- **Hungary:** Association of Roma Minority Representatives and Advocates of Nógrád County; Idetartozunk Association; Romaversitas Foundation; UCCU Roma Informal Foundation; Khetanipe Association; Eger Foundation of SZETA; Pro Cserehát Association; Motiváció Educational Association; National Association of Roma Police Officers; Együtt Közösen Egymásért Association; Autonómia Foundation;
- **Romania:** Asociatia DANROM Faurei; Asociatia Nevo Parudimos; Civic Union of Young Roma from Romania; E-Romnja Association; HEKS/EPER Foundation Romania; Impreuna Agency for Community Development; Interactive Community Development Agency; Pro Roma Association; Resource Centre for Roma Communities; Roma Centre for Health Policies – SASTIPEN; Terre des hommes Foundation Romania;
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LIST OF ABBREVIATIONS

ASI	Agency for Social Inclusion (Czech Republic)
CPD	Commission for Protection against Discrimination
CSR	Country-Specific Recommendations
DG JUST	Directorate-General for Justice and Consumers
ECEC	Early Childhood Education and Care
ECtHR	European Court for Human Rights
EEA	European Economic Area
ERRC	European Roma Rights Centre
ESF	European Social Fund
ESIF	European Structural and Investment Funds
ESS	European Statistical System
EU-MIDIS II	European Union Minorities and Discrimination Survey 2016
EU-SILC	European Union Statistics on Income and Living Conditions
EVS	European Values Study
FRA	European Union Agency for Fundamental Rights
ISCED	International Standard Classification of Education
LFS	EU Labour Force Survey
MP	Member of Parliament
NDI	National Democratic Institute for International Affairs
NEET	Not in Education, Employment, or Training (young person)
NGO	Non-Governmental Organisation
NRCP	National Roma Contact Point
NRIS	National Roma Integration Strategy
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
OSF	Open Society Foundations
PISA	Programme for International Student Assessment
RED	Racial Equality Directive
REF	Roma Education Fund
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
WB	World Bank
WW2	World War II

EXECUTIVE SUMMARY

Governance and Overall Policy Framework

The National Roma Integration Strategies (NRIS) are usually not part of national Parliaments' agendas; in consequence, the Member States' executives are not sufficiently accountable for them on the national level and report on them only to the EC.

On the national level, the Roma remain underrepresented in the Parliaments and their participation in national elections is estimated as significantly lower than the country averages. Roma ethnic political parties do not attract Roma voters; representation of Roma depends on mainstream political parties to place Roma candidates in high positions on their lists. On the other hand, Roma are often successful in getting elected into offices at the local level, mostly in municipalities with high proportions of the Roma population in structurally disadvantaged regions.

Vote buying seems to be a problem across the five countries, but it is not systematically monitored. In some countries, instances of local governments and mayors controlling voting decisions made by Roma through regulating their access to public services (e.g., active labour market measures) were recorded.

The NRIS is often associated with the development of documents and structures, rather than with the development of new policies, implementation of actions and their results, as these depend on the political priorities of the respective line ministries rather than on Roma-specific strategies. The content of the Roma integration policies and the reinforcement of the implementation of the measures planned in the NRIS is seldom in the hands of the National Roma Contact Points (NRCP), which mostly play a role in communication and reporting to the EC. This is not an institutional failure if there is another strong coordinating body for Roma inclusion policy planning and implementation in the Government.

Despite diverse public administration models and degrees of decentralisation, the actual implementation of the NRIS and Roma integration policies in often depends more on the political will and priorities of local government leadership than it does on national leadership. On the one hand, a number of local governments are successful in Roma integration (independent of the support provided by the central Governments, which sometimes create additional administrative burdens for local governments' initiatives); on the other hand, there are cases of local governments implementing deliberately repressive policies or discriminatory measures against Roma. However, in most cases, the municipalities do not have the necessary capacities, resources or interest in developing and implementing meaningful Roma inclusion strategies. The only exception is the Czech Republic, where the Government's Agency for Social Inclusion, with the support of the ESF, provides local governments with assistance in the strategic planning of social inclusion.

In all countries covered by the report, while the ESIFs remain the most important source of funding for local interventions in Roma integration, effective use of the ESIF requires skills that many local governments do not possess. Moreover, the ESIFs are planned in a top-down manner and often do not meet local needs.

Wider recognition of the Roma does not replace or substitute for capacity and access to the knowledge and resources conducive to meaningful participation in policy planning and decision making. There is a major power imbalance between public authorities and civil society actors that is rarely addressed in the monitored countries.

Tackling Roma integration, whether through mainstream programmes or through Roma-targeted programmes, represents an ongoing dilemma.

The effectiveness of mainstream programmes in tackling Roma integration depends on the overall effectiveness of policy and would require substantial reforms. The country reports do not indicate if the needs of Roma are systematically taken into account when designing mainstream policies, yet the main criticism mounted by NGOs is a lack of monitoring mechanisms regarding mainstream policy outreach, outputs and their impacts on Roma.

While state authorities typically view ethnic data collection as a violation of data protection legislation, NGOs often argue for gathering anonymised ethnic data to devise effective anti-discrimination and desegregation measures and particularly to assess the contribution of mainstream policies to Roma integration. Reluctance by public authorities to engage with ethnic data is often viewed as a pretext to avoid addressing the efficiency of policy interventions. In the updated NRISs, one can hardly find any baseline indicators or provisions for impact assessment based on such indicators.

In all countries Roma integration policies and human rights policies, local development and Roma civil society largely depend on financing from the ESIF, EEA /Norway Grants and other external sources. Since the 2008 crisis, funding for support of civil society has significantly decreased. The clear-cut connection between specific services NGOs provide and their public funding has obvious drawbacks: NGOs often become dependent on good relations with public bodies and a contained critical voice can easily become the prerequisite for future contracts with them.

The gender perspective in the NRISs is modest if it appears at all. Issues such as early marriage, violence against women, and trafficking are often essentialised as the consequences of deep-seated ethnic traditions. Policy plans and measures tend to endorse patriarchal norms by conceiving of Roma women's role as primarily caring for the family and children.

Anti-Discrimination

Notwithstanding the fact that EU legislation has been fully incorporated into the domestic law of all five countries, discrimination against Roma remains widespread and goes effectively unchallenged. Low independence, few resources and the limited mandate of the official bodies responsible for combating discrimination, a low level of rights awareness among many marginalised Roma communities, and a widespread scepticism concerning enforcement of justice, as well as the lack of ethnically disaggregated data, are among the main causes of this persisting problem.

Despite the existing legal prohibition on the segregation of Roma children in special schools or ethnically homogeneous settings, as well as rulings from national courts and ECtRH judgments, the reports confirm that Roma children are still denied access to quality integrated education. Separate facilities are still being built with public funds and existing opportunities for active desegregation are not used. The infringement procedures against three Member States seem to have had little discernible impact on school segregation so far.

There is no evidence of actual or intended policy interventions to overcome residential segregation, and some countries are even witnessing a growth in the number and size of localities with concentrated, socially-excluded populations, often in appalling conditions lacking basic infrastructure and access to basic public services. The disparities in living conditions remain stark across all five countries.

While the situation varies from country to country, many local authorities still favour demolitions and mass evictions, actions that flout treaty obligations and ignore winter moratoriums. The authorities do not offer the people affected any consultation, information, reasonable notice or access to legal aid, and most egregiously, they do not provide adequate alternative accommodation.

Addressing Antigypsyism

In all of the countries concerned, Roma are recognised as a national minority and racism against Roma is a subject of state policies. The recognition and use of the term “antigypsyism” is not consistent within and among the countries; antigypsyism is not recognised as a determining factor of inequality or social exclusion.

All countries have implemented the *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law*, reinforcing several provisions concerning hate crimes (yet the term is not explicitly used in all legislation). However, the police, prosecutors and judges do not often consider crimes to be hate crimes when victims are Roma. Due to exclusion, Roma are not well-informed about institutions and organisations supporting hate crime victims and there is a lack of trust among them towards state institutions.

There is no concerted effort to prevent or ban antigypsyist speech. Antigypsyism in the media is monitored by NGOs (and in some countries also by public agencies that are criticised for their passivity). Open anti-Roma hate speech is not limited to extremist parties and groups; in fact, it exists across the entire political spectrum and public space.

Manifestations of antigypsyism (hostility, prejudice and discrimination specifically directed at Roma), stereotypical portrayals of Roma, and denial of the possibility of coexistence between non-Roma and Roma constitute the dominant narrative in all five countries’ societies. The phenomenon of antigypsyism is still not sufficiently researched by universities and research centres.

Impact of mainstream education policy on Roma

In all five country reports, lack of access to kindergartens by Roma children was mentioned as a serious issue due to lack of available facilities or insufficient capacity in specific geographic areas, lack of transportation, financial constraints or discrimination. Pre-school education is not compulsory in all countries, and Roma parents are often not informed about preschool enrolment opportunities for their children. Moreover, NGOs from the five countries reported on differences in the quality of kindergarten services. In poor, rural areas, preschool circumstances visibly differ from those in mainstream institutions.

Mechanisms that determine Roma students’ participation and the quality of their education in Early Childhood Education and Care (ECEC) and in primary schools are described as the main factors behind Roma students being tracked into special schools that lead to lack of career options and/or careers with poor economic outcomes. The five countries share the trend of early tracking, which is often determined by discrimination, lack of professional education policies, and economic reasons (costs of education for the Roma families).

Low-quality primary, lower secondary and/or vocational training schools are opened for Roma students close to Roma settlements. This leads to Roma students being encouraged to see short-term vocational training as the best outcome of their educational career, when in fact it gives them very little or no prospect of a future professional career.

In the five countries, rates of grade repetition are higher in regions with sizable disadvantaged Roma communities. Funding streams have targeted the issue, although in most cases interventions do not address the structural problems that lead to it. Schools use grade repetition as an easy tool that allows them to not teach effectively. Grade repetition has not been addressed by policy in any of the five countries in recent years.

All schools have to collect data and report to the relevant ministry about grade repetition, but schools do not face any financial consequences if grade repetition reaches a certain level.

The recurrent challenge across the five counties is the irregularity of funding streams targeting disadvantaged schools and intervention mechanisms that do not adequately address the needs of these schools. There is lack of accountability by Governments in terms of providing quality education and educational environments, especially in rural Roma settlements.

INTRODUCTION

The report covers the five EU Member States – Bulgaria, Czech Republic, Hungary, Romania and Slovakia – with the largest Roma populations and the most acute challenges with respect to Roma integration.

This report has been crafted by lacing together the major findings and statements of the five country reports regarding the implementation of the NRISs in four fields: governance, anti-discrimination, antigypsyism, and education. No additional independent research was done to complement the information from the country reports. Nevertheless, the syntheses presented herein are informed by the authors' wider knowledge regarding the key issues discussed in the particular fields; they have also made an effort to faithfully present the voices and opinions of the civil society coalitions involved in this research. This approach also entails the findings not being systematically cross-referenced with other authoritative expert or scholarly reports.

It is important to explain the use of some key terms and expressions in this report. Many official documents use the terms 'integration' and 'inclusion' as synonyms. In academic discussions and gradually also in policy thinking, the term 'integration' is understood to promote the notion of a subordinated, marginalised and/or minority group accommodating to the majority's norms and conditions. At the same time, the term 'inclusion' is seen as a transformative approach that strives to change relations between the majority and minority groups. The authors of this report acknowledge the significance of this distinction and support transformative policy-making for inclusive societies. They also take into account the fact that the relevant EU Framework Strategy and the NRISs use the term 'Roma integration' while expanding the concept of integration. Furthermore, the language of current European social policy refers to 'Roma integration' and 'social inclusion' to make a clear distinction between policies aimed at inclusion of Roma and approaches or policies having a wider social inclusion objective. To some extent, this distinction reflects the difference between the Roma-targeted and mainstream approaches.

