



## **Joint Launching Conference**

Best Practices for Roma Integration – EU/ OSCE-ODIHR  
Promoting Human Rights and Minority Protection in South East Europe – EU/ CoE  
Regional Initiative for Inclusive Education – EU/ CoE

**27-29 June 2012**  
**Hotel Avala, Budva, Montenegro**

## **BRIEFING PAPER FOR WORKING GROUP 1**

**“How to better implement anti-discrimination legislation?”**

## Recommendations made at the National Roma Seminars conducted by DG Enlargement in 2011

Recommendations from the Roma Seminars conducted in 2011 in the Western Balkans under the auspices of Pierre Mirel, Director DG Enlargement

### **Cross-cutting issues – general recommendations**

1. Capacity building, co-ordination and communication is needed for the Roma<sup>1</sup> Minority Council or Roma Technical Secretariat, institutions in charge of Roma policies and NGOs; During the first few years after the establishment of the Roma National Minority Secretariat in Serbia, they participated in numerous trainings with the local Roma Co-ordinators (on project management, development of local action plans, local budget processes etc.)
2. Roma should participate in the design, implementation and monitoring of Roma Action Plans and Programmes. This can be done by establishing co-operation between Roma NGOs and local self-governments. Many countries in the region had calls for proposals (mostly funded by international donors) where municipalities had to apply in co-operation with a Roma NGO. Their role in decision-making should be enhanced. The position and the needs of Roma women and girls should be considered.
3. Allocate resources to National/Local Action Plans for Roma – this would also show the commitment from the government towards Roma issues. In Serbia, local self-governments with large numbers of Roma are allocating funding for implementation of local Action Plans on Roma Integration (mostly for Education). However, implementation of these budgets often does not reach 100%.
4. Raising awareness amongst Roma on activities and policies targeting them.
5. Gender dimension should be taken into account.
6. Human rights Institutions should ensure the implementation of the Law on Anti-Discrimination.
7. Systemic and sustainable enhancement of position of Roma can be created with initial support from donors. (examples: Health Mediators, Roma Teacher Assistant, Roma coordinators/Roma Information Centres, Community-based facilitators). All of these exist in Serbia with more or less sustainability (still mostly paid from project funds though Pedagogy Assistants have been made a permanent position, and Roma Health Mediators are planned to be made permanent by the end of the year).
8. Data on Roma inclusion will be collected, preferably by the State Statistical Offices or social centres. Monitoring and Evaluation of National Strategies and Local Actions Plans for Roma. There are ways to collect data anonymously about the number of beneficiaries who are Roma (or from other vulnerable groups). The National Employment Service in Serbia, for example, is able to track the number of Roma who were employed or participated in a training.
9. The issues of Roma refugees from 1999 should be included in policies geared towards Roma inclusion.

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<sup>1</sup> Roma is meant to include Ashkali, Egyptian and other related communities in the Western Balkans

## **Civil Registration**

10. All children must be registered at birth through Health Institutions in co-operation with the Municipal Civil Status Offices.

FBiH law on civil registration should be adopted and harmonized with RS.

11. Government authorities and Roma NGOs should join forces in preventing early marriages in order to minimize cases of unregistered births.

12. Civil status legislation should be adopted swiftly including the bi-laws and administrative instructions and training on these, so that municipalities can do their work. Some municipalities in Serbia and Kosovo\* waived processing fees for issuing documents for Roma and IDPs.

13. Law on Public Health Insurance should be amended to include refugees in the public health system.

14. fYRoM specific: Government to sign and ratify the UN Convention on reduction of stateless persons.

15. fYRoM specific: costs and fines for late registration should be waived as well as DNA testing required for establishing identity for the first 6 months in 2012.

16. Registration campaign undertaken with Roma communities to register – during this period registration should be free of charge (temporary windows).

17. Free legal aid should be provided to people who need assistance in registering for citizenship; late registration (or subsequent registration) should be free of charge; in Serbia the law has been revised to enable subsequent registration (pending Parliamentary approval now).

18. Proof of residence can be provided through Centres for Social Welfare or Roma National Councils for those people without a permanent address; in Serbia, registration is supposed to be possible at the Centres for Social Welfare (according to the new law) but implementation remains to be seen.

19. Albania specific: Registration should be made available free of charge and the costs for DNA testing for family unification and birth registration in general should be covered by the state.