Social science inquiries, human rights proposals, and diagnostic policy analyses have developed a refined terminology to discuss various forms and degrees of social disadvantages, unfairness and inequalities. The fields of Roma integration policy often refer to social marginalisation, social exclusion, and segregation. These terms often appear as synonyms due to their overlapping meanings. In this report, we consistently use the term 'marginalisation' in relation to geographical entities (regions, localities) and 'social exclusion' in relation to individuals and social groups. We argue that the adjective 'segregated' shall be used to denote processes and outcomes of the physical separation of people, spaces, services, etc. along ethnic lines.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma

The NRIS is not part of any national Parliament's agenda. The strategies, their action plans, and reports on their implementation are exclusive to the executives. The exception is Bulgaria, where the strategy was approved by the National Assembly in 2012, following pressure from NGOs, and an annual monitoring report was discussed by the legislature in 2017.¹ In the other four countries, the Governments are not held accountable formally on NRIS-related matters and report only to the EC about them which, in this respect, is substituting for the role of the national Parliaments.

Even in the countries with the largest Roma populations, Roma remain underrepresented in Parliaments. In the Czech Republic and Slovakia, they have almost never been represented (with a few historical exceptions), while in Bulgaria there has been a stable yet limited presence of one to three Roma MPs (but in the current assembly elected in 2017, no Roma are present). In Hungary and Romania, Roma are present thanks to special legal provisions that guarantee seats for minority representatives. Nonetheless, these provisions do not necessarily address the needs of the Roma being represented: while in Romania the Roma representative is actively focusing on education and anti-discrimination, in Hungary the so-called Roma "nationality advocates" do not even participate in Parliamentary discussions pertaining to Roma.

Although there are no up-to-date estimates of participation in parliamentary elections by Roma, reports indicate it is significantly lower than the national average. This is explained by a lack of topics in the political parties' programmes that are relevant to Roma and by a general distrust in politics. Regardless of the relative size of Roma populations, Roma ethnic political parties do not attract Roma votes and thus remain marginal. Generally speaking, the representation of Roma is contingent upon the decisions made by mainstream political parties as to whether to place Roma candidates on their lists in higher positions.

By contrast, Roma are often successful in getting elected to office at the local level. The highest number of local Roma officials was reported in Slovakia, where as many as 34 Roma have been elected mayors and some 400 Roma have been elected local councillors.² The majority of Roma get elected into offices in marginalised regions where Roma make up a significant percentage of the population.

Vote buying seems to be a problem across the five countries, but it is not systematically monitored. Only the Slovak and Czech reports mention systematic efforts by NGOs and the media to tackle vote buying. For example, in the Czech Republic, a municipal election in Brno, the country's second-largest city, was cancelled by a regional court in 2014 due to Roma vote buying. In Slovakia, the Criminal Code was amended to define the crime of corrupting elections. However, law enforcement is failing to effectively fight this crime; as a result, in several cases, Roma witnesses alleging vote buying have been charged with perjury instead of the alleged perpetrators being charged with breaking the law. Very worryingly, the Slovak and Hungarian reports mention instances of local governments and mayors controlling the voting decisions made by Roma through regulating their access to public services. This especially concerns active labour market measures implemented by local

¹ The Member States' reporting obligation to the Commission started in 2016, as a result of the 2013 Council Recommendation. In 2017 the Bulgarian Parliament discussed the NRIS annual monitoring report for 2016.

² In Slovakia, the NDI systematically monitors and supports Roma's political participation; there are no such detailed data on the situation in other countries.

governments, including subsidized employment often funded from the ESIF, participation in which may also be a condition for accessing social benefits.

Mainstreaming and coordination of Roma integration on the national level

All five country reports indicate that the NRIS is often associated with the development of documents and structures, rather than with the development of new policies, the implementation of their actions and the achieving of results. The NRISs include measures and objectives in different policy fields the actual establishment and implementation of which depends on the political priorities of the respective line ministries rather than on strategic planning and coordination on the level of the Government (across ministries). The content of the Roma integration policies and reinforcement of the implementation of the measures planned in the NRIS is seldom in the hands of the National Roma Contact Points (NRCP), which mostly play a role in communication and reporting to the EC. The actual position and influence of the NRCPs differ across countries, and in some cases the NRCP is dissociated from the governmental agency that acts as the actual main driver, coordinator or expert body for Roma integration or social inclusion.

In Slovakia, a model of governance shared by the responsible ministries and the Plenipotentiary (serving also as the NRCP) was developed. The Plenipotentiary participates in commenting on Governmental documents through the Interior Ministry, of which it is part. Moreover, the NRCP is represented in the monitoring committees, and thus has influence on the implementation of the ESIF as an important agenda of the ministers. Finally, it implements large-scale projects funded from the ESIF that finance specific interventions in municipalities with socially excluded Roma communities, such as field social work, teaching assistants, community centres or legal settlement of land ownership and use.

In the Czech Republic, the NRCP – the Office of the Government Council for Roma Minority Affairs – is responsible for reporting to the EC and plays what some perceive as a secondary role compared to a parallel structure, the Czech Government Agency for Social Inclusion. That structure develops innovative approaches to social inclusion, advocates for their piloting and mainstreaming, supports the planning and implementation of social inclusion on the local level, and is represented in many coordinating structures, including the ESIF monitoring committees and working groups. The mainstream approach promoted by the Agency is sometimes perceived as problematic from the perspective of Roma integration.³

In Romania, the NRCP and the National Agency for Roma are represented in the secretariat of the high-level Inter-Ministerial Committee for Monitoring and Evaluating the NRIS. The Committee is responsible also for identifying and implementing solutions for reducing the risks of not achieving the strategy's objectives and allocating financial resources for their implementation. Each ministry responsible for implementing the NRIS has to have a committee in charge of the Roma integration measures planned within the NRIS. While the NRCP plays rather a technical, administrative role, the National Roma Agency supports smaller pilots on the local level. Experience from Slovakia (the Plenipotentiary) and the Czech Republic (the Agency for Social Inclusion) confirms that the support of a specialised Governmental agency in piloting innovative approaches at local level can have a long-term, positive impact on Roma inclusion policy if such pilots are scaled up to other localities and/or mainstreamed into national policies.

³ Both are administrative units of the Office of the Government, which serves both as the National Contact Point for implementing the Roma Integration Strategy and as the Secretariat of the Government Council for National Minority Affairs.

In Hungary, the NRCP is part of the Human Resources Ministry and the agenda of Roma inclusion has significant policy support from a high level within the Government structure. Thanks to the political continuity of the Hungarian Government, it has been able to fulfil several tasks envisaged in the NRIS. However, Hungarian civil society argues that the Governmental reporting on the NRIS implementation is formal and technical and does not provide evaluations of the actual impact of the adopted measures on Roma integration.

The Bulgarian monitoring report states that the institutional infrastructure at national level for Roma integration has not been able to provide effective management of the NRIS implementation. On the one hand, the line ministries lack both administrative capacity and expertise on Roma inclusion, and their reporting on the NRIS implementation relies on information about policy-making from lower levels of governance (municipalities). On the other hand, the NRCP has neither the necessary capacities nor the executive responsibility for effectively influencing the NRIS implementation.

Despite the weak, rather administrative role of the NRCPs in some countries, their position was temporarily strengthened at the beginning of the current ESIF programming period when the fulfilment of the Roma-specific *ex ante* conditionality⁴ was to be reported to the EC as a prerequisite for implementation of the ESIF – a high priority of all governments in the monitored countries. The line ministries had to discuss with the NRCP the use of the ESIF for Roma integration, particularly in relation to the development of monitoring systems to track the progress achieved in the field of Roma integration.

Mainstreaming Roma integration across local authorities

Although the degree of decentralisation is quite different in the five countries, given the increased autonomy of local governments in all of them the actual implementation of the NRIS and Roma integration policies depends more on the political will and priorities of local government leadership. In Slovakia, the Czech Republic and Hungary, cases of local governments enacting repressive policies against vulnerable populations or discriminatory measures against Roma are reported. Central Governments seldom use the available legal and policy tools to combat such practices or to reinforce Roma integration and anti-discrimination. On the other hand, the reports indicate that a number of committed local governments have successfully piloted innovative approaches to Roma integration. Local strategies and action plans are often required by central Governments that then do not allocate enough resources for their implementation; consequently, they are developed *pro forma* only.

In Romania, different governance levels are requested to establish specific structures and produce action plans on Roma integration as part of the obligatory system of reporting by local governments to the central Government. However, the monitoring report points out insufficient coordination among the structures and policies at

⁴ Thematic *ex ante* conditionality 9.2 'Integration of marginalised Roma communities' requires the Member State to have the NRIS in place, which: (1) sets achievable goals to bridge the gap between Roma and the general population in education, employment, healthcare and housing; (2) identifies where relevant those disadvantaged micro-regions or segregated neighbourhoods, where communities are most deprived, using already available socio-economic and territorial indicators; (3) includes strong monitoring methods to evaluate the impact of Roma integration actions and a review mechanism for the adaptation of the strategy; (4) is designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities. The fifth criterion for fulfilment of the conditionality is that: (5) relevant stakeholders are provided with support for submitting project applications and for implementing and managing the selected projects. See: European Commission. 2014. *Guidance on Ex ante Conditionalities for the European Structural and Investment Funds PART II*. Available at: http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/eac_guidance_esif_part2_en.pdf

different levels, insufficient evaluation of their effectiveness, and a lack of funding for implementation of the plans.

The situation seems to be similar in Bulgaria, where local governments have to develop municipal plans for Roma integration to be eligible to access the ESIF; as a consequence, the plans are perceived rather as part of the ESIF implementation than as real strategies. Despite the fact that almost 200 municipalities have adopted plans, some of them involving NGOs, the quality of many documents is not high, funding for implementation is not ensured, and plans are not being evaluated.

In Hungary, local authorities are obliged to produce equal opportunity plans, which are considered rather as a mere administrative requirement and lack funding implications. The authors of the monitoring report have endorsed the assessment of a previous study produced by the World Bank that considered the lack of expertise for planning, the financial resources for implementation, and the disconnection of the plans and planning from the local community and their needs to be the main bottlenecks for the operationalisation of equal opportunity plans in Hungary.⁵

In Slovakia, formal planning by local governments without the necessary capacities or technical support was one of the main reasons for the failure of the ambitious "Comprehensive Approach" for implementation of EU funds in the previous programming period 2007-2013.⁶ Based on this experience, during the current ESIF period the eligible Roma integration interventions are defined from the top down.

The Czech situation is different; the Agency for Social Inclusion (ASI) negotiates with the Operational Programmes' managing authorities to align the planned calls for proposals with the interventions planned at the local level. The ASI also provides assistance to local governments and other stakeholders in strategic planning and elaborating local social inclusion plans and projects including measures that can be financed through the ESIF in line with the Agency's "Coordinated Approach". However, some local governments tend to exclude the needs of Roma from these plans (they focus the planning on other target groups) and there are challenges in the management of the ESIF at the national level that the Agency and managing authorities are trying to tackle,⁷ as well as limited absorption capacity on the local level.