20. Naturalization of stateless people and refugees.

21. Civil registration of repatriated children has to be systematically carried out.

22. Civil registration should be more efficient.

23. MNE specific: the Independence of Montenegro created some specific requirements for IDPs/DPs who did not have MNE citizenship before. They will receive 'foreigner status' for the coming 10 years, which gives them the same entitlements as MNE citizens except voting rights. The procedure to obtain this status and get travel documents is very complicated and time consuming. However, procedures are improving and by going to Kosovo\* many IDPs can re-register and have faster access to civil documents.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

## **Education**

24. Measures to ensure school attendance, including such as free and simplified registration, awareness campaigns and the effective attendance monitoring should be adopted. Those measures should target children who either enrolled or never did.
25. The MNE authorities will ensure better recruitment of Roma teachers and Roma teacher assistants in schools (pre-school, primary and secondary education) in the areas with the most important Roma population. Applicable to the region.
26. Serbia specific: Key policies in place: 175 pedagogical assistants have been trained and employed. About 200 additional Roma assistants would be employed in the coming years. How many were additionally employed in 2012?
27. fYRoM specific: In line with the national Strategy for Roma the project on mentors and pedagogical assistants should be implemented. A solution to enable their presence inside schools should be found before the 2011-2012 academic year. Has it? No, unfortunately not, at least not fully. The only thing that is in place is the presence of mentors in high-schools (but not in primary education). This is co-funded by REF and the Ministry of Education. There are no pedagogical assistants in primary nor secondary schools.
28. The issue of increasing number of street children must be addressed as a key priority by the relevant ministries. New transit centre, offering day/night care will be created. Was it?
29. The Government's Strategy (in MNE) for Early Learning and Pre-school Education, will be properly implemented, including as regards the enrolment of Roma children in pre-school system. In the region there is a need to develop further early childhood education.
30. Pre-school fees waived.
31. The Roma children will not be segregated in education. Relevant awareness-raising/trainings will be carried out with teachers and non-Roma population.
32. fYRoM specific: The manual on anti-discrimination in education, published by the MoES should be more extensively used along with the strengthened measures for desegregation in schools. Kosovo\* MoE also implements a summer school on anti-discrimination for its teachers.
33. Kosovo\* specific: Municipalities should fight against prejudices and discrimination in schools, notably by organizing workshops for teachers in the schools.
34. Further efforts will be done to address the drop-out issue, including through actions by NGOs and the Roma Minority Council with the parents who bear also a responsibility in this context (could be one of the criteria for disbursement of economic aid).
35. Comprehensive measures to decrease the number of Roma students in special needs classes or schools need to be adopted.
36. Further assistance should be provided to Roma youth who undertake university studies, among others through an effective implementation of the existing quota
37. Roma students will be paid scholarships on time and provided textbooks and meals (meals BiH specific). (Done throughout the region)
38. fYRoM specific – but applicable in the region: The budget distribution from the central to the municipal level should be made according to the number of students (principle 'Money follows the child') instead of fixed amounts related to the number of education facilities.
39. Adult education, "second chance" learning, literacy courses will be further developed for Roma parents and young people.

40. fYRoM specific: Projects on adult education will be developed and the Centre for Adult Education will start its activities before the end of 2011-2012 academic year. Any new project developed?
41. Education and literacy courses will be further developed for Roma adults.
42. BiH/Serbia specific: Programmes to reinforce linkages between the education sector and the labour market, and to empower young people, will be intensified (vocational training).
43. Improvement of monitoring and evaluation in the education system for efficiency and quality of services for all children. (Regional).
44. Reports will be sent on time by the Ministry, schools etc, in order to have more data, to monitor attendance, etc. (Regional). There should be regional cooperation on this – it is difficult to get comparable data on achievement and attendance of Roma students.
45. Roma successful individuals will be used as role models for better integration of other children (promoting and helping them).
46. fYRoM specific: The multi-ethnic character and curricula of the new high school in Shuto Orizari under construction shall be ensured. Has it been opened yet? Is it multi-ethnic?
47. Kosovo\* specific: The Ministry for Education, Science and Technology and the municipalities should implement the Romani curricula as of September 2011 and distribute the relevant textbooks. Romani curricula teachers should be adequately trained. Has this happened? Ministry of Education Science and Technology-MEST- is implementing the Romani curricula only in Prizren municipality, with one teacher, for now. This teacher is invited to participate at launching event in Budva ( he is director of Romani Radio in Prizren, too). Last year MEST organized summer school on Romani language, history and culture for Romani teachers as well as other teachers that taught Roma children. There are no courses on Romani language organized in Kosovo.
48. Kosovo\* specific: Tailor-made training including language and literacy courses for Roma pupils and adults should be provided. Has this been initiated? KFOS and Balkan Sunflower are providing literacy courses. Who should do this?

### **(Vocational Training) and Employment**

49. BiH specific: The Roma Action Plan on Employment should be revised, following an evaluation of measures, to better address the needs of the Roma and ensure sustainability.
50. Efforts need to be undertaken to employ Roma – both men and women – in the public sector, in ministries, educational institutions, employment bureaus and social welfare centres as teacher assistants, Roma educators or Roma mediators. (Regional).
51. fYRoM specific: Strengthened efforts are needed to increase representation of Roma in the public administration based on merits and qualification. In addition, affirmative employment measures in government funded projects should be promoted. According to the Cabinet of the Minister without Portfolio, a total of 97 Roma persons were employed in the course of 2011 in various state agencies. Are they still there/employed?
52. MNE specific: The authorities will increase their efforts to recruit graduate Roma in the public sector (Ministries and education, as teachers and assistants). In 2012 there are 5 young university graduated Roma employed in Ministries and 2 as Roma teacher assistants.
53. Roma NGOs should facilitate the co-ordination among municipal/regional social, vocational education centres and employment centres with a view to improve Roma access to market information and employment. (Regional).

54. NGOs and the employment centres have to facilitate the bridges between Roma communities and private entrepreneurs; on-the-job trainings could be jointly developed.
55. Vocational training adapted to the needs of the Roma population with a clear link with future job opportunities should be organized.
56. Fiscal incentives and other measures should be taken to facilitate employment of Roma in the private sector as well as the launch of new Roma businesses. (Regional).
57. MNE specific: Language courses will be provided to Roma persons who do not speak the Montenegrin language, in particular women.
58. Vocational certified trainings provided to Roma persons will be adapted to their needs and will have a clear link with further job opportunities, in both public and private sector.
59. A direct link between employment with and appropriate education and qualification needs to be recognized, resulting in more emphasis on human capital development. Only this way can disadvantaged groups reach real and decent jobs.
60. An integrated approach including dialogue with municipalities and the private sector should be established. The Employment Agency is strongly encouraged to create programs with the private sector in order to motivate companies to employ Roma.
61. The Ministry of Labour and Social Policy should elaborate more active labour measures for employment specifically targeting the Roma, as currently only one such measure exists. Additional funds made available for active employment measures and schemes for which Roma can also apply.
62. Access to existing and future active labour measures for employment should be provided also for the Roma refugees. UNHCR reported on their ongoing efforts aimed at supporting Roma refugees in the country to find employment.
63. Existing activities for increasing employability of Roma need to be more and better promoted. The Employment Agency should organise a seminar for the Roma Information Centres and NGOs to enable them to correctly inform the Roma community about existing policies. In 2011 a comprehensive program for the support of Roma has been initiated by the State Agency for Employment. The program comprised vocational training to increase the Roma employability. Training sessions organized in Skopje, Bitola, Kumanovi, Stip, Prilep. It was predominantly focusing on job profiles that are deficient on the local job market.
64. Serbia specific: Strategic and programme documents in employment envisage the involvement of Roma in active employment policies as a priority. In 2010 24,000 Roma were involved in these policies. Database on unemployed Roma has become operational; specific public calls for self-employment subsidies and new jobs have been published now for 2 years, and specific public works are targeting Roma. However, the Roma employment rate remains very low.
65. The Ministry of Labour and Social Policy should search for mechanisms to legalize income-generating informal activities in which many Roma are involved. Has this been done? To an extent, through a recycling pilot cooperative in Belgrade, but not very successfully to date.
66. The EC is expected to identify ways to provide additional support for programs advancing the status of the Roma in the Western Balkans. How?

## **Social and Healthcare**

(including trafficking and labour exploitation of young Roma girls and children, children's begging and domestic violence)

67. Kosovo\* specific: 'vulnerability mapping' to identify higher concentration and precise needs of vulnerable groups should be carried out by the Ministry of Health.