In all countries covered by the report, the ESIF remain the most important source of funding for local interventions in Roma integration. At the same time, the ESIF do not always enable materialisation of the locally-planned policies. The first bottleneck consists on the one hand of the administrative requirements and sometimes problematic management by the managing authorities at the central level (sometimes due to low capacities, low expertise, or divergences among different authorities in the interpretation and implementation of European law and ESIF rules⁸) and a lack of

⁵ Karácsony, Sándor; Kóródi, Miklós; Kullmann, Ádám; Morrica, Valerie; Teller, Nóra. 2015. *The people behind the numbers: developing a framework for the effective implementation of local equal opportunity plans (English)*. Washington, D.C.: World Bank Group. Available at: <http://documents.worldbank.org/curated/en/530541467947060396/The-people-behind-the-numbers-developing-a-framework-for-the-effective-implementation-of-local-equal-opportunity-plans>

⁶ Salner, Andrej; Košťál, Ctibor; Hojsík, Marek; Polačková, Zuzana. 2013. *Lessons from Slovakia's Comprehensive Approach: Assessing the feasibility of designing and implementing integrated territorial programs targeting marginalized Roma communities*. Bratislava: Slovak Governance Institute.

⁷ These challenges include problems in coordination of the calls for proposals within specific operational programmes, divergence of political priorities on which the available allocations should be spent, as well as institutional dilemmas (managing authorities must ensure spending by the financial plans, while the planning process on the local level is often lengthy).

⁸ The most problematic areas include the State aid, public procurement or application of administrative simplifications. Often there are divergences between Managing Authorities on one hand, and specialised national authorities (such as authorities in charge of the State aid, Certification Authority, or Auditing Authority) on the other hand.

necessary administrative, financial and expert capacity at the local level on the other hand. This burden is particularly heavy for smaller municipalities or municipalities with a high proportion of vulnerable populations. The other barrier is that because the ESIF programmes are devised in a top-down manner, local services end up being designed based on what is available rather than on real needs identified at the grassroots level.

Promoting participation of Roma civil society

The participation of Roma civil society in shaping Roma integration-related policies mirrors the quality of inclusive policy-making and the strength of the civil society actors in the country concerned. The representation of Roma in policy processes shows a variegated picture in the five countries; as a result, the weight that empowerment efforts are given in the respective NRIS implementation plans differs substantially. Most NRISs refer to the significance of Roma participation in public affairs and decision-making processes.

The monitoring reports acknowledge that while wider Roma recognition is part of the empowerment process, and while the very quality of participation mechanisms shapes capacities for empowerment wider Roma recognition does not replace or substitute for capacity, or for access to knowledge or the resources conducive to meaningful participation in policy planning and decision making.

There is a major power imbalance between public authorities and civil society actors that includes such elementary prerequisites as financial resources for traveling to meetings or remuneration for participation in working groups or consultative bodies. In local policy-making, where the opportunity to comment on policy plans arises, socially excluded Roma rarely have the capacities, the networks, and the confidence to do so.

In some countries civil society is involved in the ESIF implementation. In Bulgaria, the ESIF Monitoring Committees, which Roma civil society actors use as platforms for effective participation, are the most salient path for Roma to participate in policy debates and the implementation, planning and evaluation of social inclusion policies.⁹ In Slovakia, Roma or pro-Roma civil society is represented in the monitoring committee and subcommittees of the Operational Programme Human Resources, but as a substantial part of the programme's financial allocation is being spent through national projects rather than open calls for proposals, the impact of the NGOs' participation on ESIF implementation is rather limited. In the Czech Republic, on the other hand, while the ESIF is implemented with strong partnership elements, as calls for proposals are prepared in working groups with representatives of civil society and experts, specifically Roma civil society's involvement is limited. In Romania, despite the weakness of the formal channels for policy participation, there are a number of significant advocacy platforms to debate and shape policy agendas, such as the Non-Discrimination Coalition and the NGO Structural Fund Coalition.

As for other noteworthy, country-specific developments, in the Czech Republic opportunities for empowerment through culture, the media, publishing, and cross-cutting civil society actions are discussed as novel achievements. In Romania, Roma women's organizations' voices are recognized in several civil society actions, including the current civil monitoring coalition that wrote the report.

⁹ Recently, a permanent Roma integration subcommittee has been proposed under the umbrella of one of relevant Monitoring Committees of 2014-2020.

In Hungary, it is not yet known how the recent political and regulatory backlashes against civil society organisations will impact Roma civil society activism.¹⁰

Experience from National Roma Platforms

In 2017, the Hungarian Ministry of Human Resources announced that Roma platforms will be established and funded in every county to support discussions on Roma inclusion among central and local governments, NGOs and churches. The first three Roma platforms have been established in Borsod, Szabolcs and Baranya counties within a project implemented by the NRCP and funded by the EC.

In the Czech Republic, the NRCP implemented an EC-funded project in 2016-2017 that included the establishment of a national Roma platform and a series of regional workshops. However, in 2017 a group of Roma and pro-Roma NGOs established an independent coalition, Romanonet, which has been active in high-level advocacy (challenging new laws with negative impacts on Roma via strategic litigation) and that has ambitions to launch a debate on ethnic data collection and to be more involved in the planning and monitoring of the ESIF.

In Slovakia, with a smaller Roma civil society active in high-level advocacy, the national Roma platform was established by the Plenipotentiary, including an advisory body for NGOs and an advisory body for Roma youth, both created through open calls for nomination. Moreover, the Plenipotentiary organises thematic working groups, for example, on desegregation in education. There have been no tangible results of these consultative fora yet, but NGOs consider them a potentially effective tool to channel experts' opinions and information from the grassroots into the policy-making in which the Plenipotentiary is involved. The EC financially supported a Roma platform also in Romania, but this has not been launched yet due to administrative and technical problems. However, there are other similar initiatives supporting the consultation and participation process already in place. Five Roma NGOs¹¹ established a Roma Democratic Federation (*Federatia Democrată a Romilor*) aiming at representing the interests and rights of the Roma community. The Government's National Agency for Roma has an Advisory Council, including several Roma and pro-Roma NGOs active at national level.

In Bulgaria, the national Roma platform has not been established as a stable structure despite six training meetings that did not yield clear results and lacked a strategic vision, according to the authors of the country monitoring report. It seems that the possible impact of the Roma platforms depends on the specific position and capacity of the NRCPs that organise them to actually influence the policy-making process. At the same time, in countries with stronger Roma civil society, the articulation and representation of Roma civil society's interests during the consultation process is driven by leading NGOs that do not wait for national platforms to engage in more robust actions.

Guarantees for the effectiveness of programmes with the largest budgets

Whether to tackle Roma integration through mainstream programmes or through Roma-targeted programmes is an ongoing dilemma. The effectiveness of mainstream programmes in tackling Roma integration depends on the overall effectiveness of

¹⁰ It is widely discussed elsewhere that general restrictions of democratic rules and institutions; the hostile environment towards autonomous civic politics, human rights work, and a general critical voice; and a visibly clientelistic alliance with the Roma self-government leadership cannot be seen as steps towards empowerment.

¹¹ Impreuna Agency, Romano Butiq, Sastipen, Roma Party Pro Europe, and Amare Romentza.

policy and would require substantial reforms. Such an effort was described by the Czech report only in relation to education: a fundamental reform of the educational system is taking place, backed up by infringement proceedings and aimed at supporting inclusive education by changing the approach from diagnosing pupils to providing them with appropriate support and compensation measures – based on their needs – within mainstream schooling funded from the central government’s budget.

Except for programmes in education targeting individual Roma pupils and students, the targeted approach has mostly taken the form of the territorial programmes that are implemented in Bulgaria, Hungary, Slovakia and the Czech Republic. However, as NGOs point out, there are concerns as to what extent this approach actually succeeds in targeting socially-excluded Roma and not rather other groups at risk of social exclusion or other priorities in local development. In Slovakia, the planning of interventions on the local level was replaced by the implementation of pre-defined activities¹² through a large-scale national project managed by the Plenipotentiary.

The country reports do not indicate if the needs of Roma are systematically taken into account when designing mainstream policies, yet the main criticism mounted by NGOs is a lack of monitoring mechanisms regarding mainstream policy outreach, outputs and their impacts on Roma. As discussed earlier,¹³ this conceptual conflict is particularly visible in the Czech Republic, where different institutional structures exist for the Roma-targeted and the mainstream policy approach. A similar difference of approaches is highlighted in the report on Romania, where mainstream programmes have indicators on Roma but data are not collected due to missing tools.

In all countries, Roma integration policies largely depend on financing from the ESIF, EEA/Norway Grants and other external sources. Slovakia represents an extreme case due to Roma integration policies being funded almost entirely from the ESIF, resulting in an increased vulnerability of the programmes due to delays by the central Government in implementation and funding allocation to the poorest and most needy locations. In some cases this has led to services being discontinued. The risk that overreliance on ESIF funding poses to sustainability after the end of the ESIF cycle is addressed only in the Czech Republic, where funding for social services is conditioned by future funding from the state, regional, and/or municipal budget.

Civil society’s access to funding for Roma integration activities

Since the 2008 crisis, funding for support of civil society has significantly decreased and the central Governments’ influence has been mixed. In the Czech Republic it looks rather positive or neutral, while Hungary is more repressive towards civil society. The once-exemplary Hungarian Civil Fund, established in 1996 (the first in the region) has become largely clientele-driven in the current regime. Few central authorities in the five countries operate smaller annual funds accessible by Roma civil society.

In each of the five countries the main funding sources for human rights, local development and Roma civil society are the EEA/Norway Grants and the Swiss Contribution, sponsoring large-scale multi-year programmes as well as small-scale local projects.

¹² Such as field social work, community centres, health mediators, school assistants, preschool education and legal land settlement. These interventions are delivered by local governments or NGOs with centralized methodological guidance and finances channelled from the Plenipotentiary.

¹³ See section Mainstreaming Roma inclusion across ministries and other national level public authorities.

The ESFs are the main sources of funding for many social inclusion projects and services provided by Roma civil society organisations (in some countries, they are also the main sources of funding for their institutional development).¹⁴

In Bulgaria the annual ESIF allocation for civil society organisations is capped. In Hungary and Slovakia, the state's role in planning the Operational Programmes and the spending of the ESIF is becoming increasingly significant. More and more state bodies, as well as private sector actors, are appearing among the beneficiaries to the detriment of citizens' groups and local authorities

The clear-cut connection between the specific services NGOs provide and their funding has obvious drawbacks: NGOs often become dependent on public bodies and good relations with them, and curtailing critical voices can easily become the prerequisite for future contracts. Czech grassroots NGOs enjoy a certain amount of stability due to local social services being largely privatised. Subcontracted NGOs that provide mainly field social work and preventive services receive regional¹⁵ or local government funding. In consequence, the provision of social services has become a matter of competition in which local grassroots organisations with lower capacities, including those serving disadvantaged Roma, have much smaller chances of winning and surviving.

Availability of reliable data on the situation of Roma

While state authorities typically view ethnic data collection as a violation of data protection legislation, NGOs often argue for gathering anonymised ethnic data to devise effective anti-discrimination and desegregation measures and particularly to assess the contributions of mainstream policies to Roma integration. Reluctance by public authorities to engage with ethnic data is often viewed as a pretext to avoid addressing the efficiency of policy interventions. In the updated NRISs one can hardly find any baseline indicators or provisions for impact assessment based on such indicators.

In the Czech Republic and Hungary, the 2011 Censuses allowed multiple ethnic identity options (e.g. Roma *and* Czech/Hungarian). Various proxies and alternative routes are developed by experts, academic and civil society actors, and international technical assistance organisations to map and measure the living conditions of Roma citizens, yet these are not seen as substituting for policy-relevant ethnic data.

It is worth noting that, in line with previous expert recommendations,¹⁶ questions on ethnicity have been included into European standardised surveys (EU-SILC, LFS) in Hungary.

In Bulgaria the public authorities are experimenting with the recently-launched European initiatives the EU-SILC, the EVS and the ESS. National labour offices have started to collect ethnic data on unemployment, but they face frequent responses of refusal to identify by Roma for fear of discrimination.

In the Czech context, the ethnically-neutral social inclusion paradigm has had a firm standing in all areas except for education. There have been cases where an alternative

¹⁴ Most projects and programmes tackling Antigypsyism are financed either by foreign foundations or the European Structural and Investment Funds (mostly the ESF, but in some countries also the ERDF to some extent) and are in the vast majority executed by NGOs and civil society actors rather than by state bodies and public institutions.

¹⁵ ESIF funding for quasi-global grants is channel through regional governments that manage these projects and subsequently subcontract social service providers; in Slovakia, national projects are managed centrally by the Plenipotentiary, but activities are delivered by local governments.

¹⁶ For example: Farkas, Lilla. 2017. *Data Collection in the Field of Ethnicity*. Luxembourg: European Union

ethnic data collection method was proposed and rejected by local authorities and where civil society actors took opposing positions regarding the merits of collecting data disaggregated by ethnicity.

In Romania, the SocioRoMap initiative, sponsored by the Research Institute for National Minority Issues and funded through EEA Grants in 2014-2017, uses methodology relying on a combined approach to identification to research segregated and poor communities. The initiative is criticized by many actors, but the monitoring report acknowledges its usefulness for local policy assessment.

In Slovakia, the data based on ethnic self-identification or mother tongue collected in national censuses are not viewed as accurate social statistics. To respond to this challenge, complementary sociological mapping of Roma communities was used in 2004 and 2012. The mapping gathers key information about infrastructure, educational and healthcare facilities, and political and civic participation in marginalised localities. Currently the Plenipotentiary implements an ESF-funded project aimed at (1) refining the mapping methodology, (2) examining the possibility of using the EU-SILC methodology for a specific survey of Roma households, and (3) monitoring and evaluating Roma integration policies.

Policies and measures addressing specific needs of Roma women, children and youth

In the spirit of the European Framework Strategy on Roma Integration and the wider European norm concerning gender equality¹⁷, the original and the updated NRISs acknowledge the generally-gendered organisation of intra- and inter-group relations in Roma families and communities. However, the perspective of gender is much more modest – if it appears at all – in the NRIS implementation and specific measures. Domestic policy plans and provisions embrace some knowledge concerning the intersectional or multiple disadvantages Roma women face. Yet when addressing early marriage, violence against women, and trafficking, they often slip into essentializing generalisations about Roma by viewing these practices as the consequences of deep-seated ethnic traditions. Policy plans and measures tend to endorse patriarchal norms by conceiving of Roma women's role primarily as caring for the family and children. In all of the countries concerned except for Romania, policy interventions tackling multiple discriminations against Roma women are targeted.

In Bulgaria, where Roma women have been intensively participating in Roma civil society and policy debates for many years, only a few special programmes tackle the disadvantages that Roma women face. In the Czech NRIS, the situation of Roma women is not addressed at all and only a few modest project experiments signal gender equality concerns. The Hungarian report mentions few targeted interventions or gender-sensitive mainstream measures; in fact, none of the reports present any change in relation to gender-sensitive policies in the mainstream policy domains. The Hungarian government still supports Roma women's participation in European politics and international policy-making at the highest level with nominations and appointments. Although an explicit gender-mainstreaming principle is articulated and assigned to all policies and measures in the Slovak NRIS, the action plan does not systematically translate this principle into goals, indicators or specific tasks. Except for a few examples, the gender equality principle is missing from the newly prepared revised Action Plan for 2016-2018.

The Romanian Action Plan highlights two main sets of measures regarding gaps between women and men addressed by the NRIS: (1) to reduce mortality rates at birth by providing family planning and (2) counselling on early marriages, violence

¹⁷ By the time the NRISs got developed in 2011, the European gender equality mechanism had lost many of its pioneering and policy transformative powers in the wider domain of social equality.

against women and reproductive health. In spite of these progressive objectives, a lot remains to be done so that Roma women can ask authorities for support when they become victims of violence. The progressive anti-discrimination legislation of 2006 has not been followed up by introducing the notion of multiple/intersectional discrimination in juridical practices. Lack of data collection based on gender and ethnicity hinders the mapping of inequalities between Roma men and women, but also between Roma women and majority women. In response to massive activism by Roma women, new consultation and funding¹⁸ mechanisms have been introduced allowing Roma women to be considered as a target group for policy interventions.

The reports hint at a diversity of diagnostic lenses and strategic visions of the individual NRISs regarding children and youth. Although they acknowledge the attention paid by policy-makers to child poverty, early childhood education, and access to integrated secondary schools with employment prospects, none of the reports mentions the concept of NEET. Migration and circular migration as a particular challenge are not acknowledged by the policy concepts. Reproductive health surfaces in some policy documents as an agenda related to young women. The Hungarian report spells out the problem of a project-based approach to solving deep systemic problems such as child poverty. The Romanian and Slovak reports uncover the challenge of ensuring Roma children's access to secondary education, which involves major financial obstacles for Roma families. The overrepresentation of Roma children in institutional care is addressed in the Romanian report.

¹⁸ As stated in the previous section, most NGO programmes, including those helping Roma women, have been funded by the Norwegian Financial Mechanism or the European Social Funds.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

A common trend across the five countries is the perception that, despite the fact that EU legislation has been fully incorporated into domestic law and that fundamental rights and a wide range of anti-discrimination provisions are guaranteed, discrimination against Roma remains widespread, goes effectively unchallenged, and has multiple adverse effects on the everyday lives of Roma. The official bodies responsible for combating discrimination were generally deemed to be well-intended and proficient, but circumscribed in terms of independence, resources and mandate. There was a dearth of ethnically disaggregated data, a low level of rights awareness among many marginalised Roma communities, and a widespread scepticism concerning enforcement and the possibility of justice and effective remedy to combat discrimination.

In Bulgaria, the Commission for Protection against Discrimination (CPD), accredited as a National Human Rights Body, also functions as a national hate crimes contact point. While there is no disaggregated data, the CPD statistics show that 13% of the discrimination case files are "ethnic" ones. The opinion of civil society activists is that while the CPD is proficient in dealing with minor cases, it "avoids dealing with more serious cases and cases involving public authorities" and shies away from challenging structural discrimination against Roma, and "is too soft" when it comes to police misconduct and house demolitions. There is no comprehensive national action to combat discrimination and "no official reporting on racist and hate-related crime".

The Czech Republic lacks several effective instruments that could help render the fight against discrimination effective, such as wider provision of free legal aid and its promotion among victims of discrimination or the possibility of the Public Defender of Rights to bring public interest lawsuits. The Public Defender's official opinions are considered as very progressive and she is among the most vocal advocates against the discrimination of Roma, yet the office does not possess the necessary powers and responsibilities to effectively combat racial discrimination. There is little evidence of effective enforcement to challenge the multiple forms of discrimination faced by Roma. The country report's authors attribute this failure to a combination of hostile public attitudes towards Roma, a lack of capacity and political will on the part of the authorities to apply existing legislation properly, low levels of awareness and agency among socially excluded Roma, and the protracted, complex, and often inconsistent conduct of judicial proceedings.

In Hungary, combating discrimination against Roma is hindered by many legal ambiguities and a lack of legal and rights awareness among Roma. One particular feature in Hungary was the exemption of religious-run schools from anti-discrimination provisions in law. A modification of the law in 2017 stated that education based on "religious or other ideological conviction" may not lead to unlawful segregation based on race or nationality. However, it still remains to be seen how ethnically segregated, religious-run schools will react, if at all, to this modification of the law.

Romania is the only country from the five covered by this report that systematically implements affirmative measures to increase participation of Roma in secondary and university education. Furthermore, national law defines the concept of multiple discrimination and discrimination on the grounds of two or more criteria is defined as an aggravating circumstance. On the other hand, according to the country report's authors, the national equality body, National Council for Combating Discrimination, has dedicated little effort and zero resources to counter the multiple forms of discrimination faced by Roma, with very few complaints seeing the light of day, and

even in those few cases where discrimination is established, “the fines are so low that they do not qualify as a truly dissuasive measure.”

In Slovakia, NGOs have been successful in challenging school segregation and cases of discrimination against Roma in accessing goods and services using *actio popularis* (a lawsuit brought by a third party in the public interest). However, court proceedings can be protracted, and court interpretations of antidiscrimination legislation are often problematic. The country monitoring report endorses a previous criticism of the national equality body, the Slovak National Centre for Human Rights: “Often it merely issues an opinion and closes the case. For example, its investigations of walls separating communities have led to only one successful case out of almost a dozen.” In common with other countries, it remains the case that the level of awareness among Roma communities in Slovakia about the equality body is very low. While multiple discrimination on the grounds of ethnicity and gender is at least recognised at a declaratory level in Slovakia, this is not the case with discrimination against Roma with disabilities, LGBTI Roma or Roma belonging to religious minorities. One issue raised by the Slovak report is exclusion of access to public services and welfare due to accumulated debt. This on the one hand forces families to seek loans from usurers, and on the other hand may amount to indirect discrimination.

Educational segregation

Despite the Commission’s repeated insistences that Member States must bring an end to school segregation of Roma pupils; despite rulings from national courts and precedent-setting judgments from the European Court of Human Rights to that effect; and despite ongoing infringement procedures against Hungary, Czech Republic and Slovakia, the reports confirm that Roma children are still denied access to quality integrated education. Misdiagnosis and wrongful placement of Roma children into special schools continue despite being declared illegal; separate units, such as container schools on the edge of Roma settlements, are still being built with public funds; and religious-run schools have emerged that provide segregated education but are exempt from anti-discrimination provisions in law or from public scrutiny and oversight. The infringement procedures against the trio of Member States seem to have had little discernible impact on school segregation so far.

The Czech Government adopted an amendment to the Education Act in 2015 designed to promote desegregation and inclusive education. The reform introduced a paradigmatic shift from categorisation of pupils by their disability to provision of a wide range of individual support measures to which pupils with special needs are entitled in order to enable their education in the mainstream schools. Moreover, the primary “practical” schools (a form of the special schools where many Roma have been educated) were formally abolished and the law envisages that the special education system will remain reserved only for justified cases of heavily handicapped pupils who cannot be educated in the mainstream system even with application of the support measures. Gradual implementation of the amendment started in September 2016; no significant impact has been visible so far in terms of desegregation and equal access to education for Roma children. The introduction of inclusive education may be a long-term process that does not necessarily lead to actual desegregation of Roma children, as the roots of educational segregation are not only linked to the existence of special schools but also to residential segregation, selectivity of schools, and other social factors. Moreover, there are concerns regarding the continuity of the reform, as it is perceived as controversial by some politicians and the public and envisages large funding for the implementation of support measures and the development of human resources in education.

The Slovak Ministry of Education continues to argue that systemic segregation of Roma children does not exist and that there are merely cases of individual failures of schools. Nevertheless, in 2016 the Education Act was amended to stipulate that

children with special educational needs stemming from socially disadvantaged backgrounds cannot be placed into a special school or class. Moreover, the Education Ministry stopped providing a special institutional subsidy for the education of children from socially disadvantaged backgrounds in special classes or special schools. Available data indicate that these measures have not reduced the overrepresentation of Roma in special schools, and the total number of children enrolled in special schools and in classes educated by using the curriculum for children with mild mental deficiencies has not significantly decreased. The first measures that NGOs consider as potentially effective is an extension of the state School Inspection's power to oversee the functioning of diagnostics centres, as well as the appointment of the new Chief School Inspector, who has expressed the view that the segregation of Roma in education is "pervasive and systemic". However, beyond the mentioned modest regulatory changes, necessary soft measures that would make education in Slovakia more inclusive, such as capacity building of teachers and combating prejudice, are missing. Indeed, in the period since the infringement procedure, new forms of segregation – "container schools" or classes of secondary vocational education in close proximity to Roma settlements catering exclusively to Roma children/students – have emerged.

No tangible progress has been reported in Hungary, and to date the infringement procedure has been studiously ignored by the Government. Approximately 61% of Roma children aged six to 15 attended schools or classes where all or the majority of pupils are Roma in 2016;¹⁹ additionally, the number of "ghetto schools" (with more than 50% of pupils who are Roma) has increased from 275 in 2008 to 337 in 2016. Despite the Chance for Children Foundation winning a series of court cases against segregating schools, there was no pressure on the schools to actively desegregate until 2017, when the Supreme Court upheld a lower court's ruling ordering the closure and desegregation of the Pécsi Street Elementary School in Kaposvár. Church-operated schools, which were exempt from the anti-discrimination law, contributed largely to segregation of Roma pupils through deliberate selectivity (lack of mandatory school districts and unclear admissions procedures). This situation changed in 2017 when the amended equal treatment and public education acts entered into force and explicitly banned segregation based on race or ethnicity by church schools. The authors of the country report consider this change to be progressive but expressed concerns about monitoring of the new law and its enforcement in practice. Civil society does not possess any detailed information about any other desegregation measures planned by the Government, such as the anti-segregation officers announced by the Government.

Bulgarian NGOs estimate that more than 70% of Roma students are currently trained in segregated educational settings (the EU-MIDIS II survey in 2016 indicated a lower number – 60% of pupils²⁰). This high number is due to demographic change in rural areas without non-Roma pupils, but also to 'white flight', and in areas with ethnically mixed populations it is also due to deliberate segregation. The latter was formally forbidden by the new education law adopted in 2015 (in force since 2016), which claims to promote educational integration and formally bans formation of segregated classes in ethnically-mixed schools. 'White flight' does not concern only primary education in ethnically mixed areas, but also secondary schools, the number of which is permanently increasing, and there is no adequate answer to this phenomenon by the public authorities. In addition to the segregation in "ethnic schools" where children are educated by the same curriculum s in ethnically-mixed schools but the quality of the education is typically lower than in ethnically-mixed schools, Roma are overrepresented in special education for handicapped children, where they represent

¹⁹ FRA. 2016. *Second European Union Minorities and Discrimination Survey: Roma – Selected findings*. Luxembourg: European Union.

²⁰ *Ibid.*

some 50% of all students. Desegregation is a long-term objective of NGOs that have helped to relocate some 3,000 children from segregated schools into ethnically mixed settings.

Research in Romania confirms that Roma children get a raw deal when it comes to access to quality education. They have to endure worse learning conditions and are taught by less qualified teachers in buildings that too often lack heating and adequate sanitation, all of which leads to “a significantly higher dropout rate and poorer educational attainment.”²¹ The new Education Act contains anti-segregation provisions that have been in force for two school years; however, NGOs are signalling that the practice of kindergarten and primary school principals promoting and forming segregated classes and groups continues and has gone unpunished. The 2007 ministerial order prohibiting school segregation has no provision for sanctions against perpetrators and is judged to have had no effect. Implementation of the new order issued in 2017 on the prohibition of school segregation was postponed until 2018 due to political turmoil. Instead, the Education Ministry established a Desegregation Commission bringing together specialised NGOs. By the civil society’s assessment, the impact of the Government actions or use of the ESIF on the desegregation of education is minimal.

Residential segregation

There is no evidence of actual or intended policy interventions to overcome residential segregation, and some countries are even witnessing a growth in the number and size of localities with concentrated, socially-excluded populations, often living in appalling conditions lacking basic infrastructure and access to basic public services. The disparities in living conditions remain stark across all five countries. Even in the exceptional circumstance where some positive policy intervention is mooted, progress is too easily derailed.

According to the latest housing census in Bulgaria, ethnic Bulgarians had an average of 23.2 square metres of living space per person, while Roma had only 10.6 square metres; almost half of the Roma-inhabited houses had no sewage system. In some cities, modest interventions to provide social housing for disadvantaged groups were met with anti-Roma protests, and in Varna and Burgas the authorities were pressured by ultranationalists to cancel such plans.

In Romania, the SocioRoMap (2017) collected comprehensive data about Roma communities and settlements, including the situation in residential segregation. The survey endorsed residential segregation as a widespread problem. Almost 60% of Roma live in ethnically-concentrated areas with diverse community sizes and degrees of separation from the mainstream society.

In Hungary estimates from Census data suggest that 3% of the total population inhabits 1,380 segregated settlements. Hundreds of such dwellings are situated in remote peripheries lacking basic infrastructure and public transport links. Complex housing programmes implemented between 2005 and 2010 had strict conditions on desegregation – new housing for Roma households had to be located in non-segregated areas. Some 300 households were assisted in 47 villages. A new programme implemented since 2012 does not include the obligatory “hard” intervention consisting in relocation of families into new dwellings.

In the Czech Republic, the Social Housing Concept 2015-2025 was adopted, but a subsequent draft law prepared by the Labour Ministry to tackle the long-term problem of overpriced, substandard accommodation in residential hotels was rejected by the

²¹ Written comments of the European Roma Rights Centre, concerning Romania for consideration by the Committee on the Rights of the Child at its Pre-session Working Group for the 75th Session (3-7 October 2016). Available at: <http://www.errc.org/cms/upload/file/romania-crc-submission-july-2016.pdf>.

Parliament. Instead, an amendment to the law on social benefits was adopted that allows local authorities to designate areas, specific properties or streets where new applications for housing benefits will be deemed ineligible. This is expected to hit poor Roma families unable to find other housing because of anti-Roma racism on the rental market. Several Roma NGOs are taking legal action to contest restrictions on material aid for those living in so-called "areas with increased incidence of undesirable phenomena" that are in place in 12 municipalities²². At the same time, there are some progressive efforts to address residential segregation: the Labour Ministry developed and is piloting a methodology for identification of segregated neighbourhoods to assist proactive municipalities with planning social housing in a way that would promote social mix and interaction, and the managing authority of the Integrated Regional Development Programme implemented the EC's 'Guidance Note on the use of the ESIF in tackling educational and spatial segregation'²³ in their new calls for proposals, which exclude procurement of new social housing in segregated neighbourhoods.

There has been very little done to address the residential segregation in which more than half of Slovakia's Roma live. The main state-subsidised social housing programme focused on low-income households improves the quality of housing but has proven to have no impact on residential segregation, as virtually all new social dwellings for Roma are constructed in segregated settlements. Moreover, some policies adopted by local authorities seem deliberately designed to exacerbate the problem. The Slovak report identifies systemic practices that prevent Roma from being able to move out of segregated and often illegally-occupied areas. Some municipalities purchase cheap houses in remote villages to 'export their problematic' Roma residents. In larger towns, Roma families face discrimination in the housing market and are not able to rent or buy apartment in non-Roma neighbourhoods, even if they have the necessary financial resources.

Forced evictions

While the situation varies from country to country, many local authorities still favour demolitions and mass evictions, actions that flout treaty obligations and ignore winter moratoriums. The authorities do not offer any consultation, information, reasonable notice or access to legal aid; and most egregiously, when they do not provide adequate alternative accommodation that takes account of the vulnerability and needs of families, the very young, the elderly or the infirm, thus failing in their obligations to provide adequate alternative accommodation for those evicted.

The Bulgarian practice of demolishing the homes of Roma families constitutes ethnic discrimination and violation of their rights. It has attracted international criticism and the report suggests that it amounts to a breach of RED. According to the data collected from 61% of all municipalities in Bulgaria, 399 out of all 444 orders (89%) concerning the demolition of residential buildings issued by local administrations refer to the homes of Roma. Such demolitions prompted by anti-Roma demonstrations and extremist demands for the expulsion of Roma heighten interethnic tension. At present, there are no regulations to protect those families who find themselves on the street, without consultation or the offer of adequate alternative accommodation. This has drastic consequences, for once the families are rendered homeless and deprived of a fixed address they cannot easily access public services and have no alternative but to build irregular new dwellings.

²² Another 30 municipalities are contemplating these measures. See: <http://www.romea.cz/en/news/czech/czech-senators-want-constitutional-court-to-address-housing-benefit-legislation>.

²³ European Commission. 2015. *Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation*. Available at: http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/thematic_guidance_fiche_segregati_on_en.pdf.

In the Czech Republic, property speculators buy up fully-occupied buildings in segregated areas and evict their residents, resulting in many Roma families living in crowded, poorly-maintained residential hotels. The tenants have short-term, month-to-month leases that leave them vulnerable to exploitative landlords and face the constant threat of sudden eviction. The number of people living in substandard residential hotels has increased from 11,027 persons in 2008 to 27,000 persons in 2014. In Romania, forced evictions of Roma continue despite calls from the Council of Europe and the United Nations on the authorities to desist. The authorities do not offer reasonable notice or access to legal aid and fail to provide adequate alternative accommodation. Despite the 2015 recommendation by the UNHRC Special Rapporteur on extreme poverty and human rights, there is little evidence to suggest this recommendation was in any way heeded by the authorities.

In Romania, mass forced evictions remain a problem. At least three big evictions were recorded in 2017: eight families (in total 43 persons) were evicted from the place in Bucharest where they had been living for over 25 years; in Alba Iulia (a city in the Central Region), 150 people were evicted by the local authorities; and 15 Roma families were then evicted in Mangalia. By Romanian law, forced evictions cannot be performed between 1 December and 1 March; however, in many cases, the Romanian authorities have failed to observe this stipulation. Most of the forced evictions in Romania are justified as necessary due to the bad state of repair of the buildings and earthquake threats. The solutions offered by the authorities include temporary housing arrangements in social centres involving the separation of children from their parents and the adult men and women from each other.

Even if massive forced evictions have not been recorded in Slovakia in recent years, evictions of indebted families from municipal apartments is an occurring practice. The report explains how municipalities first get Roma to change their rental contracts from an unlimited period to a limited period. If the families default on payments, municipalities often evict the people without providing alternative accommodation. However, in a recent case, the Prešov Regional Court ruled such an interpretation of the Civil Code to be in violation of constitutional and international law.

In Hungary, the local government in the town of Miskolc continued the forced eviction of Roma despite a decision of the court in 2016 that the treatment of mainly Roma residents in the “numbered streets” of Miskolc (a Roma-populated district) violated the principle of non-discrimination and the ruling’s insistence that the authorities must provide adequate housing for those rendered homeless by its policies.

Discriminatory behaviour by police, misconduct by prosecutors or courts

In all five countries, Roma experience ethnic profiling, stop-and-search, and encounters with police officers that do nothing to foster trust in law enforcement. A lack of accountability verging on impunity in some countries means that police officers often resort to the deployment of excessive force and remain cavalier about the human rights and dignity of Roma detainees.

In Bulgaria, cases of police violence against Roma have not diminished despite ECtHR rulings and regular censure by international bodies. Disciplinary proceedings against police officers rarely involve more than suspended sentences and fines should they be convicted. The opinion of the researchers is that there is no effective mechanism to protect victims of police violence, little reliable information or data to give a precise account of the scale of the problem, and a low success rate in the cases investigated. The Romanian authorities have repeatedly failed to properly investigate cases of police brutality against Roma and the use of Special Forces against Roma communities. Of particular concern in 2017 were two fatal police shootings of Roma for allegedly stealing wood.

In the Czech Republic cases of police brutality against Roma have been reported, but nothing on the scale of Slovakia, where incidents of police brutality against Roma and police raids against whole Roma settlements are not properly investigated by any independent body. In a case following extreme police violence against Roma in the town of Moldava and Bodvou, the Roma victims who testified as witnesses were subsequently charged with perjury. The investigator relied on an expert report that suggested that the victims' collective mentality, labelled as their "*mentalica Romica*" (sic!) is characterised by "low trustworthiness, a propensity to lie and emotional instability". Similarly, Roma reporting or witnessing cases of vote-buying during elections have been charged with perjury by the police.

The ECtHR has noted repeatedly that the Romanian authorities have failed to protect Romani citizens against ill treatment committed by private individuals and that cases of police brutality against Roma are also not properly investigated. The ECtHR has also questioned the use of Special Forces against Roma communities. The Romanian Helsinki Committee has reported that Roma are subjected to constant stop-and-search, that there is a disproportionate imposition of fines against them for minor infractions, and that police use excessive force against Roma. Of particular concern in 2017 were the two fatal shootings of Roma by police for allegedly stealing wood.

The experience of ethnic profiling, random stop-and-search and "over-policing" is commonplace for Roma across all five countries. A number of Hungarian NGOs reported on police practices of fining Roma for petty offences in numerous settlements, mainly in the Northeast of the country. One study demonstrated that 97% of people fined for bicycle-related offences were Roma. Residents of Roma settlements were fined so frequently that the amount of fines due was more than their income; researchers spoke to several Roma who served prison time because of their inability to pay the fines.

The Hungarian Police have been found wanting in their obligation to serve and protect Roma citizens who have been under siege from right-wing extremists. The ECtHR found in January 2017 that the Hungarian State violated Article 8 of the Convention in the wake of violent incidents in the village of Devecser during an anti-Roma demonstration attended by nine far-right groups and members of Jobbik.²⁴ In line with the experience in other countries, courts often neglect the issue of racist motivation in cases of vandalism or violence committed against Roma by racists and members of extremist organisations. Perpetrators often face lesser charges and get lighter sentences that have no dissuasive effect.

²⁴ See for example: Rorke, Bernard. 2017. *Far-right violence against Roma in Hungary: victory in Strasbourg for the Helsinki Committee*. ERRC Blog. Available at: <http://www.errc.org/blog/far-right-violence-against-roma-in-hungary-victory-in-strasbourg-for-the-helsinki-committee/152>.

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

In all countries concerned, Roma are recognised as a national minority and racism against Roma is a subject of state policies. The recognition and use of the term “antigypsyism” is not consistent within and among the countries. In the Czech Republic it is used by some state institutions. In Romania and Slovakia, its use has not been agreed upon and debates about its meaningfulness and usefulness are ongoing. In these countries, although civil society does not have a common voice, Roma NGOs promote the term.

State agencies do not recognise antigypsyism as a determining factor of inequality or social exclusion faced by Roma. In the Czech Republic and Hungary, antigypsyism is perceived by official institutions as an outcome of the difficult coexistence between the Roma community and the majority society. According to this interpretation, antigypsyism is not understood as an inherent problem of the majority society, as it has been defined by Roma and pro-Roma civil society,²⁵ but rather as an outcome of the living conditions of the Roma minority itself. Following this trend, the Romanian NRIS currently only considers improving the socio-economic status of Roma, setting aside the prejudices they face.

In order to tackle antigypsyism, national action plans or programmes are implemented in all countries. The focus of these programmes differs. In Slovakia, within the framework of the NRIS, an action plan tackling discrimination and affecting public opinion was prepared in 2017. The plan includes activities focused on the majority population and key stakeholders as well as on activities aimed at building the capacities of discrimination victims to defend their rights, including conflict resolution at the local level. As an outstanding example of such programmes, the project “Caretakers as Prevention” in the Czech Republic works preventatively in cases of disputes between neighbours, violations of residency rules in a particular building, or violations of the rules of civil coexistence. At the same time, the building caretaker position is meant to contribute to improving security and maintaining public order. However, no explicit positive action measure has been taken by key public institutions to hire Roma through this project or in general in order to counter the underrepresentation of minority members in the public administration.

The most important change that has taken place is the recognition of the *Porrajmos* – the genocide of Roma – during the Second World War by the Nazis and their local collaborators in Slovakia and the Czech Republic. In a ground-breaking move, in late 2017 the Czech Government concluded an agreement with the AGPI company, the owner of the Lety pig farm located on the site of a WW2-era concentration camp for Roma, to buy out the buildings and grounds for 17.6 million EUR. It is estimated that it will cost another 6.7 million EUR to clean up the grounds and adapt them to their future use, including the building of a remembrance site. Another symbolic display of respect for the Roma victims of the Holocaust in the Czech Republic is city halls flying the Roma flag on the 2nd of August, the Roma Holocaust Memorial Day.

²⁵ For example, one of the used definitions of ‘antigypsyism’ points out that “it is essential to see that antigypsyism is not a ‘minority issue’. It [...] has its origin in how the social majority view and treat those whom they consider ‘gypsies’”. See, for example: Alliance Against Antigypsyism. 2017. *Antigypsyism – Reference Paper*. Available at: <http://antigypsyism.eu/wp-content/uploads/2017/07/Antigypsyism-reference-paper-16.06.2017.pdf>.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

All countries have implemented the *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law*, reinforcing several provisions concerning hate crimes. The term "hate crime" is not explicitly used in all legislations that contain sanctions against hatred or bias motivation. Hungarian criminal law punishes hate speech by prosecuting it as the crime of "incitement against a community". Romania is the only country where the Government (the Senate) have issued a declaration calling for a definition of antigypsyism as part of its strategy to combat racism.

In all countries concerned, the police, prosecutors and judges do not often consider crimes against Roma victims to be hate crimes despite evidence of bias motivation. In Slovakia, investigations have typically failed to classify crimes as racially motivated unless the perpetrator admitted such a motive. However, a positive development took place in 2017 when a specialized court issued a judgment that recognized a racial motive after the legislative changes. In Hungary, the Working Group against Hate Crimes, which is considered an example of good practice, prepared a list of indicators to make it easier for law enforcement agencies to recognise and assess bias-motivated crimes during criminal proceedings. The representatives of the National Police Headquarters agreed to integrate the list into the police system of training on hate crimes. In Bulgaria, the training targeting officials, judges, and prosecutors is organized but includes few participants and tends to be short-term. In Romania, the police implemented the project "Integrated approach for prevention of victimisation in Roma communities" in partnership with Organization for Security and Co-operation in Europe (OSCE- Office for Democratic Institutions and Human Rights (ODIHR) funded from a Norwegian government grant. In 2015, as a result of a project implemented within the NGO Fund in Romania (EEA Grants), the Centre for Legal Resources launched the project "Combating Hate Crimes. Guide for Practitioners and Decision-makers". The Romanian National Institute of Magistracy organised an initial training for future judges and prosecutors. However, the impact of these initiatives on the Roma community has not been analysed yet.

With regard to victim protection, there is not a well-established practice in the Roma community to file hate crime complaints unless the person at issue has been physically attacked and/or the attacks are repeated. Due to exclusion, Roma are not well-informed about institutions and organisations supporting victims of hate crime and there is a lack of trust towards state institutions. There have been cases where the police refused to address an assault motivated by racial bias. In Slovakia, the programme Effective Public Administration plans to set up eight contact points offering counselling services for victims of crimes across the country. In Hungary, there is no victim support specifically designed for Roma in the Hungarian legal system. In the Czech Republic, the NGO IN IUSTITIA runs a counselling centre for victims of hate crime, including victims of antigypsyism.

There are shortcomings regarding the monitoring of hate crimes. Bulgaria and Hungary, for example, do not record hate crimes, although state agencies do mention the ethnic origin of Roma when they are the suspected or convicted perpetrators of a crime or misdemeanour. This strengthens a negative image of the Roma community in society. NGOs generally monitor antigypsyist crimes.

There is a consensus that hate speech is a key factor strengthening the negative portrayal of Roma in the public sphere. Nevertheless, there is no concerted effort to prevent or ban antigypsyist speech. In Hungary, the government takes no action against antigypsyist speech. Open anti-Roma hate speech is not limited to extremist parties and groups; in fact, it exists on the entire political spectrum. In Bulgaria, the state constantly seeks ways to downplay, justify, and rebrand extremely

discriminatory and xenophobic opinions expressed in the public domain. In Romania, there is a potential for the radicalisation of the extreme right and there is no state counter-intervention to publicly denounce and impose adequate sanctions against stigmatising, racist rhetoric from high-level officials and politicians. Politicians, even the Foreign Minister and the Prime Minister, have made antigypsyist statements.²⁶ Conversely, in Slovakia, with regard to the prosecution of hate speech by politicians, there has been an improvement, specifically relating to members of Kotleba's People's Party Our Slovakia; as a result, fines were imposed on several MPs.

Antigypsyism in the media is monitored by NGOs and in some countries also by public agencies which are, however, criticised for their passivity. In Bulgaria, for example, the Ombudsman is the structure that should monitor antigypsyist rhetoric and acts. To date it has not seriously tackled anti-Roma rhetoric and acts. Active Watch, Media Monitoring Agency produced two reports on hate speech in Romania (2014-2015 and 2015-2016). The main findings of the 2015-2016 report were that Roma remain the most frequent target of hate speech in Romania together with the LGBT minority and that the violence of statements containing hate speech has increased. In Slovakia, there have been significant improvements with regard to the media in recent years. In a recent study by the Slovak Governance Institute and Romano Kher, only 2% of 486 media contributions in education, employment and social policies negatively portrayed Roma. In Slovakia, the action plan of the NRIS supports active communication towards the majority population based on balanced and objective information about Roma. One of the tasks seeks to monitor the media for three months and will be performed by NGOs. The action plan also provides for educational and training activities for journalists. Since 2012 there has been a negative development in Hungary. The Media Authority uses the measure "incitement to hatred" within a limited scope because the Constitutional Court laid down the theoretical basis for judging the act of "incitement to hatred" as defined in the Criminal Code and in the Media Act by the same measure. Consequently, this significantly restricted the Media Authority's law enforcement activity in respect of limiting freedom of the press.

There is no official monitoring of hate speech online undertaken by the state and this task is exercised by NGOs only. In the Czech Republic, a survey carried out by IN IUSTITIA (2017) found that Roma are among the most frequent targets of hatred on the Internet and that the posts that were least frequently deleted related to Roma ethnicity/nationality. It also found that the role of hate speech disseminated through social media is generally underestimated by criminal justice authorities and that in some cases their assessment is controversial. In Slovakia, according to the Ministry of the Interior, the years 2014-2015 marked an enormous increase in hate speech against Roma and other minorities on the internet. Consequently, the Committee against Racism set up a separate working group to prepare a measure to tackle hate speech online. In the Czech Republic, the governmental Agency for Social Inclusion has run the large-scale campaign "Hate Free Culture" since 2014, which aims to critically engage with users of online social networks and to refute hoaxes. The effectiveness of the campaign remains unclear and the methods used ambiguous.

Analysing and forming narratives and attitudes towards Roma

All manifestations of antigypsyism – including hostility, prejudice and discrimination specifically directed at Roma – combined with stereotypical portrayals of Roma constitute the predominant narrative in all majority societies of the countries concerned. Public attitudes towards Roma – as shown in a number of recent surveys – are governed by prejudice and ignorance, mostly denying the possibility of coexistence between non-Roma and Roma.

²⁶ For specific quotes of the prime minister and many others, see the Romanian report.

Alarmingly, in many countries this applies specifically to young people (from teenagers up to the age of 39). For example, a representative survey undertaken in Slovakia asserts that 80% of young people aged 18 to 39 would mind having Roma as neighbours. Projects and programmes combating antigypsyism focus on schools in Romania only. A successful change to secondary school curricula by the Ministry of Education and the Institute of Education Sciences in Romania that has introduced compulsory study of Roma slavery and the Roma Holocaust as part of the history curriculum for grade 8 represents the most notable outcome. Complementary educational materials, teacher training and/or student and parent workshops, supported by various national and foreign foundations and NGOs, have been developed, implemented and/or are planned in Romania and Bulgaria. Slovakia and Bulgaria have included training and awareness-raising campaigns for judges, police officers and staff at Labour Offices in their respective National Roma Integration Strategies, but implementation of these measures is not systematic and they are implementing training randomly. In Slovakia this is particularly salient due to numerous instances of police violence and brutality during raids targeting Roma settlements (for more details, see Anti-discrimination). In Hungary, training on antigypsyism targeting these groups is non-existent, but the topic has been included in the National Social Inclusion Strategy 2011-2020.

In Hungary, state programmes and projects aimed at generating new and non-biased narratives about Roma, such as awareness-raising campaigns, Roma history as part of the national school curricula, educational materials and targeted teacher training and training for administrative staff, police, etc., are scarce. Public funding for comprehensive programmes and projects targeting antigypsyism is insufficient or is not available at all. The campaign "The Roma Heroes of 1956", which was implemented as part of the commemorative programme "1956 – the Year of Hungarian Freedom" was the largest national campaign aimed at changing opinions about the Roma in Hungary by presenting the contribution Roma made to today's Hungarian society. However, because of a lack of Roma participation and the Government's negative campaign against civil society organisations, campaigns of this volume are not likely to be repeated.

There are plenty of initiatives for carrying out critical research on Roma issues. Many universities and research centres are conducting studies on Roma, but very few of them specifically look into the phenomenon of antigypsyism. In Hungary, some antigypsyism-related studies have been conducted but tackled only one of the manifestations of antigypsyism: prejudice. There is no recent, comprehensive research about the experiences of the Roma themselves. Additionally, Roma-led research-related structures are very limited. In Hungary, for example, the Research Group for Critical Roma Studies was set up by researchers of Roma origin at the Hungarian Academy of Sciences in 2014 on a voluntary basis and with no financing to discuss issues related to research on Roma and developing new narratives in this field. The country reports mention Roma studies programmes as examples of good practice, such as the programme of the Central European University in Budapest or Charles University in Prague. According to the country reports, NGOs conduct research for the most part and no research initiatives have been undertaken by states. In addition, most of the national reports highlight the relevance and role of international NGOs such as Open Society Foundations and the EU Agency for Fundamental Rights (FRA), when it comes to research.

IMPACT OF MAINSTREAM EDUCATION POLICY ON ROMA²⁷

Access to quality early childhood education and care (ECEC) services, especially kindergarten

In all of the five country reports, lack of access to kindergartens by Roma children was mentioned as a serious issue. Nurseries and other early childcare services and institutions are often inaccessible to marginalised Roma parents for several reasons: services not available at all in rural settlements, lack of transportation, lack of places in urban educational facilities, poor quality of instruction, experiences of discrimination, or the financial constraints experienced by Roma parents. In many cases, Roma parents are not aware of their rights and educational authorities provide them with incorrect information about enrolment opportunities for their children (for example, in the Czech Republic cases were reported where kindergartens suggested home-schooling to Roma parents as an alternative to compulsory kindergarten). In Romania and Slovakia, kindergarten is not compulsory.

Governments do have public policies in place to reduce the financial barriers that disadvantaged groups face in accessing ECEC. In each case, the policies face challenges in terms of fully eliminating obstacles and achieving increased rates of quality early childhood education enrolment by marginalised Roma children and other disadvantaged groups. For instance, in Slovakia, parents have access to ECEC and families with material needs can qualify for state support. Yet, in practice, poor children may not qualify for this subsidy if their parents are in receipt of a parental allowance that increases the family's income. In Hungary, disadvantaged Roma parents are not able to pay for additional costs requested by kindergarten, such as contributions for trips or hygiene packages.

The early childcare institution shortage is the key cause of low enrolment rates by Roma children and other disadvantaged groups into preschool. For example, in Brno, Czech Republic, there were about 12,000 preschool children, but 1,000 preschool places were missing; 7,000 places were missing in Prague. In Bulgaria, the new Education Act introduced the term "centralised kindergarten," to which free transport is provided from villages where there is no kindergarten. For example, Burgas Municipality provides free transport for children from the "Pobeda" district and has opened half-day preparatory classes in schools in the respective districts that are still not enough for the preparation of some children.

Several NGOs from the five countries reported on differences in the quality of kindergarten services. In poor, rural areas, circumstances visibly differ from mainstream institutions: classrooms are crowded and toys overused. High-quality children-teacher interaction is absent from many classrooms despite being considered the most important factor in inclusive education. Teachers' salaries are significantly lower than what they should be in order to make the profession attractive for the younger generation. In some countries, qualified staff have been missing from kindergartens for years.

There is a consensus in the five reports that even though many problems remain, steps have been made both in terms of access and quality in the last decade. OSF, REF, WB, UNICEF and other major donors started robust programmes and the media participated heavily in promoting the importance of ECEC.

Compared to other aspects of mainstream education, another unique observation regarding the number of Roma children in early childhood education has been made: Trans-national policy learning matters more here than at any other stage of education. It should be noted that programmes based on the examples of the British Sure Start

²⁷ The second reporting cycle (2018) will cover the topic of education more comprehensively.

and the US Early Head Start have had a visible impact on the region. Children Houses (Hungary), "A Good Start" Programmes (Slovakia, Hungary, Romania), Step by Step programmes, Home School Liaison and "Fairy Tale Reading" programmes have been scaled up, producing tangible results.

Avoiding early determination of school career (early tracking)

Mechanisms that determine Roma students' participation and the quality of education in ECEC and primary schools are described as the main factors behind Roma students being tracked into special schools that lead to lack of career options and/or careers with poor economic outcomes. The five countries share the trend of early tracking, which is often determined by discrimination, lack of professional education policies, and economic reasons. The phenomena start at ISCED 0 level, but incorrect, premature tracking of Roma students continues throughout the systems. The so-called 'school readiness' tests exist in all five countries; they do not serve as pedagogical tools for the teachers to support their classwork, but instead cause early tracking. In Romania, a preparatory class also known as "class zero" was introduced in the 2012-2013 school year to partially compensate for missed kindergarten years. However, this inequality of the educational services offered results in irreversible problems in the pupil's school career. In Bulgaria, a recently-passed education law allowing the tracking of students initiated political debate about this practice.

In Slovakia, a recent report by ERRC and Amnesty International noted that Roma children are almost automatically referred for enrolment into 'zero grade'. There have been cases where, a few months after enrolment into zero grade, without having sufficient time to learn the Slovak language and to acquire the expected skills, children have been diagnosed with mental disabilities and tracked into special schools. Being enrolled into zero grade counts towards compulsory education and thus reduces the child's chances of completing primary (grades 1-4, ISCED 1) and lower secondary (grades 5-9, ISCED 2) education prior to reaching age 16. If a child enrolls into zero grade and later happens to repeat one grade, he or she is unable to complete all nine years at the primary school on time (i.e., prior to age 16). The risk of such failure among marginalised Roma children is very high.

Another format of early tracking occurs at ISCED 1 (level 2 or 3) when low-quality primary, lower secondary and/or vocational training schools are opened for Roma students close to Roma settlements. This leads to Roma students being encouraged to see short-term vocational training as the best outcome, when in fact it gives them very little or no prospect of a future professional career.

In all five countries, early tracking is triggering a political debate about the impacts of reducing the tracking age. The reports provide information about how privileged or high-income families, whose voices in the policy debate are strong and influential, support early tracking to ensure high-quality education for their children. Opponents of early tracking who support inclusive education claim early tracking creates inequity in the educational system and promotes segregation and generational poverty.

Eliminating grade repetition

In the five countries, rates of grade repetition are higher in regions with sizable, disadvantaged Roma communities. Funding streams have targeted the issue, although in most cases interventions do not address the structural problems that lead to it. The topic has become highly heated and politicised, one where professional and rational arguments do not play a role, often creating tensions and dividing the educational literature and also the NGO sector into two camps. The conservative camp opines that repeating an unsuccessful school year can be beneficial for the student whilst the progressive camp believes it is detrimental for the students and bad for their school.

The OECD and other institutions have also argued against grade repetition, claiming that it is very costly for education systems and does not improve teaching quality, pedagogy, student opportunities, student skills or student motivation. Several NGOs have agreed that teachers use repetition as an easy tool that allows them not to teach effectively, to postpone educating children and to pass the responsibility on to another colleague. Additionally, over-aged students who are often grade repeaters are more likely to drop out of primary school at a very early stage of their educational career.

According to a PISA analysis,²⁸ at the age of 15, students who repeat a grade in secondary school tend to perform better academically than students who repeat a grade in primary school. Grade repetition and student performance in reading shows that, with almost no exception, performance by students who never repeated a grade is higher than performance by students who were retained in secondary school. In terms of attitudes towards schools, in the majority of countries, non-repeater students report more positive attitudes towards schools than both primary and secondary-school repeaters.

In the Czech Republic, children from socially excluded localities are 13 times more likely to drop out of primary education early. In Bulgaria, grade repetition is not a key educational issue, even though Bulgarian repeaters score poorly in many disciplines. In Hungary, the risk of grade repetition provides opportunities for the use of various segregation practices. If Roma parents request home-schooling status for their child or take their child to another school, they can avoid failure. In Romania, the NRIS does not mention grade repetition as a problem, but the Strategy for Reducing Early School Leaving highlights grade repetition as a key predictor of school dropout, especially for boys and students from lower secondary schools in rural areas.²⁹ A recent study by a Roma NGO there claimed that 16.5% of Roma did not complete a grade as opposed to 5.3% of non-Roma.

Grade repetition has not been addressed by policy in any of the five countries in recent years. All schools have to collect data and report to the relevant ministry about repetition, but schools do not face any financial consequences if repetition reaches a certain level.

Targeting disadvantaged schools

All five countries have mechanisms for targeting disadvantaged schools. For instance, in Romania, the programme "School for All" provides funding for interventions on school dropout, equal access, and school quality. Each of the countries faces very specific challenges. A programme modelled after Teach for America is implemented in Slovakia. While the programme trains professionals to teach at disadvantaged schools, it faces similar challenges as its US counterpart: where educational quality is not increased, it reinforces poor educational outcomes in disadvantaged schools. The recurrent challenge across the five countries is the irregularity of funding streams targeting disadvantaged schools and intervention mechanisms that do not adequately address the needs of these schools. Each country defines a disadvantaged school differently and the types of interventions vary greatly. For instance, in the Czech Republic, disadvantaged schools receive high amounts of meal subsidies. In Bulgaria, disadvantaged or vulnerable schools are defined as schools in small settlements and with large percentages of Roma students.

²⁸ Ikeda, Miyako and García, Emma. 2014. "Grade repetition: A comparative study of academic and non-academic consequences", *OECD Journal: Economic Studies*, Vol. 2013/1.

²⁹ Strategy for Reducing Early School Leaving (2013) available at: <https://www.edu.ro/sites/default/files/fi%C8%99iere/Invatamant-Preuniversitar/2015/Strategie-PTS/Strategia-PTS-2015.pdf>.

There is a lack of accountability by Governments in terms of providing quality education and educational environments, especially in rural Roma settlements. As of the end of 2017 there were no serious financial incentives for vulnerable schools and teachers teaching pupils from disadvantaged groups in Bulgaria. Overall, educational reform has widened the gap between the "elite" and "vulnerable" schools, turning the vulnerable into the even more vulnerable. Although many rural schools and segregated urban "Roma" schools have predominantly Roma students, the situation in both types of disadvantaged schools differs in a number of important aspects. Village schools usually educate all children from the respective village, while the parents of middle-class Roma families take their children out of segregated urban schools. Rural schools are under-financed, while the segregated ones are among the schools with the largest budgets. As a result, both types of disadvantaged schools differ in their readiness to apply educational innovations.

The Hungarian report noted that it is necessary to investigate cases where kindergartens run by local governments in small settlements violate laws, and it is necessary to regularly monitor and check compliance with legislative requirements such as opening hours. In all five countries, small local governments or kindergarten/school establishers responsible for providing proper educational facilities, waiting rooms and transportation for children living in small settlements with no kindergarten or primary school face serious financial difficulties; subsequently, they are not able to fulfil the relevant legal requirements.

RECOMMENDATIONS

Most of the recommendations concern multiple levels of policy-making (EU, Member States, local governments): the EC can recommend Member States to adopt a measure, national Governments can change practice at the local level through regulation or funding conditions, etc. If a recommendation concerns a specific level of governance, it is indicated in the text.

Governance

National Governments' accountability for implementation of the NRIS and Roma integration in general should be strengthened on the domestic level. The example of Bulgaria, where the annual monitoring report on NRIS implementation has been submitted to the Parliament for discussion, can be followed by other Member States. This would support a more substantial approach to monitoring and evaluation of the NRIS implementation.

All of the country reports emphasise the importance of developing Roma-targeted policy measures. This is probably due to the fact that the actual impact of the mainstream policies specifically on marginalised Roma populations is unknown. Therefore, assessment of mainstream measures' impact specifically on Roma is necessary to support Roma mainstreaming. Requirements so formulated can complement the ongoing discussions about the collection and processing of ethnically disaggregated data, which is still considered controversial.

Several country reports articulate a need for particular focus on Roma women, youth and children to address the multiple disadvantages of these groups. This focus should include both targeted measures and specific monitoring and evaluation of impact.

With the decentralisation of policy-making and the *de facto* shift of responsibility for Roma integration to lower levels of governance, municipalities should be empowered to exercise their responsibilities but also made accountable to the central Government and the public. Today they possess only limited capacities, particularly in the strategic planning of Roma inclusion and in drawing on the ESIF. Therefore, intensive technical assistance to local governments is necessary to enable them to effectively fulfil their role. Moreover, such assistance can support Roma political participation in local governance, as Roma are more successful in local elections in smaller, disadvantaged municipalities.

Vote buying in socially-excluded communities seems to be a widespread problem in many countries, yet it is insufficiently monitored and addressed. It can be particularly dangerous on the local level, as local governments are able to directly sanction electoral behaviour thanks to their control over many policies with direct impacts on marginalised populations. Such practices jeopardise Roma civic participation on the local level, where otherwise it could lead to the most meaningful outcomes.

In several countries the NRCs are not part of the policy-making process and play rather a technical, administrative role in communication with the EC. It would be more effective to make the NRCs closely connected to agencies with stronger executive powers engaged in the actual policy-making (for example, by commenting on policy documents and/or implementation of policies on different levels), or even merged with the governmental agencies mainly responsible for social inclusion policy.

If national Roma platforms are coordinated by the NRCs, their impact will depend on the position of the NRC. Therefore, in cases of weaker NRCs, an effective Roma platform can be driven by other structures, including NGOs that would benefit from further empowerment. NRCs should not be promoted to replace regular policy consultations with civil society or tripartite committees and task forces with expertise in various sector-based, cross-cutting policy issues of Roma inclusion.

Anti-Discrimination

The existing legal framework and institutions have not demonstrated they can provide Roma with effective protection against discrimination. Therefore, it is necessary to research the barriers that Roma face in access to justice and protection against discrimination, to lower the threshold for reporting discrimination, and to increase victims' ability and willingness to go through lengthy, legally complex administrative or juridical processes. Diverse authorities, particularly on the local level where the daily discrimination occurs, can use mediation between the perpetrator and victim as an effective tool for ensuring justice and raising awareness about equal treatment.

Making existing institutions and laws effective, including by training law enforcement, prosecutors, judges, national equality bodies and other authorities, seems to be necessary. Anti-discrimination and work with members of minorities should be part of study programmes at schools preparing law enforcement, legal professionals, and providers of public services; such programs can include critical perspectives to explain hidden barriers and the danger of indirect discrimination.

Clear, measurable objectives in improving access to justice and the fight against discrimination should be included in the post-2020 Framework and NRISs as well as in EU policy tools such as the European Semester Review.

Formally-banned segregation in education should be monitored, possibly through school inspection authorities. Local governments or other authorities responsible for organisation of education on the primary and secondary levels should be assisted in the development of desegregation measures and strategies. Violation of the legal prohibition of segregation should be sanctioned. Emerging segregation in secondary education seems to be a new problem. Therefore, attention should be given not only to the educational systems on the local level, but also on the regional level.

Mapping the existing segregation of disadvantaged pupils and specifically Roma in education systems on the local/regional levels, as well as analysis of the causes of segregation, should be made mandatory (for example, as a condition for access to public resources, particularly the ESIF) and development of local/regional desegregation strategies should be supported. That would contribute not only to protection of pupils' rights, but also to sound financial management of public resources; administrative measures (such as changes of school districts, rationalisation of the school network) or improving access to desegregated education (such as by busing) can be cheaper than construction of new facilities in segregated areas.

In exceptional cases, if the circumstances do not make the closure of segregated primary schools possible in certain villages due to the characteristics of the settlement structure, then massive investments into high-quality education are necessary to compensate for pupils' disadvantages and enable them to continue in desegregated secondary education.

The development of inclusive education and training of teachers are conditions for an effective desegregation policy. Improvement of education can also prevent 'white flight'. ESIF resources should be invested primarily into such sustainable structural changes rather than into the daily operation of the schools (such as to cover wages or purchases of equipment with a short-term depreciation period).

Any public investments into the housing of vulnerable groups, particularly Roma, should be driven by desegregation objectives. Procurement of new dwellings with public support should not increase the number of inhabitants in segregated areas.

Development of social housing policies on the local level should be supported and driven by housing needs rather than by other criteria. Public resources should not be invested into temporary accommodation or separate housing schemes for Roma and other inhabitants.

Residents of informal dwellings should be protected from eviction and demolition of their homes, unless they are provided with substitute standard housing in a desegregated setting with access to public services.

The ESIF should not support the conservation of existing segregation or investments leading to further segregation. The existing legal and administrative framework prohibiting such investments (such as the EC's 'Guidance for Member States on the use of ESIF in tackling educational and spatial segregation'³⁰) should be rigorously reinforced by the EC services responsible for ESIF implementation.

Forced evictions should be used only as a last resort and prevention of forced evictions should be strengthened by provision of services such as social counselling, debt management and mediation, and active detection of households or areas at higher risk.

It is necessary to create an early warning system for potential victims of evictions and provide them access to legal aid, either by public authorities or by NGOs with public financial support. The moratorium on evictions in winter should be respected and particularly vulnerable persons such as the elderly the infirm, and families with children should be provided with special protection.

In case of mass evictions performed by public authorities, a clear strategy about what social assistance will be provided to the evictees should be required, ideally with provision of substitute accommodation or housing; the consequences of evictions on further social inclusion should be considered.

Complaints of alleged ill-treatment by police officers, including complaints with a possible racial motive, should be investigated by a fully autonomous body outside the structures of the Interior Ministry or the police. Victims or witnesses of police ill-treatment should be provided with protection against harassment and victimisation.

Addressing Antigypsyism

The concept of antigypsyism should be consistently incorporated into all relevant Roma-specific and mainstream national strategic and legislative documents addressing the problems of all manifestations of this phenomenon. Combating antigypsyist speech, crime, and political discourse has to tackle the antigypsyism that is one of the root causes of exclusion of Roma in Europe. The concept should also be operationalised through national action plans and other existing structures, and budgets should be allocated specifically for the fight against antigypsyism.

Social awareness about the problem of antigypsyism can be raised by campaigns, updating curricula and training professionals, especially those working in the public administration. The education should be based on historical and current evidences of antigypsyist acts, their impact on the individual lives of Roma, and positive content (rather than only pointing out the extent of these negative phenomena in the mainstream society, as that can have a counterproductive impact and be interpreted as a social norm).

The creation and promotion of sustainable affirmative action initiatives for Roma participation in politics and the private and public sphere in general – public authorities, provision of public services, media, sports, culture, etc. – can have a positive impact on decreasing the phenomenon of antigypsyism. Mainstream social

³⁰ European Commission. 2015. *Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation*. Available at: http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/thematic_guidance_fiche_segreati_on_en.pdf.

movements and initiatives can intentionally involve Roma individuals and civil society organisations for this purpose as well.

Trainings for the police, prosecutors, judges and civil servants of the justice administration (for developing further the effective prosecution of antigypsyist crime) should be more strongly supported from the public budgets and become part of their education and capacity building.

Analysis of both the phenomenon and the impact of the existing structures and initiatives should be encouraged and supported by the state institutions. The analysis of the experiences of Roma themselves should be taken into account and Roma-led studies should be supported as well.

Roma people must be empowered, through initiatives supported by state institutions, to file complaints against antigypsyist speech and crimes. Support systems for victims of antigypsyist crimes must be established and must be inclusive.

The relevant institutions have to establish monitoring mechanisms for antigypsyist crimes and speech, including monitoring of online social media to record and report on acts of antigypsyism. State institutions should be discouraged from unnecessarily reporting the ethnic origin of Roma suspected or convicted perpetrators of crimes and misdemeanours.

Mainstream education

Recent policies understand education to be a tool for creating skilled workers to produce benefits on the labour market and for creating taxpayers. However, education should not just be seen as a tool for economic growth, but as a realization of human rights and an opportunity to develop active citizenship and an open, culturally diverse society.

Collecting reliable data about the participation, attendance and achievements of Roma children in education is crucial for effective policy-making. Experience from the Czech Republic, where the state School Inspectorate started to collect data about Roma pupils allowing – among other matters – for the establishing of correlations between schools' achievements and the proportion of Roma pupils enrolled can be a valuable experience also for other Member States.

The number of missing places in kindergarten is high in all five countries and investment into development of kindergarten facilities and the quality of the existing kindergartens is far from ideal; therefore, massive investments into the development of the capacities of early childhood education facilities are necessary, taking into account the demographic situation in the different regions as well as the economic opportunities available to municipalities and families. Infrastructural programs need to be paired with pedagogical developments. The number of rejected kindergarten applications can be a practical indicator to assess the capacity of the ECE facilities in all countries.

Wherever possible, preschool education should be provided to Roma children in a desegregated setting together with non-Roma children. Where this is not possible due to the spatial isolation of the Roma community, high-quality preschool education should be available also for children living in segregated communities, as it is a prerequisite for successful integration and desegregation in primary education. Preschool education should be provided by trained staff, follow a standard curriculum, and not be replaced by other services such as community centres or clubs for children that cannot provide the same quality of pedagogy as kindergartens.

For younger children (0-3) and their families, preparation before kindergarten should be introduced. Such provision needs to build upon the experience of local, positive

early childhood development programmes that have proved obvious results, such as 'A Good Start' programme of the REF or the 'Step by Step' programme of OSF.

Tracking of pupils, which is often a cause of drop-out, should be postponed until upper secondary education, and policies should emphasise comprehensive schooling. Limiting the number of subjects or the length of time students are subjected to ability grouping, increasing opportunities for intra-school mobility, and increasing curricular standards for students in different tracks can moderate the negative effects of early tracking and grouping by ability.

High repetition and dropout rates are associated with inadequate levels of basic learning achievement in reading and mathematics. Interest in science, technology and mathematics should be promoted for Roma students.

Individual financial support is needed for Roma upper secondary students. It is crucial that scholarships, language classes, driver's license costs, housing/dormitory, etc. be financed by state funds or other donors. Strong secondary education facilities and networks of high-quality dormitories are needed for students coming from rural areas.

Public support, including from the ESIF, should target low-performing, disadvantaged schools located often in peripheral areas with a high share of Roma or disadvantaged populations where integrated education is not a feasible option. Such disadvantaged schools often lack the material resources and human capacity to provide high quality education that the disadvantaged pupils need.

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