68. BiH specific: The Roma Action Plan on Health Care needs to be revised to better reflect the needs of the Roma population and the measures required to address them.

69. BiH specific: A Roma Action Plan on Social Welfare and Protection should be developed to fill the existing gaps in this sector.

70. BiH specific: authorities should introduce a health card providing health care to all Roma, including undocumented ones. Recruitment of health mediators should be considered.

71. Access to health care services to persons without health cards based on the residence registered at the address of the social centre was a welcome alternative. Still persons without possessing personal documents are legally invisible persons and thus excluded from health care.

72. Responsibilities of social workers should evolve from an administrative nature to the provision of field assistance to families and the performance of home visits.

73. The social benefits' scheme should be reviewed and the provision of a diversified social cash assistance scheme to fight against child poverty should be introduced. The budget share for health purposes should be increased. Family medicine/primary health care should be introduced.

74. Municipal authorities should be sensitized in order to prevent discrimination in health and social services.

75. Serbia specific: 75 Roma health mediators have been employed in 59 municipalities. Additional resources why not state resources? Should be dedicated to recruit 75 Roma health mediators for three years.

76. Members of the Roma community should be employed in social work centres. Additional resources why not state resources? Needed to engage additional case managers in the next three years.

77. Authorities should ensure that medical examinations before the vaccination of children are free of charge. Further efforts need to be made to increase parenting skills of Roma parents in order to improve the health status of children and their development. Efforts need to be reinforced to ensure access of Roma to services for early childhood and development, health and social welfare. (Regional)

78. MNE specific: The authorities will improve the quality of ante-natal and post-natal care, protection of Roma mothers, and parental education.

79. Early Childhood and Development Strategic Plans should cover Roma inclusion in all integrated services. Such services will be established in close coordination with Roma communities. Early detection and interventions for children with developmental delays, malnutrition and special needs will be particularly important.

80. The Montenegrin authorities will improve reproductive health services, including through adoption of Youth Friendly Health Standards.

81. Awareness campaigns on medical factors, hygiene, reproductive health, family planning as well as risk linked to early marriages and early pregnancies. This can be carried out by community based facilitators.

82. Local authorities need to guarantee respect for existing regulations on waste treatment and to ensure that all municipal waste treatment plants are fenced off, so as to prevent the hazardous activity of waste collection from such plants, in particular by children.

83. Mitigate the environmental risk factor - lead poisoning should be prevented.

84. The Montenegrin authorities will amend properly the Law on child and social protection, to enable full access to these rights to both domiciled and displaced Roma children.

85. The authorities will intensify their efforts to address child-begging. Roma parents have an important role to play in this respect. (Regional).

86. The authorities will develop a Strategy on family violence and will integrate into the system operational multi-disciplinary teams addressing the issue. When relevant, particular attention will be paid in this framework to domestic violence phenomenon in Roma families. (Regional).

87. The Anti-Human Trafficking Division at the BiH Ministry of Security will strengthen cooperation with other relevant Ministries, institutions and NGOs on the adoption of measures to tackle trafficking of Roma girls and boys.

88. MNE specific: Access to Social and Health care will be ensured after the expiration of the deadline (7 January 2012) of the current *Decree on the Manner of Exercising the Rights by displaced persons and internally displaced persons*. Was it ensured?

## **Housing**

*fYRoM specific:*

89. The Law on Legalization of Illegal Buildings provides an essential tool to pave the way for improving housing conditions of many Roma families. The deadline for application (3 September 2011) should be extended for another six months. Has it?

90. The Roma community needs to be better informed about the necessary procedures under the Law on Legalization of Illegal Building. The Cadastre Office and Roma Information Centres should organize workshops to raise awareness among the Roma community.

91. Administrative burdens and fees for obtaining documents required for legalization of illegal building should be waived for socially vulnerable persons.

92. The current legislation should be amended in order to establish a mechanism for legalization of illegal settlements providing for their inclusion in municipal spatial plans.

93. In case of dislocation of Roma settlements, the concerned population should be relocated only to urban areas. (Regional).

94. The central and local authorities will engage in more regular dialogue regarding housing and infrastructure problems faced by the Roma community. They should notably cooperate in developing a mechanism to stop and prevent further geographical segregation of the Roma community.

95. Housing and infrastructure projects targeting the Roma community should receive a higher priority in terms of budgeting; In Croatia (though they are not covered by these recommendations), municipalities allocated land for social housing and infrastructure projects funded from IPA. There is also one example of this in Kosovo\*.

*MNE specific:*

96. Further efforts will be undertaken to provide Roma domicile and displaced persons with decent living conditions.

*Serbia specific:*

97. A large number of Roma live in some 593 settlements under very poor conditions, often without water and electricity. An adequate approach to the relocation of illegal Roma settlements should be found. The Government will therefore ensure efficient and effective implementation of the National Social Housing Strategy, in line with the International Covenant on Civil and Political Rights provisions.

98. Municipalities to make efforts to legally regularize the existing informal Roma settlements or to provide a location for their relocation (also MNE). When needed, relocation to be conducted with sufficient advance notification, in full respect of human rights. In doing so, municipalities will build on lessons from successful projects already realized in Serbia. (Regional).

99. The Government will ensure funds for the construction of additional housing units and additional support through municipal budgets and donors for the realization of housing programmes.

*Albania specific:*

100. The Albanian authorities, through coordination between central and local level, need to ensure that legal solutions and progressive practical are found for Roma communities currently living in informal settlements which are not eligible for legalization.

101. Clear and realistic criteria enabling the most vulnerable groups to apply and transparent selection procedures for allocation of social housing need to be implemented in all municipalities. Specialised and diversified housing programs that respect the cultural diversity and avoid social segregation should be implemented gradually for vulnerable groups.

102. The government should ensure the access to clean water and sanitation in areas where Roma communities are present.

103. The government should ensure that the Roma families who were evicted from the Tirana train station area in February 2011 will receive adequate housing alternatives. Still not, as far as I am aware....

*BiH specific:*

104. The Roma Action Plan on Housing should be revised in order to better reflect not only the needs of the Roma population, but also the measures needed to address these needs.

105. The provision of land to durably establish legal settlements and/or legalize the so-called informal settlements should be ensured by municipalities.

106. Municipalities should intensify their efforts to provide adequate/social housing to Roma families who are homeless or do not possess any property. They need to ensure that newly constructed houses are connected to utilities.

107. The current methodology for selection of housing projects beneficiaries should be revised to clarify selection criteria, based on lessons learnt from past experience, while keeping needs-oriented approach. Role of commissions for selection of beneficiaries, role of Centers for social welfare and Roma representatives need to be clearly indicated.

108. An independent monitoring mechanism/body should be established to oversee the implementation of housing projects from the beginning to the end of implementation. Such mechanism should be based on clear guidelines, including as regards selection of Roma and other experts in charge of monitoring.

109. A standardized model of contracts stipulating obligations and responsibilities of housing projects beneficiaries will be offered by the BiH Ministry of Human Rights and Refugees. The MHRR will discuss the issue with Roma Board and suggested to sign unique contracts.

*Kosovo\* specific:*

110. The camps in Osterode and Leposavic should be swiftly closed. And did they close? Leposavic is in the process of being closed thanks to an IPA project for social housing (Roma NGOs were involved in the process).

111. Kosovo's\* property rights' coordinator within the Office of the Prime Minister should be appointed.

112. Legal cases for the return of Roma real property should be prioritized by the courts and the Kosovo\* Property Agency; highest priority for Roma repatriated families should be given.

The provision of land to durably establish legal settlements and/or legalize the currently 174 so-called "illegal settlements" should be ensured by municipalities.

113. The informal settlements should be included in municipal spatial plans. (Regional)

114. Kosovo\* should adopt the informal settlement strategy with no further delay.

115. Support should be provided by NGOs to municipalities in developing and implementing social and housing improvement schemes for the Roma.

116. Housing/return-related needs before receiving repatriated persons should be planned and identified by the Ministry of Labour and Social Welfare.

117. The allocation of land for return purposes should be systematically ensured for a period of at least forty years.

### **Free Movement/Readmission**

118. Full implementation of the already identified policies to be ensured.

119. There is a risk that undue migration pressure would increase pressure on the enlargement process. Continued and enhanced cooperation with the Serbian authorities is necessary to monitor and overcome the difficult situation of the abuse of visa free-travel regime faced by some EU Member States. Roma community's awareness of the risks posed by abuse of the visa free regime to be increased.

120. Roma NGOs should continue campaigns to inform Roma communities on re-admission procedures.

121. Sustainable integration of all returnees shall be ensured and returning families shall be integrated and provided with assistance.

*\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence*