



Pathways to Progress?

THE EUROPEAN UNION AND ROMA
INCLUSION IN THE WESTERN BALKANS

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A report commissioned by OSI Roma Initiatives

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The views expressed in this report are those of the authors and do not necessarily reflect the opinion of the Open Society Institute.

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Foreword

Back in 2002, eight-year-old Danijel Stepanovic and his mother left Valjevo for Vienna. Danijel's mother saw no prospects for a brighter and better future for herself or for her son if they remained in Serbia. They quickly settled in Vienna; Danijel enrolled in school, and his mother found a job. There they lived for seven years until the time came for Danijel to enroll in secondary school. As his legal status was still unresolved, and although his mother had the right to remain in Austria, Danijel was deported. Both mother and son returned to Valjevo. Stuck in Serbia for a year, Danijel remained out of school, and his mother remained out of work. Immediately following visa liberalisation in January 2010, they made their way back to Vienna.

For vast numbers of Roma in Serbia the future is bleak. In addition to higher levels of poverty and unemployment than the rest of the population, they face many forms of direct and indirect discrimination. With little hope of a better future in Serbia, it is a certainty that, just like Danijel and his mother, many thousands of Roma will choose to emigrate. They are tired of waiting for governments to keep their promises, tired of waiting for abstract policy to produce real change. This experience is not a Serbian particularity. It is the stark reality of the situation of Roma right across the Western Balkans.

There are about one million of us Roma in the Western Balkans. About 700,000 remain unemployed, and an estimated 300,000 of our youth are illiterate. For all of us, the eventual accession of our countries to the European Union holds forth the chance for a better life and a brighter future. In the meantime we ask ourselves: do we remain at home, or migrate and try to make our homes elsewhere in the European Union? Right now, the choices are: stay at home, face discrimination, poverty and the lack of opportunity; or migrate in search of a better life. There is no doubt that our communities will face discrimination abroad, but many consider it a price worth paying to create a future for their children.

The European Union has a vital role to increase funding and monitor its progressive impact on social cohesion, equal opportunities and Roma inclusion in this protracted accession process. It needs to ensure that prospective new Member States adhere to the Copenhagen Criteria for EU accession. It needs to hold these states to account if they fail in their commitments and binding obligations to their most vulnerable, deprived and excluded citizens.

The European Union also has a vital role to play in assisting governments and municipalities alike to build capacity and coordinate existing and future efforts to promote Roma inclusion. Toward this end, the European Union needs to ensure that current funding instruments are deployed to best effect across the Western Balkans. The EU needs to ensure that the guiding principle of “explicit but not exclusive targeting” forms the basis of a region-wide strategic Roma policy. As we mark the mid-point of the Decade of Roma Inclusion, it is clear that much more needs to be done to combat poverty and social exclusion in a way that makes a difference to people’s lives, to provide even a glimmer of hope for the future.

The accession of the Western Balkans countries to the European Union is a chance for progress for all citizens. Danijel and his mother also share in the hopes that enlargement will bring, among other things, greater employment opportunities, better education prospects and improved health care. There is a need to remain vigilant to ensure that this historic opportunity to promote social cohesion, combat exclusion, and instill a sense of hope for the future is not lost, and that in this historic transition, Roma will not be the losers.

Zeljko Jovanovic

Executive Summary

“...Let me also mention the plight of the Roma outside the European Union. The Commission will continue applying the Copenhagen criteria and focusing on the conditions of the Roma in its dialogue with candidate countries...”

José Manuel Barroso, President of the European Commission
at the “European Roma Summit”, Brussels, 16 September 2008

Roma, the largest minority in Europe, are the continent’s most disadvantaged and vulnerable ethnic group.¹ The situation of Roma living in the Western Balkans is even worse than in other parts of Europe due to the generally worse economic conditions, the continuing repercussions of the wars in the former Yugoslavia and the insufficient attention paid by domestic governments and international institutions to the needs of Roma.

The countries of the Western Balkans—Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia—all aspire to join the European Union. Croatia and Macedonia have already obtained candidate status, while as of this writing, Serbia’s bid for candidate status was still under discussion. The other countries have the status of “potential candidate”.

¹ Throughout this report the term “Roma” is also used for other communities in the Balkans such as Ashkali and Balkan-Egyptians. Both of these groups claim not to be related to Roma. Their claim, however, is widely disputed. In addition, all three groups face discrimination in all countries of the region and the majority of their members share the same difficult living conditions.

Regardless of each country's status, the accession process has opened up opportunities to address the situation of Roma in a more extensive and effective way, because the European Commission has the ability to exert political pressure on governments in the region to increase their efforts and also has financial resources to help governments carry out their Roma inclusion efforts.

The European Commission regularly acknowledges the difficult situation of Roma in the Western Balkans, referring to it repeatedly in the documents of the enlargement process such as the annual Enlargement Strategy and the annual Progress Reports for individual countries. The Progress Reports emphasise that Roma in the candidate countries and potential candidate countries of the Western Balkans “face very difficult living conditions and discrimination, especially in the areas of education, social protection, health care, housing and employment” and that further efforts have to be undertaken to improve their situation.²

Other major documents of the accession process generally support this assessment: for example, the Accession Partnership or European Partnership; Multi-Annual Indicative Planning Documents (MIPD); and Annual Programmes or Operational Programme for Human Resources Development.

Do the European Commission and the governments of the Western Balkans countries, however, take heed of this assessment and implement policies that adequately address the very difficult living conditions in which many Roma live and the discrimination they face? Does the European Commission focus “on the conditions of the Roma in its dialogue with candidate countries”, as Commission President Barroso stated at the First European Roma Summit in 2008?³

Seeking answers to these questions, this report analyses the approach of the European Commission within the framework of the accession process of the Western Balkan countries. Further, it provides an overview of the socio-economic situation of Roma in the Western Balkans, as well as an introduction to recent Roma-related developments at the European level.

The recent European-level developments reflect a positive change of attitude within the Commission—a momentum that also should be used for Roma in the Western Balkans.

The principles and commitments of the European Commission as expressed in Roma-related or accession-related documents, along with the actual socio-economic situation of Roma in the Western Balkans, should constitute the benchmarks for assessing the policy of the European Union towards Roma in the accession process.

² One notable exception is the 2009 Progress Report on Kosovo, which does not once mention “discrimination” in relation to Roma or other minorities.

³ José Manuel Barroso, President of the European Commission, “European Roma Summit” European Roma Summit Brussels, 16 September 2008 (SPEECH/08/429) at www.europa.eu/rapid/pressReleasesAction.do?reference=SPEECH.

This report focuses on the general approaches of the Commission and individual countries regarding Roma, including in areas such as employment and social inclusion, data about Roma, and Roma internally displaced persons (IDPs), refugees and returnees.

Based upon the relevant accession documents, the report also analyses the inclusion of Roma as a target group and the change of their situation as indicators in projects; reporting on and monitoring and evaluation of Roma-related activities; and the participation of Roma in the policy process.

The General Approach of the Commission

The European Commission has not applied a comprehensive and sustainable long-term approach. Only individual projects have yet to be proposed in the Annual Programmes of the Western Balkans countries, and these projects cannot be considered as sufficient steps toward considerably improving the lives of Roma and ending anti-Roma discrimination.

All Western Balkans countries have adopted national strategies for the integration of Roma, and all European and Accession Partnership documents mention the implementation of these strategies as a priority for the European Commission within the framework of the Instrument for Pre-Accession Assistance (IPA). However, only a few projects target the implementation of the national strategies, and few IPA projects specifically target Roma and aim to address their vulnerable position.⁴

In addition, not all relevant projects mainstream Roma, despite the fact that the Accession Partnership and European Partnership documents as well as the Annual Programmes state that all programmes should reflect as a cross-cutting issue the concerns of minorities in general or Roma in particular.⁵

Reporting, Monitoring and Evaluation

The European Commission, as already mentioned, generally acknowledges the extremely vulnerable position of Roma in the Western Balkans. However, the Progress Reports on the individual countries do not always echo the Commission's assessment. Some reports do provide a realistic and detailed analysis of the situation of Roma (e.g., the 2009

⁴ For a list of the projects see Chapter 3.1.1.

⁵ For examples of the omission of Roma in mainstream projects see Chapter 3.1.1 and Chapter 3.1.2.

Progress Report on Macedonia), but others provide a superficial picture and even downplay the disadvantages faced by Roma (e.g., the 2009 Progress Report on Kosovo).⁶

Target Group/Indicators

The issues of target groups and indicators have to be reconsidered from two perspectives: First, in the project fiches for mainstream projects under IPA, Roma are rarely mentioned among “indicators” or “target groups”. This omission makes it difficult to ensure that Roma are actually “mainstreamed” in general activities and to determine if Roma were beneficiaries of a project or if it had any significant impact on the Roma community.⁷

Second, there is a need for indicators that would allow for the assessment of the situation of Roma across all countries in the accession process. The lack of common indicators also influences the quality of the Progress Reports. The introduction of common indicators would facilitate the introduction of common standards for reporting and also allow for comparisons among different countries.

Participation

Across the Western Balkans, political developments have yielded three levels of Roma participation: first, political representation in national parliaments and local assemblies; second, appointed positions in public administration; and, third, civil society participation and consultation in the policy process. How this plays out in each of the countries differs according to the variety of legal and policy frameworks, the size of the Roma population, the level of political awareness and the strengths and weaknesses of the Roma civil sector.

The European Union needs to set in place consistent procedures to allow elected Roma politicians, appointed public servants and civil society representatives the opportunity to exercise full and meaningful participation in the processes of formulating, implementing and evaluating policies that have a direct bearing upon Roma communities.

⁶ For more details see chapter 3.3.; For the 2009 Progress Report on Kosovo see: Commission of the European Communities, Commission Staff Working Document, Kosovo Under UNSCR 1244/99 2009 Progress Report Brussels, 14.10.2009 SEC (2009) 1340

⁷ For examples on the lack of Roma as target groups or among indicators see Chapter 3.2.

Conclusions and Recommendations

The European Union should develop and apply a comprehensive and sustainable long-term approach toward Roma inclusion, both for individual countries and for the region as a whole. National governments in the Western Balkans should also adopt such an approach.

Following an analysis of the current situation, the Commission and national governments, in close co-operation with Roma representatives, should develop a policy and/or an action plan for each country for the implementation of European Commission assistance targeting Roma within the framework of the accession process.

The action plans should identify priorities, projects, financial needs, time schedules, responsibilities, and structures for implementation and monitoring—taking into account the existing national strategies and action plans as well as the action plans for the Decade of Roma Inclusion 2005–2015. These new “IPA action plans” or “IPA operational plans” for the implementation of assistance to Roma within the framework of the accession process should not replace any existing action plans or strategies, but rather support and accelerate their implementation.

The European Union should encourage national governments to implement this approach and it also should provide the necessary financial support. The European Union and the Western Balkans countries should consider identifying best practices from experiences with the Programme-Based Approach (PBA), which is based on coordinated support for locally-owned programmes, and adapt them for promoting Roma inclusion.⁸ And it would be indispensable to include Roma in the development process for such a new approach as well as in implementation and monitoring.

In light of the expected accession of the Western Balkans countries to the European Union, it would also be imperative to include these countries in the emerging new “Roma policy” of the European Union. Recent initiatives such as the “Integrated European Platform for Roma Inclusion” should fully address the situation of Roma in the Western Balkans.⁹ The European Commission should also ensure that the newly adopted “Common Basic Principles on Roma Inclusion” are applied for the countries in the accession process.

As long as the European Commission does not develop and implement a comprehensive and sustainable long-term approach toward Roma inclusion in the Western

⁸ For the Programme Based Approach and the Position of the EU see: Commission of the European Communities, Brussels, 8.4.2009 SEC (2009) 443, Commission Staff Working paper accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, supporting developing countries in coping with the crisis. Aid Effectiveness After Accra. Where Does the EU stand and What More Do We Need to Do; More general: Accra Agenda for Action (2008)

⁹ For more details see Chapter 2.1.1.

Balkans—and does not make use of every possibility to urge governments to follow such an approach—the situation of Roma will further deteriorate. The Commission Staff Working Document on Roma of June 2008 acknowledges that addressing the needs of Roma communities is “critically important for maintaining social cohesion in South East Europe”.¹⁰

Policy

- The European Commission—in close co-operation with national governments and Roma civil society—should develop a comprehensive and sustainable long-term policy framework as well as action plans for each country and for the region as a whole.
- The policy framework of all countries should follow a common methodology and identify priorities and projects as well as implementation and monitoring structures.
- The new policy framework should be aligned with the existing national strategies and action plans (including Decade of Roma Inclusion action plans) and with initiatives at the European level.
- The European Union should include the Western Balkans countries as partners in the “Integrated Platform” and other EU initiatives.
- The Commission should ensure that the “Common Basic Principles on Roma Inclusion” also apply to countries in the accession process.
- The Commission should ensure that a future “European Roma Strategy” also refers to countries in the accession process.
- The Commission should consider encouraging governments to apply a Programme-Based Approach in assistance programmes for Roma and to take into account further international standards in development co-operation.¹¹

¹⁰ Commission of the European Communities, Brussels, 2.7.2008 SEC (2008) 2172 Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Non-discrimination and Equal Opportunities: A Renewed Commitment, Community Instruments and Policies for Roma Inclusion {COM(2008) 420 final}.

¹¹ For the EC position, see, among others: Commission Staff Working paper accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, supporting developing countries in coping with the crisis. Aid Effectiveness after Accra. Where Does the EU Stand and What More Do We Need to Do; Brussels, 8.4.2009 SEC(2009) 443. On aid effectiveness in development co-operation in general see: Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability (2005); Accra Agenda for Action (2008).

- The Commission should invite the EU Member States and potential donors to apply a Programme-Based Approach.
- The Commission should ensure that with the 2014–2020 funding period the situation of Roma will be more appropriately addressed, both quantitatively and qualitatively.
- Roma civil society or Roma representatives should be part of the planning, implementation and monitoring processes.
- The European Commission and the Western Balkan countries should carefully scrutinise the accession experiences of Bulgaria, the Czech Republic, Hungary, Romania and Slovakia in order to identify lessons learned.
- The European Commission should initiate projects offering legal assistance to forced returnees enabling them, for example, to reclaim their property.
- The Commission should ensure that Roma forcibly returned from Western Europe are assisted with comprehensive integration programmes.

Target Group/Indicators

- The Commission should make the situation of Roma an indicator for assessing the accession process.
- The Commission should develop indicators allowing for continuous measurement of progress made across all countries in the accession process.
- The Commission should ensure that relevant mainstream projects mention Roma as an explicit target group and include the change of their situation as an indicator.
- The Commission should ensure that projects targeting Roma include clear and realistic development goals, expected results and indicators.

Reporting

- The Commission should ensure that documents guiding the accession process contain realistic and comprehensive analyses of the situation of Roma.
- The Commission should define sectors and develop indicators for assessing the situation of Roma, either within the framework of the Progress Reports or in specific annual reports on the situation of Roma in the Western Balkans.

- The Commission should include a specific chapter on Roma in the annual Progress Reports, or develop annual reports on progress regarding the inclusion of Roma, both for individual countries and for the Western Balkans region.
- The Commission should encourage more active participation of Roma civil society in assessing the situation of Roma in the Western Balkans.

Participation

- The Commission should implement the “General Principles and Minimum Standards for Consultation of Interested Parties” in IPA assistance in all Western Balkans countries.
- European Commission Delegations should implement a targeted approach to consultations with Roma civil society based on the practice established by the Brussels-based consultations organised by the Directorate-General for Enlargement.
- The European Commission should allocate funds under IPA assistance for the development of Roma civil society.
- The Commission should strongly encourage and assist the governments of the Western Balkans to increase the participation of Roma in public administration. It should also collect disaggregated data on minority participation in public administration.
- The Commission should strongly encourage and assist the governments to implement laws regulating the political representation of Roma.
- The Commission should establish clear rules for consultation that would allow timely, effective and meaningful dialogue and participation by civil society, including Roma civil society organisations, in planning and monitoring IPA assistance.
- The Commission should find ways to overcome language barriers in communication with Roma representatives.
- The Commission should support projects to help Roma develop the capacity to work with public administration more effectively.

Methodology

This report analyses activities of the European Union targeting Roma within the framework of the Instrument for Pre-Accession Assistance (IPA) in the countries of the Western Balkans that are either candidate countries (Croatia and Macedonia) or potential candidate countries (Albania, Bosnia and Herzegovina, Kosovo, Montenegro and Serbia).

The main purposes of this report are:

- to provide stakeholders (national governments, the European Commission, Roma, international organisations, donors, etc.) with an analysis of the activities of the European Union within the framework of IPA that aim to improve the situation of Roma in the Western Balkans;
- to propose a comprehensive and sustainable long-term approach for addressing the situation of Roma within the framework of pre-accession assistance to the countries of the Western Balkans.

A summary of the situation of Roma communities in the Western Balkans precedes the analysis section of the report. The analysis is followed by policy recommendations to assist stakeholders in improving their Roma-related activities in the Western Balkans.

The report is based on a desk review of the available documents determining and regulating co-operation between the European Union and individual countries. There are additional financial instruments from which Roma in the Western Balkans could benefit (e.g., EIDHR and Community Programmes). However, documents related to these instruments were not analysed.

Further, the report focuses on the policy-planning process and does not include analysis of documents such as terms of references for individual projects and project implementation reports.

Documents analysed:

- Enlargement Strategy and Main Challenges 2009–2010, 2008–2009, 2007–2008
- Communication from the Commission to the European Parliament and the Council, “Western Balkans: Enhancing the European Perspective”
- Progress Reports 2009, 2008, 2007
- Accession Partnership and the European Partnership 2008, 2006
- Multi-Annual Indicative Planning Documents 2009–2011, 2008–2010, 2007–2009 (including the respective Multi-beneficiary MIPD)
- Annual Programmes 2008, 2007
- Operational Programme for Human Resources Development 2007–2009 (Croatia) and Multi-annual Operational Programme “Human Resource Development” 2007–2013, IPA Component IV (Macedonia)
- Cross-border Co-operation Programmes
- Project fiches of individual projects

- Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee, 2007 Annual Report on Phare, Turkey Pre-Accession, CARDS and Transition Facility

The desk review was finished in winter 2009–2010. The latest documents considered were the 2009 Progress Reports, which were published in October 2009.

1. Overview

1.1 SOCIO-ECONOMIC SITUATION OF ROMA IN THE WESTERN BALKANS

Roma, the largest minority in Europe, are the continent's most disadvantaged and vulnerable ethnic group. The situation of Roma living in the Western Balkans—Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia—is even worse than in other parts of Europe due to the generally worse economic conditions, the continuing repercussions of wars in the former Yugoslavia and the insufficient attention paid by domestic governments and international institutions to the needs of Roma.

It is difficult to determine exactly how many Roma live in the Western Balkans, because, for a variety of reasons, many Roma prefer to declare another ethnicity when a census is taken. The following table presents official census data alongside population estimates, primarily those of the Council of Europe.

Table 1.
Roma Populations in the Western Balkans¹²

	Census	Estimated Figures	Average Estimate	Total Population
Albania	1,261	80,000 to 120,000	100,000	3.1 million
B & H	8,864 (1991)	20,000 to 60,000	40,000	3.8 million
Croatia	9,463 (2001)	30,000 to 40,000	35,000	4.4 million
Macedonia	53,879 (2002)	80,000 to 250,000	165,000	2.0 million
Kosovo (current population/ number refugees and IDP) ¹³	44,000 (1991)	35,000 to 40,000/ 80,000 to 110,000	37,500 95,000	1.9 million
Montenegro	2,875 (2003)	20,000	20,000	0.6 million
Serbia (without Kosovo)	108,193 (2002)	400,000 to 800,000	600,000	7.5 million

Illiteracy rates, unemployment rates, poverty rates, and infant and child mortality rates are extremely high among Roma in the Western Balkans, while life expectancy and school enrollment rates are extremely low. Though reliable and comprehensive data covering all countries are not available, the available data do indicate that there has been a serious deterioration of the situation of Roma in the region during the past fifteen years, as well as a widening gap between Roma and non-Roma.

It should also be taken into account that the situation of Roma IDPs and refugees in the region is even worse than the situation of the domestic Roma populations, or of IDPs and refugees of other ethnicities.

¹² The data, except for data for Kosovo, are from http://www.coe.int/t/dg3/romatravellers/documentation/strategies/statistiques_en.asp. The numbers for Kosovo are compiled from several sources: UNHCR, PRAXIS, Analysis of the Situation of Displaced Persons from Kosovo in Serbia. Belgrade 2007; Government of Kosovo, Strategy for the Integration of Roma, Ashkali and Egyptians in Kosovo. Pristina 2008. The numbers for the total population of the countries are taken from: EUROSTAT, Candidate and Western Balkans Countries Key Indicators and Agricultural Statistics. June 2005 at http://epp.eurostat.ec.europa.eu/pls/portal/docs/PAGE/PGP_DS_COOP/PGE_DS_COOP_01/TAB62509279/LEAFLET1_FINAL20050615.PDF.

¹³ The numbers for Kosovo have to be considered very carefully. The census of 1991 was politically manipulated by the Serbian regime and the number refers only to persons registered as Roma (not Ashkali or Egyptians). Since the end of the conflict, Ashkali and Egyptians have insisted on being regarded as distinct ethnic groups not related to Roma. However, the borderlines between them are very flexible and they share the same vulnerable position in society. The international community and the national authorities consider them at least as related groups. The vast majority were expelled after the end of the conflict; however, the exact numbers of refugees and IDPs are difficult to determine, since, for example, not all IDPs are registered.

The data in the tables below illustrate these trends:

Table 2.
Extreme Poverty in Kosovo¹⁴

Kosovo: Percentage Living in Extreme Poverty	
Roma, Ashkali and Egyptians	36.70%
Albanians	12.87%
Other communities (Bosniaks, Turks, Gorani, etc.)	16.82%
Serbs	3.94%

Table 3.
Poverty in Serbia among IDPs from Kosovo¹⁵

Serbia: Poverty among IDPs from Kosovo	
Roma IDPs	49%
Serb IDPs	17%

Table 4.
Housing Conditions in Albania¹⁶

Albania: Living Conditions	Non-Roma	Roma
Kitchen inside dwelling	97%	45%
Toilet inside dwelling	92%	28%
Latrine	22%	71%
Sewage inside dwelling	84%	28%
Shower or bathroom inside dwelling	91%	16%

¹⁴ UNDP, *Human Development Report Kosovo 2004*.

¹⁵ UNDP, *At Risk: Roma and the Displaced in Southeast Europe*. Bratislava 2006.

¹⁶ UNDP, *At Risk: The Social Vulnerability of Roma in Albania*. Tirana 2006.

Table 5.
Youth Unemployment Rates¹⁷

	Non-Roma (Living Next to Roma)	Roma
Albania	55%	62%
B & H	52%	69%
Croatia	33%	73%
Kosovo	74%	86%
Macedonia	74%	84%
Montenegro	67%	66%
Serbia	42%	73%

Table 6.
Literacy Rates¹⁸

	Age	Non-Roma	Roma	Roma Women
Albania	15–24	100%	65%	64%
	25–34	99%	75%	71%
B & H	15–24	100%	76%	74%
	25–34	100%	79%	72%
Croatia ¹⁹	15–24	98%	91%	N/A
	25–34	99%	88%	N/A
Kosovo	15–24	98%	65%	56%
	25–34	98%	76%	69%
Macedonia	15–24	100%	90%	87%
	25–34	100%	87%	77%
Montenegro	15–24	99%	73%	N/A
	25–34	99%	61%	55%
Serbia	15–24	97%	90%	89%
	25–34	99%	95%	92%

¹⁷ UNDP, *At Risk: Roma and the Displaced in Southeast Europe*. Bratislava 2006.

¹⁸ UNICEF, *Breaking the Cycle of Exclusion: Roma Children in South East Europe*. Belgrade 2007. UNICEF quotes “UNDP” as the source.

¹⁹ UNDP, *Faces of Hope, Faces of Poverty*. Bratislava 2005.

While in Macedonia the rate of literacy among Roma increased considerably, particularly among Roma women, Albania and Kosovo show the opposite trend with a considerable decrease in literacy among both Roma men and Roma women. This serious deterioration indicates that school attendance has decreased considerably since the beginning of the 1990s. Reasons for this need to be examined, but deterioration in the economic situation—or, in the case of Kosovo, discrimination prior to, during and after the conflict—might have contributed to this deplorable development.

The UNDP report *At Risk: Roma and the Displaced in Southeast Europe* states that in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, and the then Serbia and Montenegro (including Kosovo) “the literacy rate for Roma respondents (73 per cent) is... lower even than the reported national averages for Kenya (74 per cent)”.²⁰

The picture is even worse considering the UNICEF data showing a literacy rate of 65% for Roma in the 15–24 age group in both Kosovo and Albania. The Report of the Secretary-General to the Security Council on the United Nations Interim Administration Mission in Kosovo of September 2009 cites research by NGOs showing that 75% of Roma, Ashkali and Egyptian women in Kosovo are illiterate.²¹

All these statistics point to the danger of the development of an “ethno-class” of underprivileged people in the Western Balkans with a separate culture and separate system of values, who are effectively excluded from mainstream society, or actively excluded by dominant ethnic groups, and who have a decreasing ability to integrate into mainstream society.

The international community’s approach toward Roma inclusion has been inadequate and this is reflected in the constitutions of Bosnia and Herzegovina and Kosovo, which were both drafted under the auspices of the international community. The 1995 Constitution of Bosnia and Herzegovina, based on the General Framework for Peace (GFAP or “Dayton Agreement”) brokered by the international community in 1995, still does not recognise Roma as citizens on an equal footing with Bosniaks, Croats and Serbs.²²

The new Constitution of Kosovo, which entered into force in June 2008, and the laws based on the “Ahtisaari Proposal” for the settlement of Kosovo’s status—which was supported by most of the countries of the European Union—do not provide the

²⁰ UNDP, *At Risk: Roma and the Displaced in Southeast Europe*. Bratislava 2006.

²¹ See United Nations, Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/497), 30 September 2009.

²² The European Court of Human Rights published in December 2009 a ruling, in the case *Sejdic and Finci v. Bosnia and Herzegovina* (application nos. 27996/06 and 34836/06), that the Constitution is not in line with European Convention on Human Rights. For the judgement and a press release see the website of the European Court of Human Rights at <http://www.echr.coe.int/echr>.

same opportunities to Roma as to other ethnic communities. Despite the involvement of international institutions such as the International Civilian Office/European Union Special Representative (ICO/EUSR) in the drafting and adoption process, several of the new laws adopted in the course of 2008 even led to a deterioration of the situation of Roma in Kosovo.²³

Internally Displaced Persons, Refugees and Returnees

As a result of the wars in the former Yugoslavia, tens of thousands of Roma from Bosnia and Herzegovina, Macedonia and Serbia were forced to leave their homes. In Bosnia and Herzegovina, hundreds of Roma were killed: Roma, however, were never recognised as victims of the war.²⁴ Tens of thousands of Roma fled to Western Europe during the war.

Though the division of Bosnia and Herzegovina among the three larger ethnic groups—Bosniaks, Croats and Serbs—left only limited space for Roma, most of the refugees were forcibly returned after the war. The vast majority of Roma originally from Republika Srpska, the Serb “entity” within Bosnia and Herzegovina, could not return home and were forced to settle in the Federation of Bosnia and Herzegovina, the Bosniak–Croat “entity”.²⁵ Hundreds of Roma were—and still are—forced to live in makeshift huts or even in cardboard boxes. They are people who had homes prior to the war, but who were expelled by Serbs, Croats or Bosniaks during the war.²⁶

According to estimates, more than 100,000 Roma were forced to leave Kosovo during and after the conflict in 1999. Up to 40,000–50,000 Roma from Kosovo fled to Serbia; however, only 22,000 are officially registered as internally displaced persons (IDPs) with the authorities in Serbia.

²³ The following newly adopted laws might have negative consequences for Roma: Citizenship Law, Law on Local Self-Government, Law on Local Elections, Law on Local Government Finances, Law on Local Education, Law on Amending Law on Spatial Planning. For an overview see Stephan Müller, Minority Report in Transitions Online 16, December 2008, at <http://www.tol.com>.

²⁴ See B92, 14 October 2008 “2 Roma Mass Graves Unearthed” at <http://www.b92.net>. Reportedly two mass graves were found with the bodies of an estimated 200 Roma killed during the war.

²⁵ For a case study on the approximately 5,000 Roma from Bosnia and Herzegovina who fled to Berlin see Brigitte Mihok, *Zurück nach Nirgendwo. Bosnische Roma Flüchtlinge in Berlin*. Berlin 2001.

²⁶ Regarding the situation of Roma in Bosnia and Herzegovina see, among others, the website of the Mission of the OSCE to Bosnia and Herzegovina at <http://www.oscebih.org/oscebih>; the website of the Roma Rights Network at <http://www.romarights.net/content/roma-bosnia-and-herzegovina>.

A few tens of thousands of Roma from Kosovo might live in Western Europe either as rejected asylum-seekers who await deportation back to Kosovo, as unregistered illegal immigrants, as migrant workers or as recognised refugees.

Around 4,500 Roma, Ashkali and Egyptians from Kosovo are registered as displaced persons in Montenegro, while about 2,000 are seeking refugee status in Macedonia.²⁷ Approximately 300 Roma, Ashkali and Egyptians are under a temporary-protection regime in Bosnia and Herzegovina. In most cases, the homes of displaced Roma remain destroyed or are illegally occupied by Kosovo Albanians.

The number of Roma who have returned to Kosovo is relatively small: 6,155 Roma, Ashkali and Egyptians returned to Kosovo between 2000 and 2008, either voluntarily or “spontaneously”, meaning without assistance (for more details see Chapter 3.1.3.).

In Kosovo, ten years after the end of the war, hundreds of Roma are still forced to live in camps that are poisoned by lead and hazardous to life, where they were forced to move after the end of the conflict. Kosovo Albanians expelled them from their homes and have still not allowed them to return.²⁸

A similar situation prevails in Serbia where thousands of Roma, in particular IDPs from Kosovo, have been living in slums for ten years. Attempts to settle slum inhabitants—from Belgrade to other locations, for example—face resistance from the local population in planned resettlement sites, who do not want to accept Roma as neighbours.²⁹ An estimated 20,000 Roma from Serbia live as registered, rejected asylum seekers in Western Europe.³⁰

Germany, the major host country, and other Western European countries have started to sign “readmission agreements” with Kosovo and Serbia and have begun the forced return of Roma, to Kosovo in particular. The refugee and IDP returnees to Kosovo have little possibility to return to their former homes and lives.

²⁷ See Report of the Committee on Migration, Refugees and Population on the Situation of Long-standing Refugees and Displaced Persons in South East Europe to the Parliamentary Assembly of the Council of Europe, Doc. 11289, 24 May 2007.

²⁸ Regarding attacks on Roma and their expulsion from Kosovo in 1999 see, among others: Organisation for Security and Co-operation in Europe/Council of Europe, Joint OSCE/ODIHR-Council of Europe field mission on the situation of the Roma in Kosovo 27 July–6 August 1999; Human Rights Watch, Federal Republic of Yugoslavia. *Abuses against Serbs and Roma in the New Kosovo*, August 1999 Volume 11, No. 10 (D); *Roma Rights*, newsletter of the European Roma Rights Centre, No.2/1999.

²⁹ See B92, 6 February 2009, “Action Plan for Roma Encampment”.

³⁰ The Parliamentary Assembly of the Council of Europe assessed in 2003 that between 50,000 and 100,000 Roma from Serbia and Montenegro (including Kosovo) have fled to Western Europe. See Parliamentary Assembly of the Council of Europe, Recommendation 1633 (2003) Forced Returns of Roma from the Former Federal Republic of Yugoslavia, Including Kosovo, to Serbia and Montenegro from Council of Europe Member States.

In this context, the European Commission and the Western Balkan countries should carefully analyse migrations of Roma prior to and after the accession of Bulgaria, the Czech Republic, Hungary, Romania and Slovakia in order to learn lessons that will help them avoid migrations in even larger numbers. From 1998 onward, following the flight of a few thousand Roma to several countries, among them EU Member States, these countries re-introduced visa regimes for citizens of the Czech Republic, Hungary and Slovakia and other countries.

In 2009, for example, Canada again introduced a visa regime for citizens of the Czech Republic and was considering the re-introduction of a visa regime for Hungarian citizens.³¹ In the second half of 2009, Finland registered a sharp increase in the number of asylum seekers from Bulgaria (708 persons), who are, almost without exception, Roma.³² At the end of 2009, on the other hand, Macedonia, Montenegro and Serbia were put on the “Schengen White List” allowing for visa-free travel to the countries of the Schengen Area. These countries, however, could also face the re-introduction of visa requirements if large numbers of Roma migrate in the future, seeking to live in more humane conditions. In light of the non-existence of reintegration projects for persons deported back from Western Europe, Roma from this group likely will try to leave Kosovo again, moving to Serbia and increasing the number of slum inhabitants there, or returning to Western Europe. According to an internal paper of the United Nations Mission in Kosovo (UNMIK), between January and April 2009, in Hungary alone nearly 1,000 asylum applications were registered from people—mostly Roma—claiming to originate from Kosovo.

1.2 PARTICIPATION AND REPRESENTATION

There is wide consensus that opportunities for citizens to participate in the affairs of the polity are essential for a functioning democracy. Participation in decision-making processes matters in everyday life. Participation cultivates concern for collective problems and contributes to the creation of an active, engaged and informed citizenry. As David Held asserts, if people know opportunities exist for effective participation in decision-making, they are likely to believe that participation is worthwhile, feel more inclined to participate actively and as a consequence share the conviction that collective decisions should be binding. On the other hand “if people are systematically marginalized and/or

³¹ *The Star* (Toronto), 9 January 2010 at <http://www.thestar.com/news/canada/article/748501--visa-clampdown-near-for-hungarian-visitors>.

³² *Helsingin Sanomat* (International Edition), 14 January 2010.

poorly represented, they are likely to believe that only rarely will their views and preferences be taken seriously, weighted equally with those of others or assessed in a process that is fair or just.³³ Citizens who are excluded feel little compunction to participate, and are less likely to accord legitimacy to the decision-making processes which affect their daily lives. This holds true for old and new democracies alike. However, for post-conflict societies engaged in the transition from authoritarian rule and consolidation of representative democracy, the challenge to embed a culture of consultation and dialogue between those who govern and the governed is more urgent. No less formidable is the challenge to foster an inclusive sense of citizenship and legitimate forms of representation for all minorities.

In this context, Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, described the underrepresentation of an estimated ten million Roma as a serious failure of democracies today.³⁴ For Hammarberg, this lack of representation at local, national and European levels perpetuates exclusion, marginalization and poverty. On the other hand, others would stress that it is precisely the history of marginalization, discrimination and poverty that has impeded the participation of Roma in the public sphere and perpetuates their underrepresentation in the political processes. Both perspectives are valid and point to a vicious circle of exclusion that is no longer tenable within democratic societies.

Over the last fifteen years or so, Roma and pro-Roma organisations became increasingly vociferous in their demands for Roma participation. A common theme straddled the wide ranging and broad-based advocacy and campaigning on Roma issues at local, national and international levels. This was the demand that policy-makers include Roma in the decisions that affect their daily lives; that Roma be involved in the design, implementation, monitoring and evaluation of initiatives that target Roma populations. Over the years, national governments, international organisations and intergovernmental agencies came to embrace the rhetoric of Roma participation. For example, the vision and values statement of the Decade of Roma Inclusion places great emphasis on Roma participation:

Nothing about us without us: Roma participation will make or break the Decade. Roma representatives and civil society organisations are involved in every stage of the Decade. Roma shaped and defined the vision from the very outset. Roma civil society groups and experts identified policy priorities and played a key role in defining Decade goals and targets. Roma participation will be central to regular oversight and monitoring of the process over the next ten years.

³³ David Held, *Models of Democracy* (Cambridge, Massachusetts: Polity Press, 2006), p. 212.

³⁴ Audio clip at <http://www.osce.org/item/26769.html>.

So, the rhetoric has improved substantially in recent years. The principle of Roma participation is shared by many, but beyond the rhetoric we are far away from the substance of participation. Only when Roma communities wield political weight commensurate with their numbers will their rights and well-being be accorded due attention; only when opportunities and mechanisms for proportionate political representation and participation exist will the prospect of integration become a tangible aspiration for Roma communities across Europe.

In response to effective and targeted civil society advocacy, a series of resolutions from the European Parliament, combined with prompting from governments participating in the Decade of Roma Inclusion, in recent years the European Commission has moved from “passive somnolence to active engagement”, in the words of Bernard Rorke.³⁵ The establishment of an integrated EU Roma Platform marks an unprecedented effort to grapple with Roma issues at the European level. At the European Roma Summit in 2008, President Barosso declared, “The Commission strongly rejects any stigmatization of Roma. In the European Union every man, woman and child has the right to live a life free from discrimination and persecution. This is an issue of European and universal values, as well as an issue of fairness, social solidarity and democracy.” The Council Conclusions in December 2008 called on the Commission and the Member States in close co-operation:

to take account of the situation of the Roma when designing and implementing policies to defend fundamental rights, combat poverty and discrimination and uphold gender equality, and ensure access to education, housing, health, employment, justice and culture.... And to make better use of the Structural Funds, the Pre-Accession Instrument and the European Neighbourhood and Partnership Instrument to promote the inclusion of the Roma ...

While this is evidence of a discernible shift and a growing resolve from the European Commission, much remains to be done. In a wider political context of rising anti-Gypsyism, the persistence of school segregation, and shocking levels of material deprivation within new and old Member States alike, there is growing impatience at the pace of progress and a sense that the European Union is failing its vulnerable citizens.

If progress seems stalled within the European Union, the EU has exerted influence on the issue of Roma participation with its nearest neighbours. The protracted processes of EU enlargement have proven instrumental in increasing the level of Roma participation in the Western Balkans. The Copenhagen political criteria for EU accession include respect for human rights and protection of minorities. The politics of reshaping a more congenial sense of national identity than can trump the radical nationalism of the recent past has prompted governments to develop “minority inclusive” approaches

³⁵ Bernard Rorke, “Nationalist Pride and Popular Prejudice”, *Roma Rights* (2009:1), 11–15, at <http://www.errc.org/db/04/11/m00000411.pdf>.

across the Western Balkans. Although the content of minority protection remains vague, one consequence of minority inclusive approaches is that Roma participation is more developed across the post-conflict countries of the Western Balkans than within the Member States.³⁶

However, it must be said that the European Commission has still some way to go in order to meet its own general principles and minimum standards when it comes to consultation and participation of Roma. In its Communication “Towards a Reinforced Culture of Consultation and Dialogue” the Commission affirms that wide consultation is one of its duties according to the Treaties.³⁷ Through wide consultation, “the Commission ensures that its proposals are technically viable, practically workable and based on a bottom up approach... improving the quality of the policy outcome and enhancing the involvement of interested parties and the public at large.” The Communication states that the Commission should ensure adequate consultation opportunities for those affected by the policies in question and those involved in the implementation. Further, where formal or structured consultations do not exist for wider constituencies and specific target groups, including ethnic minorities, the Commission should consider how best to ensure that “all interests are being taken into account through other forms of consultation”. The communication reaffirms the importance of participation and consultation and explicitly asserts that “the quality of EU policy depends on ensuring wide participation throughout the policy chain—from conception to implementation”. The Commission has yet to apply these minimum standards and basic principles in a consistent fashion when it comes to Roma participation in the enlargement process.

Across the Western Balkans, the intended and unintended consequences of political developments alike have yielded three levels of Roma participation: first, political representation in national parliaments and local assemblies; second, appointed positions in public administration; and, third, civil society participation and consultation in the policy process. How this plays out in each of the countries differs according to the variety of legal and policy frameworks, the size of the Roma population, the level of political awareness and the respective strengths or weaknesses of the Roma civil sector.

This report does not posit that increased Roma participation would of itself mechanically produce effective policy. The main argument here is that the European Union needs to set in place consistent and institutional procedures to allow elected Roma politicians, appointed public servants and civil society representatives the opportunity to

³⁶ King Baudouin Foundation, *A Guide to Minorities and political Participation in South-East Europe*, at [http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05\)_Pictures,_documents_and_external_sites/09\)_Publications/PUB_1854_MinoritiesPoliticalParticipationSEE.pdf](http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05)_Pictures,_documents_and_external_sites/09)_Publications/PUB_1854_MinoritiesPoliticalParticipationSEE.pdf).

³⁷ Communication from the Commission “Towards a Reinforced Culture of Consultation and Dialogue—General Principles and Minimum Standards for Consultation of Interested Parties by the Commission”, Brussels, 11.12.2002, COM(2002) 704 final, at http://ec.europa.eu/governance/docs/comm_standards_en.pdf.

exercise full and meaningful participation in the processes of formulating, implementing and evaluating EU policies that have a direct bearing upon Roma communities. This section of the report provides an overview of Roma participation and representation as the process of EU accession unfolds across the region; identifies what exists in terms of good and bad practice; and recommends practical measures to improve the quality of EU policy as it affects Roma, which as the Commission asserts “depends on ensuring wide participation throughout the policy chain—from conception to implementation.”

Political Representation

Opportunities for the political representation of Roma in the Western Balkans have arisen from a specific political environment: interethnic conflicts and post-war tensions have had a significant impact on the legal solutions for political representation of minorities in the region. (Albania is an exception to this.) In the post-Yugoslavia period, newly established states have introduced mechanisms for the political representation of minorities, primarily for the ethnic communities that were involved in armed conflict—which do not include Roma communities.

Provisions for the representation of Roma in national parliaments have been ensured in Kosovo, in practice, and in Serbia and Croatia, in theory. Other countries provide no guarantees. The most consistent political representation of Roma has been in Macedonia: Roma have been represented in the national parliament for over fifteen years.

Croatia, Montenegro and Serbia have provided minorities with representation through the establishment of minority self-government bodies known in all three countries as “Councils”. These bodies are legally guaranteed by provisions of national laws on minorities.

The following is a brief overview of the status of Roma political representation in the countries of the Western Balkans.

Albania

Albania is the only country in the region that has not suffered a war in the recent past. Although the Constitution of Albania officially recognises Greeks and Macedonians as national minorities and Roma and Vlachs as ethno-linguistic minorities, there is no legal or policy framework for minority political representation. In 2008, the European Commission reported: “Development of minority policies requires up-to-date statistics on all minorities. Albania has no accurate data on minorities.”³⁸

³⁸ European Commission Staff Working Document “Albania 2008 Progress Report”, at http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/albania_progress_report_en.pdf.

Roma are the most socially vulnerable and least politically organised minority in Albania. Without provisions for minority representation, the Roma community has no voice in the national parliament.

Bosnia and Herzegovina

Minorities in Bosnia and Herzegovina, like those in Albania, have no guarantees for political representation. Following the conflict among Serbs, Croats and Bosniaks, only those three ethnic communities received exclusive political rights—the right, for example, to field candidates in presidential elections. Like other minorities in Bosnia and Herzegovina, Roma—the country’s most numerous minority—benefit from no legal provisions for political representation. Sanela Besic, the leader of the Roma Informative Center in Sarajevo, says, “if Roma candidates run in elections on the lists of mainstream parties, they do not get seats. In the last elections, nine Roma won seats in local assemblies because they ran as independent candidates.” However, Roma in Bosnia and Herzegovina have not been politically represented at the national or entity level.

Croatia

In 2002, Croatian law introduced reserved seats for minorities in representative bodies of the national government as well in local and regional self-government bodies. The level of political representation of minorities, as stipulated by the Constitutional Act on Rights of National Minorities, is set according to the proportion of each national minority in the overall population.³⁹ At the national level, the Constitutional Act recognizes two groups of minorities: those which make up more than 1.5% of the total population and those which constitute less than 1.5%. The Serbian national minority, which is more than 1.5% of the population, has the right to at least one representative in the parliament and at most three. Other minorities have the right to a total of five representatives, distributed among so-called electoral units.

According to the 2001 census, the official number of Roma is 9,463, or 0.21% of the total population. Roma fall under the same electoral unit as the Austrian, Bulgarian, German, Jewish, Polish, Romanian, Russian, Turkish, Ukrainian and Vlach minorities. Nikola Mak, a member of the German minority, represented all of these minorities in 2003–2007. Since the parliamentary election of 2007, they have been represented by a Roma, Nazif Memedi.

The Constitutional Law on the Rights of National Minorities established the Council for National Minorities, which includes representatives of all minorities, as well as Minority Self-Government Councils for each minority.

³⁹ Sinis Tatalovic, “Exercise of National Minority Rights in Croatia and European Integrations”, at <http://www.fes.org.mk/pdf/SINISA%20TATALOVIC%20-%20EXERCISE%20OF%20NATIONAL%20MINORITY%20RIGHTS%20IN%20CROATIA%20AND%20EUROPEAN%20INTEGRATIONS.pdf>.

The Council for National Minorities is the main representative body for minorities at the central government level. It has important functions including, among others, the right to table debates about particular issues relevant for national minorities and the right to propose measures to improve the position of minorities to the legislative and executive authorities. It also has the right to disburse the state funds earmarked for the needs of national minorities. The National Council also has the authority to oversee the implementation of the Constitutional Law on National Minorities and other minority-related legislation. The government appoints some members of the council, and, by default, national minority representatives in the parliament are also members of the council. Thus, Nazif Memedi is on the National Council—and he is its only Roma representative.

At the regional and local levels, minority representation is provided through Minority Self-Government Councils.⁴⁰ Members of Minority Self-Government Councils, who serve four-year terms, are elected by direct secret ballot by voters from each minority. These councils are entitled to propose measures for improving the position of the respective national minority to self-government units, either nation-wide or in a specific area, such as by-laws regulating issues of relevance for the minority. They have the right to propose candidates for duties in government administration bodies and bodies of self-government units, and are to be informed about discussions of issues of particular relevance to be held by committees of self-government units' representative bodies. The councils also have the right to make proposals and give their views concerning local and regional radio and television broadcasts intended for national minorities or addressing minority issues. Roma Minority Self-Government Councils have been established in six counties, five municipalities and four cities.⁴¹

According to a study funded by the European Commission the authorities have had a negative influence upon the independence and effectiveness of the Minority Self-Government Councils.⁴² The study reports that a significant number of local governments are ignoring provisions of the Constitutional Law and appear to be deliberately hampering

⁴⁰ The name for this body translated in the text of the Constitutional Law on the Rights of National Minorities published on the website of the Supreme Court of Croatia, at http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Constitutional-Law-on-the-Rights-NM.pdf, is Minority Self-Government while the translation of the same law published on the website of the Parliament, at <http://www.sabor.hr/Default.aspx?art=2448>, gives the name “National Minorities Council”. As a compromise, this report uses “Minority Self-Government Council”.

⁴¹ Information available only in Croatian at <http://www.nacionalne-manjine.info/vijeca.html>.

⁴² Representation of Interests of National Minorities in the Republic of Croatia. Reflection Paper was developed within the context of the project “Support to the Councils of National Minorities in Areas of Special State Concern”, Zagreb, October 2007, at http://www.nacionalne-manjine.info/savjet/docs/PP_RepresentationOfInterests.pdf.

the work of minority councils and representatives, either by denying them the necessary resources and conditions to do their work or by failing to set up procedures to allow them to fulfil their responsibilities.

Kosovo

The 2008 Constitution of Kosovo guarantees the non-Albanian communities parliamentary representation for the first two legislative periods.⁴³ Twenty seats are guaranteed for the political units of the communities participating in the elections: ten for Serbs, three for Bosniaks, two for Turks and one for Gorani. Of the four remaining seats, one seat each is guaranteed to the Roma, the Ashkali and the Egyptians. An additional seat is reserved for one of these three communities: it is occupied by a representative of the political unit that receives the most votes. In addition, political units can gain “non-guaranteed” seats if they win a sufficient number of votes.

Three members of the Ashkali Democratic Party of Kosovo hold seats in the current parliament: Etem Arifi, Hafize Hajdini and Danush Ademi. The Egyptian political party, IRDK, is represented in parliament by Xhevdet Neziraj, while Zylfi Merxha represents the Roma political party, PREBK.

Forced migration has had a great influence upon political representation for Roma in Kosovo. Roughly two-thirds of Kosovo’s pre-war Roma population of approximately 150,000 was forced to migrate, primarily to Serbia, but also to Macedonia, Montenegro and Bosnia and Herzegovina. Tens of thousands of Roma sought asylum in Western Europe.

Macedonia

In Macedonia, Roma were officially recognized as a minority—for the first time anywhere in the world—under the Constitution of Macedonia adopted in 1991. This constitution mentioned Roma, along with Albanians, Turks and Vlachs.⁴⁴ The current constitution also recognizes Roma as a minority. However, the Macedonian electoral system does not provide any mechanism to ensure political representation of minorities in the national parliament. According to Nadir Redzepi, executive director of the Roma Democratic Development Association “Sonce”, the Albanian minority opposed a provision guaranteeing seats in the parliament for other minorities because it would have limited the Albanians’ political power.

⁴³ Constitution of the Republic of Kosovo, at <http://www.kushtetutakosoves.info/?cid=2,302>.

⁴⁴ Svetomir Skaric, “Ohrid Agreement and Minority Communities in Macedonia”, at <http://www.fes.org.mk/pdf/SVETOMIR%20SKARIC%20-%20OHRID%20AGREEMENT%20AND%20MINORITY%20COMMUNITIES.pdf>.

Although there is no legal provision guaranteeing representation of minorities in the parliament, the Roma electorate wields enough political weight to ensure Roma participation in parliament. This is largely due to the concentration of the Roma population in the municipality of Shuto Orizari in Skopje, the only Roma-governed municipality in Europe. According to official statistics, 15,373 Roma inhabitants make up roughly 80% of Shuto Orizari's total population, but informal estimates place the Roma population at twice this number, at least.⁴⁵ (Regardless of the actual number, Shuto Orizari's electorate has repeatedly chosen a Roma mayor, which it last did in 2009.)

Two Roma, Amdi Bajram and Nezdeta Mustafa, won seats in Macedonia's 2008 parliamentary elections. In a post-election coalition agreement the government appointed Nezdeta Mustafa as Minister without Portfolio. In this position, he has served as National Coordinator for the Decade of Roma Inclusion and has coordinated the implementation of the national strategy for Roma.

Montenegro

The 2007 Constitution of Montenegro guarantees to all minorities "the right to authentic representation in the Parliament of the Republic of Montenegro... according to the principle of affirmative action".⁴⁶ However, the 1998 Law on Election of Councillors and MPs, amended in July 2002 and September 2002, specifies affirmative action measures for the Albanian minority only. There is no legal provision allowing Roma and other minorities to exercise the right to representation guaranteed by the constitution. This is one reason why Roma have not been politically represented in Montenegro.

The 2006 Law on Minority Rights and Freedoms provides for the establishment of a Minority Council for each minority.⁴⁷ According to the law, a council "represents" a national minority—what this representation entails is not explained—endorses proposals regarding regulations in the area of minority rights protection, and carries other functions specified by the law. The Roma of Montenegro established a Minority Council in 2009. The council has one representative on the Commission on the National Roma Strategy, which, among other tasks, is in charge of defining yearly priorities, deciding upon the allocation of financial resources for implementing the National Strategy and the Decade action Plans, and issuing public calls for project applications.

⁴⁵ The official number of Roma in Shuto Orizari is available on the website of the municipality at <http://www.sutoorizari.org.mk/>.

⁴⁶ Article 79, Paragraph 9. Constitution of Republic of Montenegro.

⁴⁷ Available in English at http://www.osce.org/documents/mnt/2006/07/19757_en.pdf.

Serbia

To ensure minority representation, Serbia has introduced a threshold for minority parties to enter parliament that is lower than the threshold for other parties. While the threshold for mainstream political parties to gain a seat in parliament is 5% of the total votes cast in an election, the threshold for parties that by statute represent a national minority is determined by dividing the total number of votes by 250, the total number of seats in parliament. This method of affirmative action was first put into practice in the parliamentary elections of 2007 and it helped Roma gain political representation: Srdjan Sajn of the Roma Party and Rajko Djuric of the Union of Roma of Serbia both won seats in parliament. This gain did not last long, as neither of them was re-elected in the early parliamentary elections of 2008.

Two candidates of Roma origin representing mainstream political parties were elected for the period 2008–2012: Vitomir Mihajlovic of the Democratic Party and Jovan Damjanovic of the Radical Party. In 2009, Damjanovic left the Radical Party and established the Democratic Left of Roma of Serbia party, which he now represents in parliament.

The 2002 Law on Rights and Freedoms of National Minorities officially recognises Roma as a national minority. The same law states that national minorities may elect National Councils for the purpose of exercising self-government rights. Like other minorities in Serbia, Roma first elected a National Council in 2003.

In order to regulate the mandate and the election procedures of the National Councils, the parliament passed the Law on the National Councils of National Minorities in 2009. Under this law, the mandate of the National Councils has been extended to include, among other functions, establishing minority media, proposing candidates for the National Education Council, and initiating and monitoring the implementation of laws and regulations in the areas of culture, education, media and the official use of language and script. These new functions make the National Councils the primary bodies for representing the interests of minorities in law and policy-making.

In the Western Balkans, mechanisms that serve the interests of other minorities do not equally serve the interests of Roma. There are two main reasons for this: official data about the Roma population are inaccurate, and Roma communities are geographically dispersed.

In Kosovo and Croatia, seats in parliament have been allocated based upon the official total populations of minorities; this does not work in favour of Roma because many are afraid to declare their ethnicity due to widespread anti-Roma discrimination. On the other hand, the Macedonian example has shown that, even when there are not reserved seats or lower thresholds for entry into parliament, a concentrated Roma constituency can be an important asset for securing political representation.

None of the measures for providing political representation to minorities in local assemblies—with the exception of those in Croatia—has ensured the participation of Roma at the regional and levels in the Western Balkans countries

According to Minister Nezdet Mustafa, who formerly served as a member of the Macedonian parliament and as Mayor of Shuto Orizari, low levels of Roma political representation are not entirely explained by weak implementation of legal provisions and the lack of accurate data. The most crucial issue, in his view, is that:

The best cadre of Roma has not been involved in politics, but in civil society. Civil society work has ensured more career opportunities and less uncertainty, and it simply pays better than politics. Roma need a capable cadre of political organisers in order to use opportunities that exist or to push for their creation.

Participation in Public Administration

In principle, laws in most Western Balkans countries guarantee the participation of minorities in public administration. Official population statistics about minorities are the basis for determining target levels of participation in most of the countries that guarantee the right to minority participation in public administration. Minority participation in public administration remains extremely low. In the case of Roma, the lack of accurate census data—Roma populations are consistently underreported—lead to lower targets for Roma employment in public administration.

Data aside, the existence of legal provisions generally has not led to an increase in participation by Roma in public administration. Roma participation is negligible in Croatia and Montenegro, which have adopted laws on minorities, just as it in Albania, which does not have a legal framework for minority rights protection.

In terms of meeting the educational requirements for employment in public service, Roma are at a disadvantage in comparison with other minorities. In Macedonia and Serbia, higher levels of formal education among Roma have helped lead to higher levels of Roma participation in public administration.

Education, however, is not the only factor influencing levels of Roma participation in these countries. In Macedonia, the development of a Strategy for Equitable Representation of Non-majority Communities and the collection of disaggregated data on its implementation have led to some progress in Roma inclusion. In Serbia, financial support from international organisations has been instrumental in promoting Roma participation in public service.

The following is a country-by-county overview of Roma participation in public administration in the region.

Albania

Minority participation in Albanian public administration is limited, as the Council of Europe concluded in 2009: “Despite some targeted efforts to recruit persons belonging to minorities in the police, their level of participation in public administration remains generally low.”⁴⁸ The 2008 Progress Report also emphasised that while “[t]he Civil Service Law allows participation by minorities in public administration, the armed forces and the police... minority representation remains limited.”⁴⁹ There are two main reasons for this lack of minority participation: Albania does not have a legal framework for minority rights protection that specifies the right of minorities to be represented in public administration; and inaccurate statistics about minorities provide an unreliable numerical basis for minority participation in public administration.

At a meeting of the International Steering Committee of the Decade of Roma Inclusion in February 2008, Albanian government representative Blerina Zoto Tepelena said that “the Ministry of the Interior must create more opportunities for [the] Roma community to join the ranks of the police force and the public administration.”⁵⁰ Her words should be taken as a political commitment rather than as a realistic objective for the near future: two years after Tepelena’s statement, a single Roma has been employed in the unit charged with monitoring and coordinating the implementation of the Roma Strategy within the Ministry of Labor and Social Affairs.⁵¹ Also, one Roma has been appointed by the government to represent the Roma minority in the Council on Minorities, an advisory body of the national government.

Bosnia and Herzegovina

The 2003 Law on Protection of Members of National Minorities in Bosnia and Herzegovina provides the basis for the representation of minorities in public administration. It specifies that “a special law and other regulations of... entities, cantons, cities and municipalities shall regulate [the] manner of the representation of members of national minorities in executive and judicial authorities as well as public services”.⁵²

⁴⁸ Council of Europe, Resolution CM/ResCMN(2009)5 on the implementation of the Framework Convention for the Protection of National Minorities by Albania, at <https://wcd.coe.int/ViewDoc.jsp?id=1471369&Site=CM>.

⁴⁹ European Commission, Albania 2008 Progress Report, at http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/albania_progress_report_en.pdf.

⁵⁰ Presentation by Blerina Zoto Tepelena, at http://www.romadecade.org/12th_international_steering_committee_meeting.

⁵¹ This unit was recently upgraded to a technical secretariat.

⁵² Article 20, Paragraph 2.

Bosnia and Herzegovina is divided into two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. Only the Federation has adopted an entity-level Law on Protection of Members of National Minorities, in 2008. This law goes further than the 2003 law by stipulating that “the relevant governments of the Federation, cantons, cities and municipalities will establish simulative measures for employment and higher quotas for employment of national minorities, and other measures for achieving faster and higher-level equality of minorities”.⁵³ According to the law, the right of a national minority to employment in public administration is based upon official census data.⁵⁴

Experience has shown that these legal provisions are not enough. In 2008, the number of employees in public administration in Bosnia and Herzegovina was 105,298, and the number in the Federation was 45,089.⁵⁵ The census of 1991 recorded 8,864 Roma in Bosnia and Herzegovina—0.2% of the total population. If Roma were employed in public administration in proportion to their share of the population, there would be 210 Roma civil servants at the national level and 90 in the Federation. Although there are some Roma working in public administration, their numbers do not approach these levels because the legal provisions have not been followed.

Croatia

The 2002 Constitutional Law on the Rights of National Minorities ensures the participation of national minorities in public administration.⁵⁶ However, practical implementation of the Constitutional Law has not taken place, and the European Commission has noted this problem, “particularly in terms of under-representation of minorities in state administration, the judiciary and the police”.⁵⁷

The Office for National Minorities in the Central State Administration Office adopted an employment plan for 2008 that foresaw the recruitment of 158 members of national minorities at the central level and 44 in the county-level offices of the state administration. However, the plan for minority employment at the county, town and municipality levels is still not adequate, and a long-term strategy to implement the minority employment provisions of the Constitutional Law on National Minorities is lacking.

⁵³ Article 15.

⁵⁴ Article 14.

⁵⁵ “Report on Monitoring of the Public Administration Reform in the First Half of 2008”, Centar za humanu politiku, 2008.

⁵⁶ Article 7, Paragraph 8.

⁵⁷ Croatia 2008 Progress Report, at http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/croatia_progress_report_en.pdf.

As there are no adequate statistics for monitoring purposes, no details are available regarding implementation of the 2008 employment targets. When asked about the progress of the plan, the Office for National Minorities reported that it hosts an intern who has declared Roma ethnic origin.

Kosovo

Kosovo's legal framework mandates representation of minorities in public administration. As early as May 2001, the Provisional Institutions, on the basis of the Constitutional Framework for Provisional Self-Government promulgated by the United Nations Interim Administration in Kosovo (UNMIK), were required to ensure fair representation of minority communities in employment within public bodies at all levels.⁵⁸ That same year, UNMIK adopted a regulation entitled *On the Kosovo Civil Service* that includes among its "Governing Principles":

Inclusiveness: recruitment at all levels in the Civil Service shall reflect the multi-ethnic character of Kosovo and the need for equitable representation of all the communities in Kosovo.⁵⁹

The Constitution of Kosovo adopted in 2008 goes even further by guaranteeing to all minority communities "equitable representation in employment in public bodies and publicly owned enterprises at all levels".⁶⁰

Despite this, nearly ten years after the Constitutional Framework and the UNMIK civil service regulation were enacted, UNMIK and the government of Kosovo have yet to implement their own legal provisions for minority participation in public administration.

A practical mechanism for ensuring equitable representation of all minority communities does not exist in Kosovo at the central government or local government level. Today a single Roma is employed in the national government, in the Office for Communities within the cabinet of the Prime Minister.

⁵⁸ On 15 May 2001, the head of UNMIK signed into law Regulation 2001/9 establishing a Constitutional Framework for Provisional Self-Government in Kosovo. The document creates a provisional institutional framework for the exercise of public authority by Kosovo's institutions of self-government during the territory's administration under United Nations rule. The text of the document is available at <http://www.unmikonline.org/constframework.htm>.

⁵⁹ UNMIK Regulation No. 2001/36 from 22 December 2001 Text of the regulation is available at <http://www.unmikonline.org/regulations/2001/RE%202001-36.pdf>.

⁶⁰ Article 61. The text of the Constitution is available at <http://www.kushtetutakosoves.info/?cid=2,247>.

Macedonia

The Macedonian Constitution, adopted after the conclusion of the Ohrid Framework Agreement—the 2001 peace agreement between the Macedonian government and ethnic Albanian representatives—guarantees “equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life”.⁶¹ A Strategy for Equitable Representation of Non-majority Communities, based upon the Ohrid Agreement and the Constitution and adopted in 2007, made data from the 2002 census the basis for equitable representation. According to the census, the Roma community constitutes 2.7% of the total population, and this percentage defines the government’s objective for achieving equitable Roma representation in the civil service. According to the government, Roma now represent 0.62% of employment in the civil service.⁶²

While the government has yet to reach its objective, important progress has been made, not only in employing Roma in the civil service, but also in the collection of disaggregated data concerning implementation of the strategy.

Montenegro

The Constitution of the Republic of Montenegro guarantees to all national minorities “the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action”.⁶³ The 2006 Law on Minority Rights and Freedoms of Montenegro reaffirms this right, stating “Minorities shall have the right to proportional representation in public services, state bodies and local self-government bodies”.⁶⁴ Nonetheless, not a single Roma has been employed in the Montenegrin public service at the national or local level.

Serbia

In respect to employment in public administration, including the police, Serbia’s 2002 Law on Rights and Freedoms of National Minorities states that “attention shall be paid to the national composition of the population, appropriate representation and

⁶¹ Amendment VI. Constitution of the Republic of Macedonia, at <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

⁶² The governmental Secretariat for the Implementation of the Ohrid Framework Agreement provides information regarding the implementation process. Its website is at <http://test.anet-design.com/siofa/default-en.asp>.

⁶³ Article 79, Paragraph 10. Constitution of the Republic of Montenegro.

⁶⁴ Article 25. Law on Minority Rights and Freedoms of Montenegro.

competence in the language spoken in the territory of the relevant body or service”.⁶⁵ The 2005 Law on Civil Servants reaffirms this provision.⁶⁶

While Serbia has no system of monitoring the implementation of these legal provisions, projects funded by international organisations and the European Union have been instrumental at least in increasing the number of Roma working in institutions in charge of policies regarding Roma specifically. This began in 2003 with support from the Organization for Security and Co-operation in Europe (OSCE) for the establishment of a Secretariat for Roma National Strategy, which today is a permanent body of the Ministry for Human and Minority Rights. Within the Ministry, Roma have been appointed to two high-level positions: Ljuan Koka is Chief of the Secretariat, and Petar Antic is an Assistant Minister. The Ministry, as well as the Ministry for Education, Ministry of Environment and Spatial Planning, and the Ministry of Health, employ Roma at various levels in positions related to Roma policy.

At the local level, the OSCE and the United Nations Development Programme have been supporting projects to hire Roma as health mediators who facilitate communication with the Roma community, as municipal Roma Coordinators who are in charge of local policies on Roma, and as teacher’s assistants in schools. The 2009 Law on the Fundamentals of the Education System introduced the position of Pedagogic Assistant to assist teachers and children according to their needs and to cooperate with parents and relevant institutions and organisations. This new education law established the basis for a transition from the internationally-supported Roma teacher’s assistants to a system of Roma Pedagogic Assistants based on national law.⁶⁷ For Roma coordinators in municipalities, approval of permanent positions depends upon decisions by the municipal administration, and approval has been granted in a limited number of municipalities. The Serbian government has not found a legal or policy solution for introducing the Roma health mediators as permanent staff within local health institutions.

While governments in the Western Balkans have adopted legal provisions regarding minority participation in public administration, in practice they have not come close to approaching equality for Roma in employment in public administration. While a generally low level of education among Roma negatively affects the likelihood of employment in public service, there are Roma who are capable of meeting the formal educational requirements for employment. Despite this, governments have not ensured that even the limited existing capacity has been fully mobilised in keeping with legal and policy commitments. Overall, governments in the region have put modest efforts into helping to increase the capacity of Roma and other minorities to take part in public administration.

⁶⁵ Article 21.

⁶⁶ Article 9.

⁶⁷ According to the law, a Pedagogic Assistant is a member of a school team in charge of inclusive education.

Nevertheless, there are good practices and emerging models for Western Balkans countries to follow, such as the collections of disaggregated data in Macedonia and the internationally-supported initiatives to increase the number Roma civil servants in Serbia. Governments in the region, however, need to mobilize the necessary political will to implement laws and to create further opportunities for Roma.

Participation of Roma Civil Society in Consultation on Roma Policies

To different extents and in different ways, all the Western Balkans governments have involved Roma non-governmental organisations or civil society representatives in the drafting of national Roma policies. By adopting national strategies and Decade Action Plans—with the exception of Kosovo, all countries of the region belong to the Decade—the governments created policy frameworks for Roma inclusion. They then created different mechanisms, mostly inter-ministerial consultative bodies, to include Roma civil society in the co-ordination of policy implementation.

The adoption of Roma policies at the national level has led to intensified interactions between Roma civil society organisations and governments at all levels. The interactions at sub-national levels of governance are numerous and complex and are continuously evolving; thus, this section of the report only provides a brief overview of mechanisms involving Roma civil society at the national level.

Albania

The government of Albania developed a National Strategy in 2003 and approved a Decade Action Plan in 2009. A presentation by the Albanian government at a 2008 meeting of the International Steering Committee of the Decade of Roma Inclusion recognised the role of Roma civil society “in monitoring of the strategy’s progress and reporting”.⁶⁸ However, according to Adriatik Hasantari, the leader of Roma Active Albania, since the adoption of the Decade Action Plan the government has not provided a clear mechanism for involving Roma civil society in the consultation and monitoring process.

Bosnia and Herzegovina

In 2002, Bosnia and Herzegovina established a Committee on Roma as an advisory body of the Council of Ministers, the executive body at the national level. The Committee has a mandate for partnership with Roma civil society regarding all issues concerning the Roma minority in Bosnia and Herzegovina. It is comprised of eighteen members: nine representatives of Roma civil society and nine representatives of national and entity-level ministries.

⁶⁸ Available at http://www.romadecade.org/files/downloads/16th%20ISC/Albania%20Report_Blerina%20Tepelena.ppt.

In 2008, the government established a monitoring body known as the Coordination Committee for Monitoring of the Action Plan on Employment, Housing and Health. This committee has nineteen members, including representatives of the Council of Roma of Bosnia and Herzegovina and the Council of Roma of Republika Srpska. The Council of Roma of Bosnia and Herzegovina, established in 2001, is an umbrella organisation for forty-two Roma non-governmental organisations. In an attempt to reflect the state's division into two entities—the Federation of Bosnia and Herzegovina and Republika Srpska—the Council of Roma of Republika Srpska was established in 2003 to address Roma issues within Republika Srpska's specific governance framework.

According to Sanela Besic, head of the Roma Informative Center, the boundaries between the competencies of the two national-level bodies, the Coordination Committee and the Committee on Roma, are not clear. This creates confusion, she says, and the mandates of these bodies need to be reviewed and redefined in order to create better national-level co-ordination.

Croatia

The Commission for Monitoring Implementation of the National Programme for Roma was established by the Croatian government in 2003. This commission is tasked with proposing amendments and new measures for improving implementation of the National Programme as well as monitoring distribution and expenditure of funds allocated from the state budget.⁶⁹ It is organised into five working groups: Roma inclusion in cultural and social life and implementation of international commitments; status rights and non-discrimination; education, science and sports; social welfare, health care and employment; and physical planning and housing.

Roma representation in the commission is significant: seven of its twenty-three members are representatives of local and regional Roma councils or Roma organisations.

Kosovo

In order to establish a mechanism for consultation with civil representatives of minorities, a Consultative Community Council (CCC) was established under the authority of the Office of the President. The mandate of the CCC, according to the Constitution of Kosovo, is to:

- (1) provide a mechanism for regular exchange between the Communities and the Government of Kosovo.
- (2) afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by the Government, to suggest such initiatives, and to seek to have their views incorporated in the relevant projects and programs.

⁶⁹ The National Programme is available in English at <http://www.vlada.hr/nacionalniprogramromi/content/view/28/44/lang,english/>.

- (3) have any other responsibilities and functions as provided in accordance with law.⁷⁰

The CCC began as an informal body of minority community representatives in 2005 with support from the European Centre for Minority Issues (ECMI) Kosovo. From 2006, ECMI Kosovo worked to establish the legislative and operational framework for the permanent institutionalisation of the CCC. These efforts led to its establishment as an official body in late 2008. The CCC was officially launched in December 2008, when President Fatmir Sejdiu announced the nominations of its members as the result of open consultation with the minority communities. Today, Xhevdet Neziraj represents the Egyptian community in the CCC, Kujtim Pacaku represents the Roma community, and Muhamet Arifi represents the Ashkali community.

ECMI Kosovo continues to support the CCC, working to ensure its effectiveness, sustainability and resonance with members of the minority communities.

Macedonia

In Macedonia, the Ministry of Labour and Social Policy co-ordinates activities related to the Decade of Roma Inclusion. The ministry has set up an inter-ministerial National Coordination Body charged with implementing the Decade Action Plans. The Coordination Body also reports to the government about both the Decade and the National Strategy on Roma, and is responsible for the exchange of information about Roma issues. It includes five representatives of four Roma civil society organisations and twenty-three representatives of state institutions.

Aleksandra Bojadzieva, a member of the Decade Watch team in Macedonia, says that this mechanism has not been efficient.⁷¹ The National Coordination Body meets irregularly and its methodology is inconsistent, she says, and both of these factors negatively affect co-ordination.

Montenegro

The government of Montenegro has established a Commission on the National Roma Strategy, which, among other tasks, is in charge of defining yearly priorities, deciding upon the allocation of financial resources for implementation of the National Strategy and the Decade Action Plans, and issuing public calls for project applications. The commission submits a yearly report to the government on the implementation of the

⁷⁰ Article 60. The full text of the Constitution is available at <http://www.kushtetutakosoves.info/?cid=2,258>.

⁷¹ Decade Watch is the first assessment of government action on implementing the commitments expressed under the Decade of Roma Inclusion 2005–2015. More information is available at http://www.romadecade.org/decade_watch.

National Roma Strategy. The commission includes nine representatives of relevant Ministries, a representative of the Roma National Council and a representative of Roma civil society appointed by the Roma Circle coalition of NGOs.

According to Veselj Beganaj, coordinator of the Roma Circle, the commission has been very effective in distributing the financial resources provided by the government. At the same time, he sees the commission as limited because it has not played any role in the planning and distribution of IPA funding.

Serbia

The government of Serbia has established two mechanisms to involve Roma civil society in consultation and co-ordination regarding the Decade of Roma Inclusion. One of these, the Council for Improvement of the Position of Roma and the Roma Decade, is an inter-ministerial body in charge of coordinating and monitoring the implementation of the Decade Action Plans and the National Roma Strategy. This council meets twice a year. The second mechanism is the establishment of working groups in the ministries in charge of implementing the Decade Action Plans and the Roma Strategy. The working groups are in charge of proposing yearly priorities and mechanisms for allocating financial resources.

Representatives of the League for the Decade, a network of Roma-led and pro-Roma NGOs, have been involved in both the council and the working groups. Osman Balic, the Coordinator of the League, identifies these mechanisms as the most efficient models to be found in Serbia for regular dialogue between Roma civil society and the government. He points out that civil society's role in the council and working groups has gone beyond the boundaries of consultation to "active co-operation on implementation at the local level".

The effectiveness of policies does not depend, per se, upon civil society participation. After five years of the Decade of Roma Inclusion, however, clear progress is evident in participation by Roma civil representatives in the policy process—even if the effects of the Decade are imperceptible for the Roma in general. Civil society participation is an important element that can provide policy-makers with access to information, expertise and contacts in Roma communities.

The responsibility for effective national Roma policies lies with the national ministries, their local branches and local governments. Therefore, a challenge before the European Union is to work together with government on institutional reform and governance that would bring change through effective policies informed by meaningful civil society participation.

2. Policy Framework

2.1 COMMITMENTS OF THE EUROPEAN UNION

2.1.1 Recent European Union Initiatives Targeting Roma at the European Level

At the end of 2007, an advocacy effort by civil society organisations for the creation of a “European Roma Policy”, which has the support of Decade or Roma Inclusion countries and a few EU Member States, showed its first results. On 14 December 2007, the European Council for the first time included the issue of Roma inclusion in its Conclusions:

The European Council welcomes the results of the European Year of Equal Opportunities for All and invites Member States to strengthen efforts to prevent and combat discrimination inside and outside the labour market. In this connection the European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008.⁷²

This marked an important change at the level of the European Union, since it asked the European Commission to come up with a European approach to tackling Roma

⁷² Available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf.

exclusion. Prior to this, the approach of the European Commission had been to refer to the responsibility of the EU Member States and to the EU funds available to be used (or not used) by Member States.

In January 2008, the European Parliament adopted a resolution entitled “A European Strategy for Roma”.⁷³ The resolution recognised a “lack of progress in combating racial discrimination against the Roma and in defending their rights to education, employment, health and housing in both Member States and candidate countries”.

The resolution requested the introduction of a “European Framework Strategy on Roma Inclusion” and a “Community Action Plan on Roma Inclusion”.⁷⁴ The resolution further

... (r)ecalls that all candidate countries committed, in the negotiation and accession process, to improving the inclusion of Roma communities and to promoting their rights to education, employment, healthcare and housing; asks the Commission to make an assessment of the implementation of those commitments and of the current situation of the Roma in all Member States...

However, the European Parliament did not ask the European Commission to assess its own Roma-related policy or activities in the candidate countries (or potential candidate countries), or at least to increase its Roma-related activities.

In spring 2008, the European Roma Policy Coalition was established by ten civil society and human rights organisations.⁷⁵ The Coalition called on the EU to adopt a “Framework Strategy on Roma Inclusion” that should be developed in full consultation with Roma communities.

This “Framework Strategy”, the Coalition said, should address three key objectives:

- Accountability of national authorities for their duty to protect Roma from discrimination
- Equal access to education, healthcare and housing for Roma communities
- Empowerment of Roma through participation in the civic and economic life of the country

⁷³ European Parliament Resolution of 31 January 2008 on a European Strategy on the Roma, at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0035+0+DOC+XML+V0//EN>.

⁷⁴ The resolution states: “...the plan must be drawn up and implemented by the group of Commissioners who have responsibility for the social inclusion of EU citizens through their portfolios on employment, social affairs, equal opportunities, justice, freedom, education, culture and regional policy...”.

⁷⁵ Amnesty International, Open Society Institute, European Network Against Racism, European Roma Grassroots Organisation, European Roma Rights Centre, European Roma Information Office, Fondation Secretariado Gitano, Minority Rights Group International, Roma Education Fund, Spolu International Foundation.

Further, the Coalition proposed that the “Framework Strategy” provide policy coherence both to mainstreaming and to actions targeting discrimination against Roma, as well as “create synergies with other European initiatives on Roma rights” such as the Decade of Roma Inclusion.

In June 2008, the Commission published the report, or Commission Staff Working Document, requested by the European Council in December 2007.⁷⁶

The Commission Staff Working Document focused on policies targeting Roma within the European Union, but it dedicated a chapter to support in the context of enlargement policy. The document emphasised that addressing the needs of Roma communities is “critically important for maintaining social cohesion in South East Europe”. Further, the document states:

The situation of Roma is closely examined as part of the strict monitoring of political criteria and the adoption and implementation of the acquis.

- Protection of minorities, in particular support for the social inclusion of Roma, is among the key priorities set by the 2008 Accession Partnerships for Croatia and Macedonia and the European Partnerships for other Western Balkans countries.
- Reference to protection of minority rights is made in the IPA Multi-annual Indicative Planning Instruments 2007–2009 for these countries.
- In this connection, candidate countries need to identify actions targeting Roma to be carried out in the fields of employment policy strategy and social inclusion, among others.
- In a footnote, the document states that until CARDS 2006, financial assistance for Roma projects was limited, but that “[t]his is about to change”.⁷⁷
- With the 2007–2013 financial perspective, pre-accession assistance was streamlined under the Instrument for Pre-Accession Assistance (IPA) and dedicated financial assistance was foreseen for programmes targeting the Roma population.
- The concerns of minorities and vulnerable groups will be reflected in all programmes under IPA, particularly when they concern public services, legislative matters and socio-economic development.
- The Commission has launched a wide range of projects in the Western Balkans, running under various Community instruments, from which Roma in the region benefit both directly and indirectly.

⁷⁶ Commission of the European Communities, Brussels, 2.7.2008 SEC (2008) 2172 Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Non-discrimination and Equal Opportunities: A Renewed Commitment, Community Instruments and Policies for Roma Inclusion {COM(2008) 420 final}.

⁷⁷ The footnote reads: “Until 2006 financial assistance under CARDS for Roma projects in the Western Balkan countries was relatively limited. This is about to change as part of strengthening the stability and association process”. For an in-depth analysis of the document, primarily from the perspective of Roma within the European Union, see Policy Center for Roma & Minorities, “Closing the Social Exclusion Cycle in the European Union: A European Union Framework Strategy on Roma” (2009).

- The projects mainly aim at improving human rights conditions for Roma communities, promoting non-discrimination and equal treatment, improving access to employment and fostering sustainable return of displaced persons and their reintegration into pre-war settlements.
- Special attention is given to Roma children and ensuring their equal access to education.

The conclusions of the document refer only once, and indirectly, to countries in the enlargement process when identifying the elements that are “essential for progress on Roma inclusion”:

The realisation at all levels of the extent and consequences of the deeply entrenched exclusion and discrimination which Roma face inside and outside the EU followed by a strong commitment by Member States to work closely with the EU institutions to fully use of the enormous potential offered by the Structural Funds and pre-accession instruments and to create synergies with other processes such as the Roma Decade.

Box 1.

**Commission Staff Working Document:
A Renewed Commitment to Non-discrimination and Equal Opportunities**

In general, the Commission Staff Working Document refers more to what *should* be done regarding Roma within the framework of pre-accession assistance than to what actually has been done or what is planned. For example, when mentioning the inclusion of minorities (including Roma) as a cross-cutting issue in all relevant projects or that candidate countries need to identify actions to be carried out towards Roma in the fields of employment policy strategy and social inclusion.

The document also states that “protection of minorities, in particular support for the social inclusion of Roma, is among the key priorities set by the 2008 Accession Partnerships and the European Partnerships”.

However, “particular support for the social inclusion of Roma” does not exist as a “key priority” in any of the partnerships. The Accession Partnership with Croatia contains one key priority of relevance to Roma: “Implement the Constitutional Law on National Minorities, with particular attention to its provisions guaranteeing proportional representation of minorities in employment. Tackle discrimination more widely in the public sector”.⁷⁸

⁷⁸ Council of the European Union, Council Decision of 12 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with Croatia and repealing Decision 2006/145/EC (2008/119/EC).

The European Partnership with Montenegro contains as a key priority that it should “adopt a new constitution... in line with European standards, in particular in the areas of human and minority rights”.

The European Partnership with Kosovo refers several times to minorities in its key priorities. However, it should be noted that the reference to minorities is to a large extent due to the fact that the protection of the Serb community in Kosovo had to be highlighted.

The partnerships with Macedonia, Albania, Bosnia and Herzegovina and Serbia do not contain any key priorities referring to the protection of minorities in general or to Roma in particular.

Roma-related activities are in general mentioned under priorities in the section “Human rights and protection of minorities Minority rights, cultural rights and protection of minorities”, but not under “key priorities”.

In September 2008, the European Union organised its first “European Roma Summit” in Brussels, primarily dedicated to the situation of Roma in the Member States of the European Union. However, José Manuel Barroso, President of the European Commission, also referred in his opening speech to the situation of Roma outside the EU.⁷⁹ [The second European Roma Summit is scheduled for April 2010 in Spain.]

On 8 December 2008, at its 2914th General Affairs Council meeting, the Council of the European Union adopted “Council Conclusions on Inclusion of the Roma”. The conclusions state:

The Council “calls upon the Commission and the Member States, in close co-operation

on the basis of the conclusions of the report from the Commission, to take account of the situation of the Roma when designing and implementing policies to defend fundamental rights, combat poverty and discrimination and uphold gender equality, and ensure access to education, housing, health, employment, justice and culture, and where appropriate to identify specific actions for 2009 and 2010 to that end;

to make better use of the Structural Funds, the Pre-Accession Instrument and the European Neighbourhood and Partnership Instrument to promote the inclusion of the Roma, particularly in the fields of education, housing, health, employment and access to justice and to culture...

⁷⁹ For an analysis of the Summit see: Policy Center for Roma & Minorities, “Closing the Social Exclusion Cycle in the European Union: A European Union Framework Strategy on Roma” (2009).

On 11 March 2009, the European Parliament adopted a resolution on “The Social Situation of the Roma and Their Improved Access to the Labour Market in the EU” [2008/2137(INI)]. The resolution refers in particular to the economic situation of Roma in the new Member States who did not profit from the enlargement process, but instead saw a deterioration of their economic situation.⁸⁰

The only reference the resolution makes to Roma in countries outside the European Union is the consideration “that it is necessary to provide an institutional framework for community-based social and educational services for children and families... guaranteeing equal access to high-quality services”. It calls on the Commission “to provide particular support for programmes for the early integration of Roma children in all countries where EU resources such as the Instrument for Pre-Accession Assistance or the Structural and Cohesion Funds, can be accessed”.

Further, it calls on the Commission to monitor the extent of discrimination and to regularly assess the situation of Roma with regard to changes in education, employment, social welfare, health and housing in the Member States and in the candidate countries.

Despite these developments concerning Roma inclusion, the European Union could not agree on establishing a “European Roma Policy” or a “European Roma Strategy”, but instead initiated the “Integrated European Platform for Roma Inclusion”.⁸¹ The aim of the Platform is “to provide an arena for exchanging knowledge, experience and good practice, making commitments for initiatives and possibly monitoring progress achieved for the inclusion of Roma in Europe”.

The first meeting of the “Integrated Platform” in Prague in April 2009 was aimed at “successfully implementing Roma inclusion policies as well as aligning them with mainstream policies on education, employment, social inclusion, public health, and infrastructure”.

The participants of the meeting debated the proposed “Common Basic Principles on Roma Inclusion”, which referred only once to Roma outside the European Union:

Principle No. 7: Use of Community instruments

In the development and implementation of their policies aiming at Roma inclusion, it is crucial that the Member States make full use of Community instruments, including legal instruments (Race Equality Directive, Framework

⁸⁰ See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0117+0+DOC+XML+V0//en>.

⁸¹ The proposal for an integrated European Roma Platform made by the President Barroso of the European Commission during the European Roma Summit was taken up by the Czech Republic, which held the EC presidency in the first half of 2009, together with Sweden and Spain, the countries that would next hold the presidency.

Decision on Racism and Xenophobia), financial instruments (European Social Fund, European Regional Development Fund, European Agricultural Fund for Rural Development, Instrument for Pre-Accession) and coordination instruments (Open Methods of Coordination). Member States must ensure that use of financial instruments accords with these Common Basic Principles, and make use of the expertise within the European Commission, in respect of the evaluation of policies and projects.

In June 2009, the European Council adopted the “Council Conclusions on Inclusion of the Roma” at the 2947th meeting of the Employment, Social Policy, Health and Consumer Affairs Council.⁸² In the Conclusions, the Council invited the Commission and the Member States:

to take into account the Common Basic Principles, where appropriate, when designing and implementing policies to promote the full inclusion of the Roma, as well as when designing and implementing policies to defend fundamental rights, uphold gender equality, combat discrimination, poverty and social exclusion, and ensure access to education, housing, health, employment, social services, justice, sports and culture, and also in the EU’s relations with third countries...

The Conclusions are important, since they invite the Commission to take into account the Common Basic Principles in relations of the EU with third countries. Assuming that these principles, therefore, also must be applied in the accession process, they constitute important guidelines for Roma inclusion policies in the Western Balkans. Principle No. 2 is particularly relevant:

Principle No. 2: Explicit but not exclusive targeting

Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on Roma people as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma-focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.

The second Integrated Platform meeting, organised by the European Commission and the Swedish Presidency of the EU Council and held in Brussels in September 2009, focused on the education of Roma in Europe.

⁸² Council of the European Union, 2947th Employment, Social Policy, Health and Consumer Affairs Council meeting, Council Conclusions on Inclusion of the Roma. Luxembourg, 8 June 2009.

The European Roma Policy Coalition has criticised the Platform for not identifying and defining key target areas in order to achieve a “coherent, coordinated and strategic EU approach”, for lacking a structure, and for lacking transparency. It recommends that Roma representatives be more closely involved in the Platform and that Western Balkans countries also be represented.⁸³

In December 2009, the Council of the European Union reiterated its position. With regard to the Western Balkans, the “Council Conclusions on Enlargement/Stabilisation and Association Process” adopted at the 2984th General Affairs Council Meeting of 7 and 8 December 2009 stated:

The Council stresses the importance of protection of all minorities and encourages the governments of the region to take the necessary action to address these issues. Overall, the Roma minority continues to face very difficult living conditions and discrimination.

The emerging Roma inclusion policy framework of the European Union focuses on EU Member States, but also reaches out to the Western Balkans countries. While the new policy framework stipulates the provision of more financial resources and envisages more activities for Roma in the Western Balkans, it does not include the development of a comprehensive policy or approach in either the region as a whole or in individual countries.

Nonetheless, the new framework represents progress in the development of the EU’s policies and attitudes towards Roma.

The crucial elements of this new policy framework such as the Common Basic Principles and the Council Conclusions should serve as benchmarks when analysing the actual assistance provided to Roma in the Western Balkans.

2.1.2 Roma in the Accession Process of the Western Balkans Countries

The Copenhagen Criteria of 1993 require the European Commission to consider the situation of minorities in general, and the above analysis demonstrates that, to a certain extent, the Commission realises the scope and implications of the problems that Roma face in the Western Balkans. In the Commission Staff Working Document on Roma, the Commission justifies the need for further interventions with the statement that they are “critically important for maintaining social cohesion in South East Europe”.

⁸³ See ERPC press release “ERPC Expresses Concerns about the European Platform for Roma Inclusion” at http://www.romadecade.org/erpc_expresses_concerns_about_the_european_platform_for_roma_inclusion_.

The EU's new policy framework on Roma inclusion builds upon analysis and recommendations from the documents guiding the accession process in the Western Balkans within the framework of IPA.⁸⁴ In the regularly updated Enlargement Strategy, the annual Progress Reports, and the European and Accession Partnership Agreements, the European Commission generally acknowledges the difficult situation of Roma in the Western Balkans and calls upon the respective governments to increase their efforts.

The 2008 and 2006 Partnerships for Albania, Bosnia and Herzegovina, Croatia, Montenegro and Serbia contain a short-term priority referring to Roma and to the implementation of the respective national strategies for the integration of Roma. The Partnerships for Macedonia and Kosovo, however, do not contain such a priority.

The Accession Partnership for Macedonia mentions the implementation of the strategy on equitable representation of non-majority communities. However, the last three Multi-Annual Indicative Planning Documents include the priority "special attention shall be given to the implementation of the Roma Strategy" and specify the implementation of the Roma Strategy by the end of 2011 as an expected result.

The European Partnership for Kosovo does not contain any reference to the implementation of the national strategy for the integration of Roma, since the strategy was only adopted in December 2008, following the publication of the Partnership.

Short-term priorities should be accomplished within one to two years, and medium-term priorities within three to four years. Only the Partnership document for Bosnia and Herzegovina mentions the implementation of the strategy among the medium-term priorities.

On the one hand, by including Roma-related activities or the implementation of a national strategy on Roma integration as priorities, the European Commission has paved the way for the inclusion of related activities in the Multi-Annual Indicative Planning Documents and the Annual Programmes; that is, it has set the stage for the actual implementation of Roma-related projects. Moreover, these documents request the consideration of minorities as a cross-cutting issue in the development and implementation of all projects.

On the other hand, despite this "prioritisation" of Roma inclusion, only a few projects have directly targeted Roma or the implementation of a Roma strategy.⁸⁵

⁸⁴ For brief explanations of the relevant documents see the Appendix.

⁸⁵ For more details see Chapter 3.1.1.

2.2 COMMITMENTS OF THE NATIONAL GOVERNMENTS IN THE WESTERN BALKANS

2.2.1 National Strategies

In recent years, all countries in the Western Balkans have developed strategies for the integration of Roma along with, in most cases, action plans for implementing those strategies. Some of the strategies (e.g., Serbia and Kosovo) are comprehensive and cover all areas crucial for Roma integration, while other strategies (e.g., Albania) focus on only the most important sectors.

Countries participating in the Decade of Roma Inclusion have also developed Decade Action Plans for education, employment, health and housing, with gender, discrimination and poverty as cross-cutting issues.

Support for the implementation of these strategies and action plans—regardless of their flaws—would be important for fostering a comprehensive and sustainable long-term approach, since the strategies are the main domestic documents regarding Roma inclusion.

The European Union's focus on the implementation of national strategies could also encourage national governments to increase their implementation efforts.

2.2.2 Decade of Roma Inclusion 2005–2015

The European Commission regularly refers to participation in the Decade of Roma Inclusion when commenting on Western Balkans countries' efforts regarding Roma.

With the exception of Kosovo, all countries in the Western Balkans participate in the Decade of Roma Inclusion. While Albania and Bosnia and Herzegovina did not join the Decade until 2008, the other countries have participated in the Decade from its very beginning in 2005.⁸⁶

The main purpose of the Decade is to close the socio-economic gap between Roma and the majority populations. All countries participating in the Decade are obliged to develop action plans in education, employment, health and housing, with gender, discrimination and poverty as cross-cutting issues.

The Decade includes workshops and seminars to facilitate the exchange of best practices and experiences among participating countries. However, the Decade—with the

⁸⁶ The following countries participate in the Decade of Roma Inclusion: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain. Slovenia participates as an observer. For more information about the Decade see <http://www.romadecade.org>.

exception of the Roma Education Fund founded within the Decade framework—does not provide financial means to develop or implement Roma policies.

The Decade constitutes a political commitment, but it does not oblige participating countries to implement Roma-related policies or to undertake any action. Nor are countries obliged to demonstrate progress with the implementation of their Decade Action Plans.

The European Commission positively appraises participation in the Decade of Roma Inclusion in its reports, although participating in the Decade does not necessarily translate into implementing a comprehensive and sustainable long-term Roma policy—or even implementing additional projects.

2.3 PREVIOUS ROUNDS OF ACCESSION

In the last two rounds of accession, countries with considerable Roma populations joined the European Union: the Czech Republic, Hungary and Slovakia in 2004; and Bulgaria and Romania in 2007.

These new Member States raised awareness among the European institutions and Western European countries that it is ever more necessary to increase Roma inclusion efforts, and their entry into the EU gave a new impetus to the creation of a European Roma policy.

A review of Phare assistance to Roma between 1998 and 2002 revealed that 26 projects, specifically targeting Roma communities, with a total financial volume of € 96 million, were prepared for the five countries. € 64.54 million of this amount was Phare assistance; the remainder was co-funding from the respective governments.⁸⁷

The largest shares of this money were invested in projects focusing on infrastructure development (27.4%), education (22.6%) and education infrastructure and equipment (11%). Despite the high unemployment rates, human resource development (employment and training initiatives) (8.9%) and business development (0.2%) received less attention.

The review highlighted the need for a comprehensive and long-term approach and stated that “Roma should be a clearly named priority group with a specific allocation of funding within the overall social inclusion policy of the relevant country”.

Looking at the current situation in these countries (high unemployment rates, increasing inter-ethnic tensions, migration), it is questionable whether the assistance had a positive impact on the situation of the majority of Roma communities in these countries.

⁸⁷ *From Pre-Accession to Accession, Thematic Evaluation: Review of the European Union Phare Assistance to Roma Minorities. Interim Evaluation of Phare Support Allocated in 1999–2002 and Implemented until November 2003.* Brussels 2004

In order to avoid similar developments in the Western Balkans, the European Commission and the countries currently in the accession process should closely analyse the lessons learned from the previous rounds of accession and apply a comprehensive and sustainable long-term approach, following clearly defined objectives.

Box 2.

Lessons Learned?

While the general economic and social situation of the populations in the five new Member States mentioned above improved during the last two decades, the situation of Roma deteriorated. This has contributed to two parallel processes: the deterioration of relationships between non-Roma and Roma; and the tendency toward the emergence of two parallel, nearly segregated societies.⁸⁸

Tensions between Roma and other ethnic groups, fuelled and exploited by neo-fascist groups, are on the rise in all these countries; in Hungary, six Roma were murdered by a racist group. In underdeveloped regions with large, poor Roma communities (e.g., eastern Slovakia or northeastern Hungary) it seems to be only a matter of time before violent local conflicts increase.

In 2008 and 2009, Roma migrants, primarily from Romania, caused tensions (or were used as pretexts for creating tensions) in Italy and Ireland. Roma migrants from the Czech Republic fleeing to Canada led to the re-introduction of a visa regime for Czech citizens in July 2009. Roma from Slovakia and Hungary also fled to Canada, and according to newspaper reports Canada is considering the re-introduction of a visa regime for Hungary.⁸⁹

From 2000 on, Roma fled to Canada, which led to the previous introduction of a visa regime for Hungarian citizens. Great Britain (1998), Finland (1999), and other countries (from 2000 on) introduced visa regimes for Slovak citizens following the flight of Slovak Roma to these countries.⁹⁰

⁸⁸ See the MTI press release “SURVEY—Roma Living in Slums See No Hope for Improvement” at <http://english.mti.hu/default.asp?menu=1&theme=2&cat=25&newsid=266175>.

⁸⁹ *The Star* (Toronto), 9 January 2010 at <http://www.thestar.com/news/canada/article/748501--visa-clampdown-near-for-hungarian-visitors>.

⁹⁰ For an overview of migration by Roma see Claude Cahn and Elspeth Guild, *Recent Migration of Roma in Europe. A Study for the Council of Europe Commissioner for Human Rights and the High Commissioner for National Minorities of the Organisation for Security and Co-operation in Europe*. Strasbourg and The Hague, 2008.

3. The Position of Roma in the Accession Process of the Western Balkans Countries

Summarising the previous chapters, it would be possible to conclude that favourable preconditions exist for a comprehensive and sustainable long-term approach to Roma inclusion of the European Union in the Western Balkans:

- The European Commission acknowledges the vulnerable position of Roma and discrimination against Roma.
- The Commission states that it is necessary to address discrimination and the vulnerable position of Roma
- All countries in the Western Balkans have adopted strategies and/or action plans for the integration of Roma.
- A European political framework for Roma inclusion, which partly includes the Western Balkan countries, is in the process of emerging.
- Lessons could be learned from experiences from the previous accession processes of the Czech Republic, Hungary and Slovakia in 2004 and Bulgaria and Romania in 2007.

Are the European Commission and the Western Balkans countries, however, making use of these favourable preconditions? Are the Commission and the national governments implementing appropriate policies that address the needs of Roma and realise the commitments expressed in the European and national documents?

The commitments of the European Union and national governments expressed in accession-related documents and documents related to Roma inclusion, along with the actual socio-economic situation of Roma in the Western Balkans, determine the context (and serve as benchmarks) for analysing the EU's approach toward Roma in the region within the framework of the accession process.

Socio-economic Situation

As discussed in Chapter 1, the socio-economic situation of Roma in the Western Balkans would require urgent action in the fields of education, employment, health, housing, anti-discrimination, and return and reintegration of refugees and IDPs. The more general European Union documents related to Roma inclusion recommend activities in similar areas.

General Roma-Related Commitments

In January 2008, the European Parliament adopted the resolution “A European Strategy for Roma”.⁹¹ This resolution requested the introduction of a “European Framework Strategy on Roma Inclusion” and a “Community Action Plan on Roma Inclusion”.⁹² The resolution:

[r]ecalls that all candidate countries committed, in the negotiation and accession process, to improving the inclusion of Roma communities and to promoting their rights to education, employment, healthcare and housing...

The “Council Conclusions on Inclusion of the Roma” adopted by the Council of the European Union in December 2008 called upon the Commission and Member States, in close co-operation:

...to make better use of the Structural Funds, the Pre-Accession Instrument and the European Neighbourhood and Partnership Instrument to promote the inclusion of the Roma, particularly in the fields of education, housing, health, employment and access to justice and to culture...

⁹¹ European Parliament Resolution of 31 January 2008 on a European Strategy on the Roma, at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0035+0+DOC+XML+V0//EN>.

⁹² The resolution states: “...the plan must be drawn up and implemented by the group of Commissioners who have responsibility for the social inclusion of EU citizens through their portfolios on employment, social affairs, equal opportunities, justice, freedom, education, culture and regional policy”.

Of further importance is the Commission Staff Working Document on Roma of 2008. The document summarised the activities of the Commission in the Western Balkans with regard to Roma:

[T]he Commission has launched a wide range of projects in the Western Balkans, running under various Community instruments, from which Roma in the region benefit both directly and indirectly.

The projects mainly aim at improving the human rights conditions of the Roma community, promoting non-discrimination and equal treatment, improving their access to employment and fostering sustainable return and reintegration in their pre-war settlements.

Special attention is given to Roma children and ensuring their equal access to education.

The Commission Staff Working Document further stated that the financial assistance supports programmes aiming to improve the living conditions and social integration of Roma. From the start of the 2007–2013 financial perspectives, pre-accession assistance was streamlined under the Instrument for Pre-Accession Assistance (IPA), and dedicated financial assistance was foreseen for programmes targeting Roma.⁹³

Accession-Related Commitments

Among the accession-related documents, the Progress Reports regularly highlight that Roma in the Western Balkans “face very difficult living conditions and discrimination, especially in the areas of education, social protection, health care, housing and employment”.⁹⁴ The 2008 and 2006 Partnerships for Albania, Bosnia and Herzegovina, Croatia, Montenegro and Serbia contain a short-term priority referring to Roma and to the implementation of the respective national strategy for the integration of Roma.

The Accession Partnership for Macedonia mentions the implementation of the Strategy on Equitable Representation of Non-Majority Communities. However, the last three Multi-Annual Indicative Planning Documents (2007–2009, 2008–2010 and 2009–2011) contain the priority “[S]pecial attention shall be given to the implementation of the Roma Strategy”, with the corresponding expected result that by end of 2011 the Roma Strategy will be implemented.

⁹³ Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Non-discrimination and Equal Opportunities: A Renewed Commitment. Community Instruments and Policies for Roma Inclusion.

⁹⁴ One exception must be mentioned: the 2009 Progress Report on Kosovo does not once mention “discrimination” in relation to Roma or other minorities.

The European Partnership for Kosovo does not contain any reference to the implementation of the strategy for the integration of Roma, since the strategy was only adopted in December 2008, after the publication of the latest European Partnership.

Further documents such as the Multi-Annual Indicative Planning Documents or the Annual Programmes, and even most project fiches, state that the concerns of minorities in general, or of Roma in particular, should be reflected as a cross-cutting issue.

This chapter analyses the activities of the European Union within the framework of the accession process, comparing the EU's commitments of to the actual situation of Roma in the Western Balkans. The analysis focuses on the general policy approach and on priority fields such as social inclusion and employment, sustainable return and reintegration, and data on Roma.

Further, it addresses the inclusion of Roma in projects as a target group and the inclusion of the situation of Roma as an indicator; reporting on and monitoring and evaluation of Roma-related activities; and the participation of Roma in IPA consultations.

3.1 CURRENT POLICY APPROACH

3.1.1 General

The IPA programmes of all Western Balkans countries for 2007 and 2008, and the Kosovo IPA programme for 2009, contain a number of projects either explicitly targeting or likely including Roma. However, none of the countries has a “programme targeting the Roma population” in place, as stated in the Commission Staff Working Document. Only individual projects are being implemented in all the countries. The Commission still follows more of a “project-based” approach with regard to Roma in the accession countries, rather than a Programme-Based Approach (PBA), which has become, in general, the standard in development co-operation.

PBAs allow for better co-ordination of activities and also take the needs and capacities of the countries in question into account more. With regard to Roma in the accession countries, PBAs should be implemented in the form of a sector approach (or sector-wide approach), making use of the existing national strategies for the inclusion of Roma as policy frameworks for the individual countries.⁹⁵

⁹⁵ Some of the strategies, however, would need modifications and additions.

Box 3.

Programme-Based Approach⁹⁶

A **Programme-Based Approach (PBA)** is a way of engaging in development co-operation based on the principle of coordinated support for a locally owned programme of development, such as a national poverty reduction strategy or the strategy for the integration of Roma

PBAs have the following features

- leadership by the host country
- a single comprehensive programme and budget framework
- a formalised process of donor co-ordination and harmonisation of donor procedures for reporting, budgeting, financial management and procurement
- efforts to increase the use of local systems for programme design and implementation, financial management, monitoring and evaluation

Sector Approaches (also known as Sector Wide Approaches—SWAPs) are usually seen as Programme-Based Approaches operating at the level of a sector, and all the features of PBAs apply to these as well.

The implementation of national strategies for the integration of Roma is among the short-term priorities of the Partnership documents; however, no programme addresses the realisation of this priority and only a few projects directly refer to the implementation of the national strategies.

In Macedonia, Bosnia and Herzegovina, and Kosovo, projects are envisaged that directly refer to the implementation of the strategies. The projects in Macedonia and in Bosnia and Herzegovina would support the government units in charge of the implementation of the Roma strategies.

The other projects supported in the framework of the accession process primarily address infrastructure, education or the social inclusion or reintegration of refugees and IDPs, issues highlighted in the Roma-related EU documents as well as in the national strategies.

The following is a list of all projects that, according to the project fiches, target or could mainstream Roma.

⁹⁶ For more details see European Commission, EuropeAid, Guidelines No 2 Support to Sector Programmes. Covering the three financing modalities: Sector Budget Support, Pool Funding and EC project procedures, July 2007.

- **Bosnia and Herzegovina**
 - IPA 2007: “Labour and Economic Development: Improving Active Labour Markets in Bosnia and Herzegovina” (EC contribution: € 1.2 million); could include Roma.
 - IPA 2008: “Support for Vulnerable Groups (Children and Roma) in BiH” includes Roma-relevant component “Support to BiH Roma Strategy” (Maximum budget: € 500,000).
- **Croatia**
 - IPA 2008: Infrastructure project with a budget of € 3,333.333 (EC contribution € 2.5 million) in the two Roma settlements in Medjmurje County.
 - OP 2007–2009: Two measures with EC contributions of € 7.0 million and € 2.0 million respectively; could include Roma.
- **Kosovo**
 - IPA 2007: “Advancing Education in Kosovo: Inter-Culturalism and the Bologna Process” (EC contribution: € 1.4 million; CoE contribution: € 150,000) contains Roma-specific components (seminars on teaching Roma, Ashkali and Egyptian culture; curriculum framework for teaching of Romani introduced and piloted).
 - IPA 2007: “Return, Reintegration and Cultural Heritage in Kosovo” (Total budget: € 7.45 million; EC contribution € 3.7 million); could include Roma.
 - IPA 2007 (Reserve): “Resettle Roma, Ashkali and Egyptian Families from North Mitrovica Camps” (Total budget € 5.0 million).
 - IPA 2008: “Education and Employment” (Total budget: € 11.7 million; EC contribution: € 10.0 million); could include Roma.
 - IPA 2008: “Sustainable Return and Reintegration” (Total budget: € 5.1 million; EC contribution € 4.0 million); could include Roma.
 - IPA 2009: “Support to Communities” (Total budget: € 3.125 million) contains component “Implementation of the Roma, Ashkali and Egyptian Strategy” (€ 1.0 million), focusing on education and culture, and the component “Community Stabilisation Programme” (€ 2.0 million), which could include Roma.
 - IPA 2009: “Support to Employment and Education” (Total budget: € 10.9 million; EC contribution: € 10.3 million) contains component “Beautiful Kosovo” (Total budget: € 5.25 million; EC contribution: € 5.0 million); could include Roma.
- **Macedonia**
 - IPA 2008: “Democracy and Fundamental Rights” (Total budget: € 2.4 million), contains support to the unit implementing the Roma strategy as “Support to Implementation of the Roma Strategy” (Proposed budget € 600,000).

— OP 2007–2013: Two measures target Roma with EC contributions of € 1.154 million and € 1.726 million respectively.

- **Montenegro**

— IPA 2008: “Labour Market Reform and Workforce Development” (Total budget/EC contribution: € 1.8 million); could include Roma.

— IPA 2008: “Durable Solutions for Refugees and Displaced Person in Montenegro” (Total budget/EC contribution: € 1.5 million); includes “outreach measures” for Roma, Ashkali and Egyptians.

- **Serbia**

— IPA 2007: “Human Rights and Protection of Minorities” (Total budget/EC contribution: € 1.5 million); includes support to Roma Office in Ministry of Human and Minority Rights.

— IPA 2007: “Support to Refugees and IDPs” (Total budget/EC contribution: € 10.0 million); could include Roma.

— IPA 2008: “Support to Refugees and Internally Displaced Persons (IDPs)” (EC contribution: € 6.0 million); includes Roma.

— IPA 2008: “Education for All—Increasing the Availability and Quality of Education for Children from Marginalised Groups” (Total budget/EC contribution: € 3.0 million); targets predominantly Roma.

— IPA 2008: “Social Inclusion” (EC contribution € 5.5 million); refers directly to Roma.

— IPA 2008: “Systemic Development of Elementary, Practice Based Adult Education in Serbia (Second Chance)” (Total budget: € 7.5 million; EC contribution € 4.5 million); targets predominantly Roma.

- **Multi-beneficiary**

— IPA 2008: “Social Inclusion: Regional Support to Marginalised Communities” (Total budget: € 1.25 million/EC contribution: € 1.0 million); implemented by UNHCR in Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo.

— IPA 2008: “Regional Programme for Refugee Return in the Western Balkans” (Total budget/EC contribution: € 1.0 million); could include Roma.

— IPA 2009: “Regional Programme for Refugee Return and Provision of Durable Solutions for Refugees and Internally Displaced Persons in the Western Balkans” (Total budget: € 1.25 Million/EC contribution: € 1.0 million); could include Roma.

- IPA 2010: “Regional Initiative for Roma Integration”, in Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo (Total budget: € 3,333,333/EC contribution: € 3.0 million).

An analysis of the above projects reveals that a comprehensive or long-term approach is apparent in only a few cases: Croatia, for example, has invested much in housing and infrastructure development for Roma settlements in one county, while Serbia focuses on education and Kosovo conducts several reconstruction and return projects which could include Roma.

However, these examples could only prove to be examples of good practice if the projects are part of a comprehensive approach, are combined with other activities in other fields, and, in the case of Kosovo, clearly identify Roma as an explicit target group.⁹⁷

Box 4.

On the Way to Good Practice?

Croatia: The 6,000 Roma living in Medjimurje County constitute the largest Roma community in Croatia. Starting with Phare 2005, three projects targeted the upgrading of infrastructure (roads, water supply and electricity supply) in six villages. The three projects had a total budget of more than € 7.2 million.

Further, the local authorities have recently initiated the full legalisation of all illegal Roma settlements, opening the door for structural improvement of the living conditions in these settlements.⁹⁸

Serbia: Starting with CARDS 2005, four projects focused on improving the situation in the field of education. The projects have a total budget of € 12.5 million.

Other organisations, such as the Roma Education Fund and bilateral donors, are also supporting education projects.

Kosovo: In Kosovo several projects focussed on return and reconstruction. € 17.6 million was allocated for such projects in IPA 2007 and 2008. Most of the projects, however, do not specify Roma as a target group; only recently was one project dedicated explicitly to Roma.

⁹⁷ A review of the Phare assistance to Roma in the previous rounds of accession also concluded that multi-sectoral approaches would be more successful. See From *Pre-Accession to Accession, Thematic Evaluation: Review of the European Union Phare Assistance to Roma Minorities. Interim Evaluation of Phare Support Allocated in 1999–2002 and Implemented until November 2003*. Brussels 2004.

⁹⁸ See http://ec.europa.eu/enlargement/pdf/croatia/ipa/2008/2008-0101-05_roma_support_project_-_phase_iii_version_081010_en.pdf.

In Albania not a single project either explicitly targeting Roma or including Roma as a target group could be identified in the IPA Programmes for 2007 and 2008. In both Bosnia and Herzegovina and Macedonia, only one project targeting the strengthening of the relevant institutions could be identified. In Montenegro, two projects in the last two IPA cycles could have included Roma.

Box 5.

Albania: Where are the Roma?

A relatively small Roma community lives in Albania. It is therefore neither in the focus of the European Commission nor the Albanian government.

The last Enlargement Strategy Annexes and Progress Reports for Albania emphasise that, despite some progress, Roma still face very difficult living conditions and discrimination, especially in the areas of education, social protection, health care, housing and employment.

The European Partnership document emphasises the need to implement the strategies for the integration of the Roma, and the Multi-Annual Indicative Planning Documents (MIPD) and Annual Programmes request the inclusion of minorities in all projects as a cross-cutting issue.

Under “Political Criteria”, the MIPDs for 2007–2009, 2008–2010 and 2009–2011 identified “Support for minorities and vulnerable groups (including Roma, ...), develop[ing] sound data on minorities and develop[ing] policies to overcome their vulnerable and economic fragile situation and to protect them against discrimination” as priorities or objectives with regard to minorities and vulnerable groups:

The corresponding “expected result” was “Policies against social exclusion developed and implementation started; financial and human resources capacity of bodies dealing with vulnerable groups strengthened and training provided to improve quality of services;... national strategy for Roma implemented and Roma birth registration increased.”

For three consecutive planning cycles, the European Commission (in co-operation with the Albanian government) defined these same objective and expected results—without implementing any related project.

The 2007 and 2008 IPA Annual Programmes together foresaw 32 projects with a total budget of € 110 million.

In the Cross-border Programme with Montenegro, which should address the needs of the minorities living in the eligible regions of both countries, Roma were not even mentioned among the minorities living in these regions.

On the other hand, since 2001 Roma could benefit from a few projects implemented within the framework of EIDHR and in the former CARDS. According to the EC delegation in Albania, IPA 2009 is supposed to include Roma-related projects.

3.1.2 Access to Employment and Social Inclusion

The candidate countries, Croatia and Macedonia, particularly need to focus on employment and social inclusion, which was reiterated by the 2008 Commission Staff Working Document on Roma:

...candidate countries need to identify actions to be carried out towards the Roma i.a. in the fields of employment policy strategy and social inclusion with a view to improve and expand employment opportunities for Roma individuals...

The case of Macedonia might serve as an illustration with regard to the actions taken on the labour market in the candidate countries. The high unemployment rate among Roma in Macedonia and the difficult situation in the education sector have existed for years without having been consistently addressed. Table 7 illustrates the vulnerable position of the Roma and the need to identify actions to address the situation.

Table 7.
Unemployment Rates According to Ethnicity in Macedonia⁹⁹

	Male	Female	All
All	37.4%	39.1%	38.1%
Macedonians	29.9%	34.7%	32.0%
Albanians	58.6%	72.9%	61.2%
Turks	54.3%	69.7%	58.2%
Serbs	29.2%	33.7%	30.9%
Roma	75.2%	84.1%	78.5%

Despite this situation, only a few projects referring to the “social inclusion” of Roma, meaning activities in employment and education, have been implemented.

⁹⁹ See Multi-Annual Operational Plan, Human Resource Development 2007–13, IPA Component IV, Skopje. The data are based on the results of the 2002 census. More recent data are not available, and these are the data to which the Multi-Annual Operational Plan refers.

Box 6.

Macedonia—Support to Roma Is Not a Priority

Until 2008, the government of Macedonia did not implement any European Commission-funded projects specifically targeting Roma despite the extremely disadvantaged position of Roma in Macedonian society, with high unemployment, low school enrolment rates and widespread discrimination.

Between 2004 and 2008, the Commission funded four projects of Roma NGOs through the EIDHR programme. In total, the support provided to Roma in these years amounted to € 216,316 or 0.02% of overall EU assistance to Macedonia.

Roma were beneficiaries of some other projects funded by the European Commission: houses were reconstructed within the framework of a reconstruction project; the “job club” programme provided services to unemployed Roma. Overall, Roma have hardly benefited from the EU assistance.

Also, the government of Macedonia earmarked only very limited funds for Roma. In 2008, the state budget allocated initially € 230,000 to support the development of Roma.¹⁰⁰ The budget was revised in July, and the allocation for Roma was increased to around € 270,000. The state contributes approximately € 180,000, while the rest is expected to come from donations.¹⁰¹

On the other hand, the “Operational Plan Human Resource Development 2007–2013, IPA Component IV” envisages specific Roma-related activities.

These include active labour market measures for Roma with the target of providing assistance to 300 Roma and to 120 women from the Roma and Albanian communities. The total budget for the measure is € 1.154 million, with an EC contribution of € 981,000.

In the education sector the Operational Programme targets assistance to 50 Roma families with the intention of having 50% of the children in the assisted families attending schooling the following year. The total budget for this measure is € 1.726 million with an EC contribution of € 1.467 million.

In total, the European Commission plans to provide € 2.4 million for projects directly targeting or including Roma: this amount will be increased by € 432,000 from other (national) sources. The EC, therefore, contributes € 340,000 annually to the improvement of the situation of Roma in the employment and education sector, while the government contributes € 61,000 annually. Assuming a Roma population of approximately 165,000, the EC and the government invest annually € 2.42 per person in education and labour force development for Roma in Macedonia (not taking into account that other ethnic groups will also benefit from the € 400,000 per year). Though the Operational Plan started in 2007, the above mentioned Roma-related activities have not even started yet.

The implementation of the “Strategy for Equitable Representation of Ethnic Communities in the Public Sector” is a priority in the Accession Partnership. Both the Enlargement Strategy and the Progress Reports are critical of the fact that recruitment targets for non-majority communities in public administration have not yet been met, particularly those for Roma.

Nonetheless, the operational documents do not contain any project supporting the employment of Roma in the public sector.

¹⁰⁰ Official Gazette of Republic of Macedonia No. 160/2007, 31 December 2007.

¹⁰¹ Official Gazette of Republic of Macedonia No. 90/2008, 18 July 2008.

A similar situation exists in the second candidate country, Croatia, which has a relatively small Roma community compared to Macedonia:

Box 7.

Croatia: Actions to Tackle Unemployment?

In Croatia, the overall unemployment rate among young people is 33%, while among young Roma the unemployment rate is 73%.

The analysis of Human Resources Development in the 2007–2009 MIPD pointed out that the at-risk-of-poverty rates among Roma are significantly higher than for other groups, with some 13% living close to absolute poverty levels, and that areas with a high concentration of Roma are in areas with well-above-average levels of social assistance.

The 2009 Progress Report states that the “implementation of the recruitment plan for national minorities has not seen a significant increase in minority employment in the State administration”. No projects aimed at improving the economic situation of the Roma have been planned yet, even though the priorities of the Political Criteria ask Croatia to “ensure availability of the necessary means, especially as regards employment, education and housing”.

A specific situation prevails in Kosovo: the general economic situation and the socio-economic situation of Roma in particular are even worse than in other countries in the Western Balkans. Further, the European Union still plays a crucial role with regard to restructuring the economy in Kosovo.

Box 8.

Kosovo: Poverty and Perspectives

Access to the private or public labour market is very limited for Roma in Kosovo, primarily due to discrimination, but also due to a lack of attention from the international community and a lack of skills among large segments of the Roma population.

A few data from 2007 demonstrate this situation:

Public Companies ¹⁰²	Total Employees	Roma, Ashkali, Egyptians
Kosovo Electricity Company (KEK)	7,564	3 (0.04%)
Post and Telecommunication Kosovo (PTK)	2,484	14 (0.56%)
Kosovo Railroads	389	2 (0.51%)
Airport Pristina	577	2 (0.35%)
KosovoTrans (bus transport company)	912	30 (3.29%)

¹⁰² See Humanitarian Law Fund, *Application of Anti-discrimination Law and Law on the Use of Languages in Kosovo Public Companies*, Pristina, December 2007.

A Wage and Skills Survey of the International Labour Organisation (March 2006) provides an indication of the situation on the private labour market in Kosovo. The sample comprised 12,126 workers employed in 1,547 enterprises, primarily private companies; 0.1% of the persons working in these enterprises were Roma, Ashkali and Egyptians, i.e., around 12 persons.¹⁰³

A few comparative data illustrate the situation of Roma in Kosovo: after years of international administration, 36.7% of Roma in Kosovo live in absolute poverty, while only in countries such as Mali (36.1%) or Lesotho (36.4%) is the percentage of persons living in absolute poverty lower.

According to a report of the Secretary-General to the Security Council on the United Nations Interim Administration Mission in Kosovo of 30 September 2009, 75% of the Roma, Ashkali and Egyptian women in Kosovo are illiterate.¹⁰⁴

Prior to Kosovo's declaration of independence, the European Union facilitated the privatisation process and the administration of public companies—without, however, ensuring the appropriate employment of Roma.

Since independence, the International Civilian Office (ICO), which should assist the Kosovo Government in the implementation of the Ahtisaari Plan, is at the same time the office of the European Union Special Representative (EUSR). In addition, the EU and its Member States are the most important donors in Kosovo.

Considering that Western European countries are firm on returning rejected asylum seekers to Kosovo, the economic situation of Roma in Kosovo could deteriorate even further, especially because remittances from Roma in these countries have contributed considerably to the income of families remaining in Kosovo.¹⁰⁵

The IPA programmes for 2007–2009 contain only two projects that directly address social inclusion and could include Roma: IPA 2008: “Education and Employment” (total budget: € 11.7 million); and IPA 2009: “Support to Employment and Education” (budget: € 10.9 million), which includes the component “Beautiful Kosovo” (€ 5.25 million).

In general, it seems that the European Commission and the governments of the Western Balkans countries are repeating the approach from the previous rounds of accession. Phare assistance to Bulgaria, the Czech Republic, Hungary, Romania and

¹⁰³ International Labour Organisation, Wage and Skills Survey, Pristina, March 2006.

¹⁰⁴ See United Nations, Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/497), 30 September 2009.

¹⁰⁵ Among Roma, Ashkali and Egyptians, remittances and assistance from relatives/friends and alimonies constitute 20.86% of the total income, which is the highest rate among all ethnic communities. See UNDP, *Human Development Report Kosovo 2004*. Pristina 2004.

Slovakia until 2002 demonstrated a similar level of neglect, with less than 10% of all resources spent on employment-related projects.¹⁰⁶

3.1.3 Return and Reintegration

“The projects mainly aim at... fostering sustainable return and reintegration in their pre-war settlements...”.

Commission Staff Working Document “Non-discrimination and Equal Opportunities: A Renewed Commitment—Community Instruments and Policies for Roma Inclusion” (2008)

Background

The situation of Roma IDPs, refugees and returnees in the Western Balkans, already described in Chapter 1, will be addressed here in more detail due to its complexity and importance, particularly for Kosovo.¹⁰⁷

The exact number of Roma rejected asylum seekers, refugees and IDPs is not known, but it is estimated that in Kosovo alone up to 100,000 Roma have left their places of origin. Since the 1990s, up to 20,000 Roma from Serbia have also left to look for refuge in Western Europe.¹⁰⁸

In addition, departures of Roma from Kosovo and Serbia continue as people who were recently forcibly returned from Western Europe are leaving once again. In Hungary, for example, nearly 1,000 asylum applications were registered between January and April 2009 from people—mostly Roma—claiming to originate from Kosovo

¹⁰⁶ *From Pre-Accession to Accession, Thematic Evaluation: Review of the European Union Phare Assistance to Roma Minorities. Interim Evaluation of Phare Support Allocated in 1999–2002 and Implemented until November 2003.* Brussels 2004.

¹⁰⁷ Many observers, including Kosovo Albanian civil society organisations, are afraid of social tensions if larger numbers of Roma are returned in a short period of time and without assistance. For the importance of the issue see Government of Kosovo, Office of the Prime Minister, Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo. Pristina 2008.

¹⁰⁸ The Parliamentary Assembly of the Council of Europe assessed in 2003 that between 50,000 and 100,000 Roma from Serbia and Montenegro (including Kosovo) have fled to Western Europe. Approximately 20,000 were from Serbia (without Kosovo). See Parliamentary Assembly of the Council of Europe, Recommendation 1633 (2003) Forced Returns of Roma from the Former Federal Republic of Yugoslavia, Including Kosovo, to Serbia and Montenegro from Council of Europe Member States.

The problem of displaced persons also exists in Bosnia and Herzegovina, where Roma who lived in what is now Republika Srpska before the war cannot return and therefore have to live in the Federation part of the country.

Germany, the major host country, and other Western European countries have started to sign “readmission agreements” with Kosovo and Serbia and have begun the forced return of Roma, to Kosovo in particular. The refugee or IDP returnees to Kosovo have hardly any possibility to return to their former homes and lives.

Return to Pre-war Settlements

According to the Commission Staff Working Document on Roma, the return of displaced Roma to their pre-war settlements is among the priorities of the projects supported by the European Commission.

In recent years, the Commission financed the reconstruction of houses of Roma who were victims of the conflict in Macedonia. In Kosovo, it financed several return and reconstruction projects that included Roma

A few dozen Roma, Ashkali and Egyptian families (primarily IDPs from Serbia and displaced persons from Montenegro) were able to return to their pre-war settlements in Kosovo, in particular to the municipalities of Ferizaj/Urosevac, Gjilan/Gnjilane, Istog/Istok, Kline/Klina, Mitrovice/Mitrovica and Vushtrri/Vucitrn.

Taking into account the large number of persons who fled Kosovo, only small numbers of Roma (and other minorities) have returned to Kosovo thus far. The following numbers include voluntary returnees from within Kosovo, Serbia, Montenegro, Macedonia and Bosnia and Herzegovina as well as spontaneous returnees from third countries, who were not part of assisted-return programmes.

According to UNHCR statistics, in 2000–2009, 2,760 Roma and 5,171 Ashkali and Egyptians returned to Kosovo. In total, approximately 19,000 non-Albanians returned in this period. (In addition to Roma, Ashkali and Egyptians, 8,449 Serbs 1,592 Bosniaks and 1,035 Gorani were among the returnees.)¹⁰⁹

Table 8.
Returnees and Their Former Places of Displacement

	Serbia	Montenegro	Macedonia	Bosnia & Herzegovina	Within Kosovo	Third Country
Roma	1,343	539	196	33	574	75
Ashkali/ Egyptians	1,639	1,473	551	67	1,202	239

¹⁰⁹ UNHCR, OCM Pristina, Statistical Overview, Updates as of end of December 2009.

According to UNHCR statistics, in 2000–2009, 2,760 Roma and 5,171 Ashkali and Egyptians returned to Kosovo. In total, approximately 19,000 non-Albanians returned in this period. (In addition to Roma, Ashkali and Egyptians, 8,449 Serbs, 1,592 Bosniaks and 1,035 Gorani were among the returnees.)¹¹⁰

Not including those who returned from a displacement within Kosovo, the number of Roma, Ashkali and Egyptians who returned to Kosovo voluntarily or spontaneously is 6,155.

In addition, UNHCR and IOM collect data on “forced returns of former refugees as well as those with other legal and/or illegal status”.

In total, 1,318 members of minority communities were forcibly returned between 2007 and 2009 (432 in 2007; 416 in 2008; and 470 in 2009). Among them were 229 Roma (48 in 2007; 54 in 2008; and 127 in 2009); data on Ashkali and Egyptians is not available.

Many factors contribute to the limited number of returns: security problems; impunity for those who committed crimes against Roma during and after the conflict; discrimination, particularly with regard to access to employment; problems concerning property ownership; a lack of housing; a lack of assistance to returnees; and the general socio-economic situation.

The property and housing problems are to a large extent related to the fact that many Roma, Ashkali and Egyptians in Kosovo still live in informal settlements and that many of the refugees and IDPs who should be returned to Kosovo lived in informal settlements before they fled Kosovo. In addition, many homes were destroyed during and after the conflict or are now illegally occupied by Kosovo Albanians. Many returnees would therefore have no place to stay upon their return to Kosovo.

Nonetheless, European Commission projects mainly focus on potentially-returning IDPs from Serbia (or displaced persons currently living in Montenegro or persons displaced within Kosovo) and hardly include rejected asylum seekers returning from Western Europe. IDP returns from Serbia take place in small numbers and solely on a voluntary basis, while rejected asylum seekers and refugees are forcibly returned to Kosovo from EU Member States in greater numbers.

In light of the impossibility of Roma, Ashkali and Egyptians returning to many pre-war settlements in Kosovo and the unwillingness of many IDPs to take the risk of returning, the Commission also supports projects for Roma IDPs and displaced persons in Serbia and Montenegro that should lay the basis for integration in their places of refuge.

The strict position of EU Member States on forcibly returning rejected asylum seekers to Kosovo creates a situation in which the European Commission is calling upon

¹¹⁰ UNHCR, OCM Pristina, Statistical Overview, Updates as of end of December 2009.

the Western Balkans countries hosting refugees and IDPs from Kosovo to integrate those “who choose not to return”, while at the same time the EU Member States are forcibly returning these people, irrespective of whether they are actually able to return and reintegrate.¹¹¹

Box 9.

Roma Refugees and Serbian Internally Displaced Persons

The majority of minority members among the rejected asylum seekers in European Union member states are Roma, while the majority of IDPs are ethnic Serbs.

Projects in Kosovo supporting “IDPs and refugees” provide assistance to the Ministry of Return and Communities. However, this ministry is in charge of the return of IDPs from Serbia and voluntary return of refugees from neighbouring countries, but not for the return of rejected asylum seekers from Western Europe. The Ministry of Internal Affairs (Department for Border Management, Asylum and Migration), which is in charge of this category of persons, is not, however, targeted in the assistance projects of the European Commission.

In the “IDP and refugee” projects in Kosovo, the European Commission refers solely to documents that are explicitly dedicated to the return of IDPs, and not to the return of rejected asylum seekers from Western Europe. The main beneficiaries of EC projects related to return or reintegration are IDPs (including Roma IDPs).

Forced returnees from Western Europe face even more problems than IDPs upon their return to Kosovo. Not only do they have no accommodations or jobs, their children often speak neither Albanian nor Serbian.

¹¹¹ The European Partnerships with Serbia (2008) and Montenegro (2007) both identified as a medium-term priority: “Facilitate integration of refugees who choose not to return”. The respective short-term priorities: Serbia: “Ensure the right to a real choice between sustainable return and integration and contribute to ensuring full implementation of the Sarajevo Declaration”; Montenegro: “Ensure protection of the rights of refugees and internally displaced persons... Ensure the right of a real choice between sustainable return and integration and provide conditions for integration for those who choose the latter”.

2008 European Partnership with Kosovo: Regularise Informal Settlements and Find Sustainable Solutions for Roma Living in Camps

The European Partnership with Kosovo contains one short-term priority that explicitly mentions Roma. A comparison of the 2008 European Partnership with the 2006 European Partnership reveals thereby, an interesting change in the wording of this priority.¹¹²

2006: “Regularise informal settlements. Find *sustainable repatriation solutions* for the integration of Roma minority communities that are living in hazardous living conditions in camps and for internally displaced persons groups living in informal centres.”¹¹³ [emphasis added]

2008: “Regularise informal settlements. Find *sustainable solutions for the housing* and integration of Roma communities that are living in hazardous living conditions in camps and for internally displaced persons groups living in informal centres” [emphasis added]

The 2004 “Standards for Kosovo” already contained “standards” to be fulfilled by the then provisional local government and the UN Administration (UNMIK) referring to informal settlements:

Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal settlements by minority communities or other vulnerable groups.

Informal settlements of vulnerable minority groups have been legalised and regularised.

While the 2006 version of the short-term priority in the European Partnership mentions “sustainable repatriation solutions”, the 2008 version refers to “sustainable solutions for the housing and integration”. This change seems to indicate that the EC has accepted that a return of all IDPs to their former places of residence in Kosovo is not feasible—an assessment that apparently does not apply to rejected asylum seekers forcibly returned from Western Europe.

¹¹² Council of the European Union, Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC (2008/213/EC). In the following: European Partnership (Serbia, Kosovo) 2008; Council of the European Union, Council Decision of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2004/520/EC (2006/56/EC).

¹¹³ However, it should be stated that there aren't any IDPs living in “informal centres”; the IDPs live in camps or in private accommodations. On the other hand, non-IDP Roma do not live in camps.

A short-term priority should be accomplished within one to two years. However, the Multi-Annual Planning Documents (MIPD) for 2009–2011 and 2008–2010 do not refer at all to this priority of the European Partnership. The Annual Programmes for 2007–2009 do not contain any specific project on the regularisation of informal settlements; however, a few projects target return.

Regularising informal settlements would first of all require the creation of a national legal and political framework, followed by decisions at the local level to actually regularise existing informal settlements. While the Annual Programmes for 2007–2009 do not contain any projects that specifically refer to informal settlements, the 2008 European Partnership Action Plan of the Kosovo Government (EPAP 2008) specified a number of actions in order to meet this priority of the European Partnership. These include, among others, the approval and implementation of the amended Law on Spatial Planning, the approval and implementation of the Law on Social Housing, the drafting and implementation of the Action Plan on Identification of Informal Settlements, and the development of the Draft Strategy and Action Plan for regularisation of informal settlements.

EPAP 2008 calculated that a total of € 1.215 million would be necessary for conducting the actions necessary order to fulfil the short-term priority; however, neither the Kosovo budget nor external donors provided any funding for addressing this priority.¹¹⁴

In November 2008, the government of Kosovo adopted the amended Law on Spatial Planning. The law introduces a definition of informal settlements that contradicts internationally accepted definitions and clearly focuses on poor settlements in hazardous locations (i.e., poor Roma settlements). However, Article 14 of the Law says:

In determining areas for construction of towns and other settlements as per Paragraph 1 of this Article, in accordance with the respective Plan as per this Law, informal settlements shall be included and treated, with the aim of their regularization.¹¹⁵

The law therefore provides for the possibility of regularising informal settlements. According to the available information, though, only one small Ashkali neighbourhood in Mitrovica (South) has been regularised by the municipal authorities. Two other towns, Peja/Pec and Gjakove/Djakovica, are each considering to regularise one settlement.

The famous project supported by the European Commission and individual EU Member States for returning Roma to Roma Mahalla, the largest Roma neighbourhood

¹¹⁴ With the exception of the adoption of the two laws, all actions would require financial support.

¹¹⁵ Republic of Kosovo, Assembly Law No. 03/L-106 Amending Law on Spatial Planning No. 2003/14; UNMIK, Provisional Institutions of Self-Government, Assembly of Kosovo, Law on Spatial Planning, Law 2003/14.

in Mitrovica, does not envisage the “regularisation” of any parts of the settlement at all. This neighbourhood, home to about 8,000 Roma before the war, was destroyed by Albanians after the war in the summer of 1999.

In Kosovo, reconstructing private houses and returning to them is currently only possible for people who can prove that they are the legal owners of the property. Many people who lived in private houses until 1999, in some cases for generations, cannot obtain documents securing property or tenancy rights from the cadastral records for a variety of reasons, such as because they lived in areas considered “informal”. Those who cannot document ownership, and whose houses (or business premises) before 1999 were considered by the authorities to be built on municipal land or former “socially owned enterprise” land, are not entitled to rebuild and return to their houses, but have to “return” to apartments built on former public land. Currently, the authorities in Mitrovica (South) are even planning to build houses for former inhabitants of Roma Mahalla outside the territory of Roma Mahalla.

With regard to returnees to Roma Mahalla, the authorities strictly apply the rule that returnees must obtain documentation from the cadastral records proving their ownership; even though it has been a common practice in Kosovo to accept other confirmation of property rights such as witnesses’ statements, electricity bills, etc.¹¹⁶ Moreover, the authorities disregard the stipulation of the amended Law on Spatial Planning that “informal settlements shall be included (in Municipal Plans) and treated, with the aim of their regularization”.¹¹⁷

In general, this approach (supported by the European Union) does not lead to “regularisation of informal settlements” or support the return of Roma to “pre-war settlements”, or to Kosovo in general. This approach instead creates obstacles to sustainable return. Neither the Kosovo authorities nor the European Union seem to have the intention to “regularise informal settlements”.

Returnees whose property was destroyed and who want to return to an “informal settlement”, or who are not in a position to prove ownership of the land on which their former house was built, will rarely receive permission and financial assistance to build a new house and would therefore be without accommodations upon their return.

This situation is particularly worrying for Roma who are facing forcible deportation from Western Europe back to Kosovo, since no reconstruction or assistance programmes exist for this group. A return to a “functioning” Roma neighbourhood could have provided a social network to facilitate reintegration.

¹¹⁶ See Transitional Administrative Department of Health, Environment and Spatial Planning, Housing and Reconstruction Division, Housing Reconstruction Guidelines. Kosovo 2002, in particular Chapter 2.3.3. Municipal Housing Committee Verification Unit.

¹¹⁷ Republic of Kosovo, Assembly Law No. 03/L-106 Amending Law On Spatial Planning No. 2003/14; UNMIK, Provisional Institutions of Self-Government, Assembly of Kosovo, Law On Spatial Planning, Law 2003/14.

It is likely that many will try to leave Kosovo again, either for Serbia or for Western Europe, after they have been forcibly returned.

In short, the first part of the only priority in the Partnership with Kosovo that refers explicitly to Roma (“Regularise informal settlements”) was not fulfilled by the Kosovo government, nor was its implementation supported by any projects of the European Commission within the framework of IPA.

The second part of the priority—sustainable repatriation solutions for communities living in hazardous living conditions—seems to have finally been addressed in December 2009, ten years after UNMIK set up the camps. A few hundred people still live today in camps that are poisoned by lead and hazardous to life, which according to the 2009 Progress Report are a serious concern, and constitute “a fundamental violation of basic human rights that would require urgent steps to address this situation and follow up...”. According to NGO reports, several Roma, primarily children, died from lead poisoning in recent years.

According to a press release of 16 December 2009, the European Commission Liaison Office to Kosovo launched a € 5 million project in support of the Roma, Ashkali and Egyptian communities living in the lead-contaminated North Mitrovica camps, Cesmin Lug and Osterode.

The project aims to facilitate a peaceful and sustainable resettlement and reintegration of up to 90 Roma, Ashkali and Egyptian families into Roma Mahalla or other locations, and contribute to the closure of the Osterode and Cesmin Lug camps.¹¹⁸

3.1.4 Data on Roma

The European Commission and the governments of the Western Balkans countries are aware of the need for “sound data” about the number and situation of minorities, in particular the Roma—the vast majority of whom generally refuse to disclose their identity in the census. The lack of sound data creates many difficulties, hindering accurate policy planning, for example.

At the request of the European Commission, the Western Balkan countries should conduct a census in 2011, and this should provide an excellent opportunity to increase the readiness of Roma to disclose their identity.

¹¹⁸ European Commission Liaison Office to Kosovo press release, “EU to Resettle Roma, Ashkali and Egyptian Families from North Mitrovica Camps” (16 December 2009).

Box 10.

Sound Data on Roma—Albania

The relevant chapter of the Enlargement Strategy 2009–2010 for Albania points out that there are not any accurate data on minorities and that the next population census would be key to addressing this issue.

Multi-Annual Indicative Planning Document 2009–2011 and 2008–2010—Political Criteria Section: Objectives and choices: “Minorities and vulnerable groups: Support for minorities and vulnerable groups (including Roma), develop sound data on minorities and develop policies to overcome their vulnerable and economic fragile situation and to protect them against discrimination”.

The corresponding expected results and indicators: “Minorities and vulnerable groups: Policies against social exclusion developed and implementation started; national strategy for Roma implemented and Roma birth registration increased”.

The Enlargement Strategy recommended making use of the census for collecting sound data, and the MIPD identified the development of sound data as an objective, although it did not include a corresponding result.

However, neither the Annual Programme 2007 nor the Annual Programme 2008 contains any project that would address the development of sound data. In other countries as well, IPA does not foresee any projects targeting the development of “sound data” or the preparation of Roma communities for the 2011 census.¹¹⁹

3.2 ROMA AS A TARGET GROUP AND THE CHANGE OF THEIR SITUATION AS AN INDICATOR

The issues of indicators and Roma as a target group have to be considered from two different perspectives: a project-related perspective and a policy- or programme-related perspective.

First, Roma are rarely mentioned as “indicators” or “target groups” in the project fiches of relevant mainstream projects. In several cases, the introductions of relevant project fiches (in the area of social inclusion, for example) refer to the situation of the Roma and describe their extremely vulnerable position.

¹¹⁹ In Serbia the Swedish Development Agency (Sida), in co-operation with the Statistical Office, is supporting a project entitled “Test of the Census of Inhabitants and Housing Units—Education of Roma”.

However, when it comes to the definition of target groups, indicators, expected results and activities, Roma are, as a general rule, not mentioned—even if the project fiche requests the consideration of minorities in general or Roma in particular.

This omission makes it difficult to ensure that Roma are actually mainstreamed in general activities; it also makes it difficult to monitor and evaluate whether Roma are beneficiaries of projects or if projects had any significant impact on Roma communities.

The following examples from Montenegro and Bosnia and Herzegovina illustrate the problem described above with regard to employment or social inclusion. The projects refer to Roma in their general descriptions and could, therefore, include Roma as a target group. Roma, however, are not specifically mentioned; nor does the positive change of their situation constitute an indicator.

Box 11.

Montenegro, Bosnia and Herzegovina Tackling Unemployment?

In **Bosnia and Herzegovina**, the project “Labour and Economic Development: Improving Active Labour Markets in Bosnia and Herzegovina” (EC contribution: € 1.2 million) should improve active labour markets by developing an active labour market policy, labour market measures, and the capacities to implement these.

The project could be of importance for Roma, but, while the cross-cutting section states that unemployment is endemic among Roma and that the project should pay particular emphasis to Roma, Roma are neither mentioned as a target group, nor are any concrete activities envisaged to address their situation. Nor does a change in their situation constitute an indicator.

The 2009 Progress Report on **Montenegro** emphasised that the socio-economic situation of Roma remains a cause for serious concern given the extremely high unemployment rate (ca. 80%) and the high illiteracy rate (70%), which is even higher among women.

The last three MIPDs (2007–2009, 2008–2010 and 2009–2011) contained the objective to implement the strategies and action plans relevant to the integration of Roma. However, the expected results do not refer to Roma, and only one project could be of relevance for Roma: the “active labour market measures” component of the project “Labour Market Reform and Workforce Development” should be implemented in four municipalities and should facilitate the training of 400 people, including minorities and refugees.

The return and reconstruction projects implemented in Kosovo are another example: only one of these projects is dedicated explicitly to Roma. The other projects could include Roma, but Roma are not defined as an explicit target group, nor is their return or the reconstruction of their houses included as an indicator in the project fiches.

In a few mainstream projects Roma are mentioned as a target group and the positive change of their situation is an indicator. The Cross-border Co-operation Programme between Croatia and Hungary makes extensive reference to Roma and includes them in proposed activities. The planning and development stage of the programme constitutes good practice. One of the horizontal objectives of the programme “ensuring equal opportunities in a multiethnic community” explicitly refers to Roma and, more importantly, the programme includes the improvement of the employment situation of Roma as an indicator.¹²⁰

Box 12.

Good Practice: Cross-border Programme Croatia–Hungary

“The projects must demonstrate their efforts to create equal opportunities for genders, ethnicities and the disabled according to the principles of the European Union. Especially strongly affected is the **Roma** minority, which has a strong presence in the eligible region.

Job creation and economic growth in the Mura–Drava microregions, where there is a strong presence of **Roma**, will provide greater opportunities for this minority. The relations between the small communities of other minorities (German, small south Slavic religious or national groups) living on both sides of the border in the region and the use of their native languages and culture also have to be strengthened in order to ensure equal opportunities in organising cultural and community life. Projects supporting equal opportunities must be favoured.

Indicator: Positive change in employment rate of **Roma** minority...”

The programme identified the following priorities, among others:

- *Priority 1: Sustainable Environment and Tourism*
Here it is emphasised that “cultural interventions have to uphold traditional cultural values”, including those of Roma on both sides of the border.
- *Priority 2: Co-operative Economy and Intercommunity Human Resources Development*

Second, there is a need for indicators that would allow for the assessment of the situation of Roma across all countries in the accession process. It is generally

¹²⁰ Hungary–Croatia IPA Cross-border Co-operation Programme. Programming Document for the Programming Period 2007–2013 at http://ec.europa.eu/enlargement/pdf/croatia/ipa/hu-hr_op_final_en.pdf.

acknowledged that the lack of sound data on Roma creates difficulties for accurate policy planning and also for measuring the change of the situation of Roma or the impact of the Roma-related policies. The census planned for 2011 would present an opportunity to address this problem.

3.3 MONITORING, EVALUATION AND REPORTING

Discrimination against Roma is widespread throughout Europe, as stated by a number of reports, including a recent report by the Agency for Fundamental Rights.¹²¹ The Commission Staff Working Document of June 2008 emphasised that projects on non-discrimination and equal treatment have been implemented in the Western Balkans. It also highlighted the importance of recognising discrimination and identified elements that are “essential for progress on Roma inclusion”:

The realisation at all levels of the extent and consequences of the deeply entrenched exclusion and discrimination which Roma face inside and outside the EU followed by a strong commitment by Member States to work closely with the EU institutions to fully use of the enormous potential offered by the Structural Funds and pre-accession instruments and to create synergies with other processes such as the Roma Decade.

An analysis of the Progress Reports of the European Commission for the individual countries in the Western Balkans, however, reveals that not all reports took into account the importance of recognising discrimination.

Box 13.

Kosovo and Croatia: The Disappearance of Discrimination against Roma?

In recent years the Enlargement Strategy documents have included a standard sentence regarding discrimination against Roma in all Western Balkans countries: “The Roma minority continues to face very difficult living conditions and discrimination.”

The Progress Reports have also included a standard sentence for all countries in the region: “The Roma minority continues to face very difficult living conditions, poverty and discrimination, particularly regarding access to education, social protection, health care, employment and adequate housing.” However, to every rule there are exceptions:

¹²¹ European Union Agency for Fundamental Rights, *Data in Focus Report—The Roma*, Vienna 2009 at http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf.

Box 13. (continued)

Kosovo: The 2009 Progress Report conceded that Roma communities “remain vulnerable”, but the Progress Reports for 2008 and 2009 did not use the term “discrimination” with regard to Roma or minorities in general. On the other hand, Progress Report 2007 and the Annex on Kosovo of the Enlargement Strategy still identified the problem of discrimination.

According to the most recent Progress Reports, therefore, Kosovo would be the only place in the region where discrimination against Roma (and all other minorities) does not prevail. Several independent reports show that Roma and other minorities are indeed discriminated against and that discrimination dominates many spheres of the life of the minorities in Kosovo (employment, education, access to property, etc.).

Croatia: The Annex on Croatia of the Enlargement Strategy 2009–2010 does not mention discrimination against Roma. It acknowledges that “discrimination against minorities remains a particular problem”, but, regarding Roma, only states that they still face difficult living conditions and that challenges remain in many areas. The Annex on Croatia of the Enlargement Strategy 2007–2008, however, still identified discrimination against Roma.

The Progress Reports for 2009 and 2008 identified problems in terms of access to essential services and discriminatory attitudes towards Roma prevailing in society. In the chapter on “Social Policy and Employment”, the 2009 report still stated that ethnic minorities, particularly Serbs and Roma, continue to face discrimination in economic and social life.

According to the two latest Progress Reports, discriminatory practices in employment, housing, education ceased to exist in Croatia; discriminatory attitudes still prevail in society in general, but not among the authorities, potential employers, etc.

The 2007 Progress Report still recognised that discrimination against Roma continues, whether in terms of access to employment, adequate housing, in schooling, or in general attitudes within society.

A comparison of the latest versions of documents such as the Progress Reports or the MIPD (Multi-Annual Indicative Planning Document) with previous versions can show interesting changes in the attitude of the European Commission. Problems that were identified or priorities that should have been addressed cease to be mentioned in later versions, even though there are no indications that these problems disappeared or were successfully addressed. Further, some of the documents contain statements that are incorrect or are at least misleading.

The following box illustrates another problem: some of the Progress Reports are very detailed and accurate while other reports omit issues or describe situations more positively than is warranted. The 2009 Progress Report for Macedonia, for example, provides a detailed analysis that examines the situation of Roma from several perspectives: Roma women, Roma children, the situation in the education sector, the situation on the labour market, and cultural rights. And it provides some detailed data supporting the assessments made.

Unfortunately, not all Progress Reports provide such detailed and realistic analysis. Because the 2009 Progress Report for Macedonia includes realistic analysis, it might create the impression that the situation in Macedonia is worse than in other countries. In fact, the situation is similar in all Western Balkans countries: it is only the case that the Progress Reports for Macedonia are more outspoken. Unfortunately, though, the more realistic analysis for Macedonia does not translate into related activities, since very few activities include or target Roma.

Box 14.

Myths or Facts?

Croatia: Unlike the 2007 Progress Report, the 2008 Progress Report identified progress in a number of areas, although it stated that problems persist in the areas of employment, adequate housing, social protection and health care. However, apart from mentioning that a member of the Roma minority became a member of the Croatian Parliament, the report does not give any details about the alleged progress made and why the situation of the Roma minority continues to improve.

The 2008 Progress Report says that the issue of the lack of legal status for Roma without citizenship is being resolved, while the 2007 Progress Report still mentioned that no solution has been found for addressing the issue of the lack of legal status of Roma without citizenship. On 15 September 2009, the EC Delegation to Croatia and the UNHCR announced the implementation of an IPA multi-beneficiary social inclusion project addressing the remaining legal and practical obstacles for Roma without status.¹²²

The 2007 Progress Report mentioned that only 25% of Roma complete primary education and that discrimination in schooling exists. The 2009 and 2008 reports recognised progress made in the education sector, without providing any data on which this assessment is based.

Kosovo: The 2008 Progress Report stated that both the education system and local administrations ignore the right to use the Romani language. The 2009 Progress Report did not mention that according to the law Roma have the right to education in their mother tongue and that the authorities do not provide the possibility to exercise this right.

Other important issues for Roma, such as the return of property or the security situation, are not mentioned at all in the 2009 Progress Report, although the 2008 report did state that security remains a concern and incidents continue to go unreported.

¹²² See the press release of the EC Delegation to Croatia, “UNHCR and European Commission Sign IPA Agreement on Continuation of a Regional Social Inclusion Project—Croatia to join for the first time” at <http://www.delhrv.ec.europa.eu/?lang=en&content=1984&keyword=roma>.

Box 14. (continued)

The 2009 Progress Report did not contain a mistake included in the previous reports, the claim that responsibility for the situation of the Roma living in contaminated camps lies with the local Serb authorities in northern Kosovo. This is the responsibility of the national and international authorities in Pristina.

The 2007 Progress Report even stated that the camp in North Mitrovica, which was contaminated by lead, had been closed and that its population had been relocated. This has still not happened.

Macedonia: The MIPD 2007–2009 contained two priorities which were no longer mentioned in the more recent MIPDs (2008–2010 and 2009–2011):

“Education and training—Investing in human capital through better education and training”: priority “Enabling access to quality education for ethnic communities: A specific priority concerns ensuring access to education, and to quality education, to all ethnic communities, in particular ethnic Albanians and Roma.”

Axis “Social inclusion—promoting an inclusive labour market”: priority: *Integration of minorities:* The difficult social situation of minorities, in particular ethnic Albanians and Roma, calls for specific interventions in this field, e.g. via pilot projects.”

These two priorities were omitted in the last MIPD, even though not a single project targeted these two priorities within the framework of the last IPA programmes and the situation did not change.

3.4 ROMA CIVIL SOCIETY PARTICIPATION IN IPA CONSULTATIONS

The European Union recognises that consultation with civil society is an important element of policy-making. The European Commission’s White Paper on European Governance states:

Civil society plays an important role in giving voice to the concerns of the citizens and delivering services that meet people’s needs. [...] Civil society increasingly sees Europe as offering a good platform to change policy orientations and society. [...] It is a real chance to get citizens more actively involved in achieving the Union’s objectives and to offer them a structured channel for feedback, criticism and protest.¹²³

To ensure that all relevant parties are properly consulted, in 2002 the Commission developed “General Principles and Minimum Standards for Consultation of Interested

¹²³ http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf.

Parties”. The principles specify ethnic minorities among the groups to be involved in consultations for feedback, evaluation and review.

EU enlargement policy also envisages a role for civil society in the implementation of IPA. The Council regulations listed below specify IPA implementation rules and set the legal basis for the inclusion of civil society actors in the programming, implementation, monitoring and evaluation processes for EU assistance. In this respect, IPA makes clear reference to civil society actors not only as potential beneficiaries of EU funding but also as participants in the strategic planning and programming of EU external assistance.

Council regulation (EC) No 1085/2006 of 17 July 2006 establishing IPA

Point 1 under Article 6 on “Planning assistance”:

Assistance under this Regulation shall be provided on the basis of multi-annual indicative planning documents established by country in close consultation with national authorities, so as to support national strategies and ensure the engagement and involvement of the country concerned. *Civil society* and other stakeholders shall be associated *where appropriate*. [emphasis added]

Commission regulation No 2499/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)

Point 2 under Article 5 on “Multi-annual indicative planning documents”:

In accordance with the provisions of Article 20(3) of the IPA Regulation and in the context of the consultation laid down in Article 6(1) of that Regulation, the Commission shall endeavour *to allow sufficient time for the relevant stakeholders, including Member States, to provide their comments on the document*. [emphasis added]

Commission regulation 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)

Point 1 under Article 59 on “Sectoral monitoring committees in the case of decentralized management”:

The IPA monitoring committee shall be assisted by sectoral monitoring committees set up under the IPA components within six months after the entry into force of this Regulation, in accordance with the specific provisions laid down in Part II. The sectoral monitoring committees shall be attached to programmes or components. They may include representatives of civil society, where appropriate.

Despite this legal basis for civil society participation, practice reveals serious shortcomings in implementing the regulations. According to a report from the Balkan Civil Society Development Network, “[t]he consultation process is mostly formal, late in

[the] decision-making process and creates [a] vicious circle where both the local [civil society organisations] and the Commission (or the Governments) get frustrated and fail to transform this into a beneficial process of exchange on problems and solutions”.¹²⁴ The Network’s report asserts that even when policy-makers invite civil society to consultations on legislative proposals or planning strategic priorities for IPA, civil society representatives lack the knowledge, skills and resources to actively participate. As a result, policy-makers, lacking the understanding that such consultations require longer-term relationships to be built, tend to give up on the consultation process.

Civil society, on the other hand, tends to abandon the consultation process due to its lack of understanding of technical terminology, specific contexts and procedures, and also due to the fact that it often is given little time to prepare. According to the Balkan Civil Society Development Network report, civil society representatives tend to “not see the value of such technical exercises and will give up partly or entirely in participating in such events”. Thus, the prospect for partnership is lost because neither side sees the value of debate and the exchanging of information.

The difficulties that mainstream civil society faces in participating in IPA have hampered participation by Roma civil society to an even greater extent. This is partly because the pool of human resources available for Roma civil society has been limited by the grave consequences of poverty and exclusion. The very technical process of European integration also requires a wide array of knowledge and skills that generally has not been accessible for Roma civil society activists.

Consequently, the vast majority of Roma civil society organisations have low awareness about IPA. A meeting of Roma organisations from Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia on 30 June 2009 in Skopje identified several problem related to participation in IPA consultations:

- Roma civil society has a generally low level of awareness about the IPA consultation process. Consultations are held irregularly and are mostly technical. In some cases they are nonexistent: Osman Osmani, a prominent Roma activist from Kosovo, said that neither the European Commission Delegation nor the government of Kosovo has consulted Roma in Kosovo about IPA projects.
- The lack of English-language skills is a major problem. Many of the Roma activists who are knowledgeable face a linguistic barrier when attempting to communicate with the European Commission.
- The lack of access to information technology is also major problem. In Serbia, for example, the government organised e-mail consultations and otherwise

¹²⁴ *The Successes and Failures of EU Pre-accession Policy in the Balkans: Support to Civil Society* at http://www.balkancsd.net/WBStorage/Files/BCSDN%20policy%20paper_IPA%20Civil%20Society%20Facility_draft_1009090.pdf.

deployed a rather technical approach that reached a very limited number of Roma civil society actors.

- Roma civil society has a low capacity for substantial participation in the policy process. Osman Balic of the League for the Decade in Serbia explains that “there is a very limited number of Roma who could professionally contribute to the process of European integration in the Western Balkans”.
- Roma civil society has not been included in the IPA monitoring bodies in any of the Western Balkans countries. There is very little awareness among Roma civil society that such bodies have even been established.
- While Roma civil society representatives have been participating in the government bodies involved in the Decade of Roma Inclusion, these bodies are not directly involved in IPA consultations.

These problems exist to differing extents in all the Western Balkans countries; differences often depend on personal initiatives from within government, EC Delegations or civil society. For consultations to be effective, ad hoc initiatives need to be replaced by a well-structured process.

The European Commission’s practice regarding the Progress Reports, which is characterized by regularity and openness, could serve as a general model for such a process. The Directorate-General for Enlargement (DG Enlargement) has gathered representatives of Roma civil society in Brussels on a yearly basis and asked for regular input regarding the Progress Reports. DG Enlargement has also facilitated communication between Roma civil society and the European Commission Delegation to Macedonia.

Roma civil society should be an indispensable information resource for the European Commission; it could, for example, alert the Commission to the inappropriate spending of EU funds intended for increasing the social inclusion of Roma.

European Union accession presents an opportunity for initiating systemic change and improving the socio-economic situation of Roma throughout the region. If the process of consultation does not allow meaningful participation by Roma civil society, then this opportunity likely will be lost.

In the previous rounds of accession in Central and Eastern Europe, unaddressed problems and needs led to increased anti-Roma racism and migration by Roma. To avoid this happening again, the European Commission should open channels of communication with Roma in the Western Balkans.

4. Conclusions and Recommendations

4.1 CONCLUSIONS

This report has shown that commitments by the European Union and the Western Balkans countries to address the difficult situation of Roma have not sufficiently translated into concrete activities clearly targeting or explicitly including Roma; nor do they constitute a comprehensive and sustainable long-term policy.

Urgent and comprehensive interventions are required, however, since there is a risk that the difficult situation of Roma in the Western Balkans will deteriorate even further. As stated in the Commission Staff Working Document of June 2008, improving the situation of Roma is “critically important for maintaining social cohesion in South East Europe”.

In light of the commitments it has already made, the European Union should scrutinise and revise its activities regarding Roma in the Western Balkans. The European Union can contribute considerably toward improving the situation of Roma as well as toward avoiding social unrest and continued migration. The Commission and the countries of the Western Balkans should develop an appropriate overarching policy designed to create systemic change.

This report has identified four major areas in which further improvement is necessary:

1. A comprehensive and sustainable long-term approach at both the national and regional levels.
2. The explicit inclusion of Roma as a target group and the inclusion of positive change of their situation as an indicator in mainstream projects, whenever feasible.
3. Monitoring of the EC-funded activities towards Roma in the Western Balkans and reporting about the impact of these activities and about the situation in general.
4. Participation of Roma representatives in the processes of formulating, implementing and evaluating policies that have a direct bearing upon Roma communities.

The European Union must begin to develop and apply a comprehensive and sustainable long-term Roma policy in the Western Balkans and also encourage the countries in the region to implement such policies with EU support. It would be essential to include Roma in the development process as well as in the implementation and monitoring of such policies.

After conducting an analysis of the current situation, the Commission and national governments, in close co-operation with Roma representatives, should develop a policy and an action plan for each country concerning the implementation of EC assistance targeting Roma within the framework of IPA.

The new action plan should identify priorities, projects, schedules, responsibilities and implementation and monitoring structures—taking into account existing national strategies and action plans as well as the action plans for the Decade of Roma Inclusion. These “IPA actions plans” should not replace any existing action plans or strategies, but rather support and accelerate their implementation.

In its policy regarding Roma, the European Commission needs to take a step forward, moving from implementing individual and often unsustainable projects to devising and implementing a comprehensive and sustainable policy, both for individual countries and for the Western Balkans region.

The Commission should therefore consider making use of a Programme-Based Approach (PBA) in co-operation with other countries. Assistance targeting Roma in individual countries should be under the leadership of those countries and follow a single, comprehensive programme and budget framework. A formalised process for donor co-ordination should be adopted, and there should be efforts to increase the use of local systems for programme design and implementation, monitoring and evaluation. (The Commission should take the lead in the regional policy.)

The Western Balkans countries and the European Commission should encourage all other donors, particularly the EU Member States, to subscribe to a Programme-Based Approach.

The “Council Conclusions on Inclusion of the Roma” of December 2008 call for the Instrument for Pre-Accession Assistance to be used more effectively to promote the inclusion of Roma, particularly in the fields of education, housing, health, employment, access to justice and access to culture. In co-operation with national governments and Roma civil society, the Commission should pursue a policy that strives to follow these Council Conclusions.

The current European-level initiatives such as the “Integrated Platform” and the “Common Basic Principles on Roma Inclusion” should create the policy framework for the European Union’s new approach.

The development and implementation of this new approach has to be complemented by monitoring activities—in which Roma civil society should play a crucial role. The Commission must also evaluate its new approach and activities more rigorously than it has done in the Progress Reports to date.

The Commission’s reporting on its renewed approach should use clear indicators and provide for a defined minimum of basic information about the situation on the labour market, in the education system, in the housing sector and with regard to access to health care and social welfare. Additional indicators should be designed for the situation of Roma women, and for anti-discrimination and anti-poverty activities. The new Progress Reports should adhere to these indicators and provide realistic assessments of the situation of Roma in the Western Balkans.

4.2 RECOMMENDATIONS

Policy

- The European Commission—in close co-operation with national governments and Roma civil society—should develop a comprehensive and sustainable long-term policy framework as well as action plans for each country and for the region as a whole.
- The policy framework of all countries should follow a common methodology and identify priorities and projects as well as implementation and monitoring structures.
- The new policy framework should be aligned with the existing national strategies and action plans (including Decade of Roma Inclusion action plans) and with initiatives at the European level.

- The European Union should include the Western Balkans countries as partners in the “Integrated Platform” and other EU initiatives.
- The Commission should ensure that the “Common Basic Principles on Roma Inclusion” also apply to countries in the accession process.
- The Commission should ensure that a future “European Roma Strategy” also refers to countries in the accession process.
- The Commission should consider encouraging governments to apply a Programme-Based Approach in assistance programmes for Roma and to take into account further international standards in development co-operation.¹²⁵
- The Commission should invite the EU Member States and potential donors to apply a Programme-Based Approach.
- The Commission should ensure that with the 2014–2020 funding period the situation of Roma will be more appropriately addressed, both quantitatively and qualitatively.
- Roma civil society or Roma representatives should be part of the planning, implementation and monitoring processes.
- The European Commission and the Western Balkan countries should carefully scrutinise the accession experiences of Bulgaria, the Czech Republic, Hungary, Romania and Slovakia in order to identify lessons learned.
- The European Commission should initiate projects offering legal assistance to forced returnees enabling them, for example, to reclaim their property.
- The Commission should ensure that Roma forcibly returned from Western Europe are assisted with comprehensive integration programmes.

Target Group/Indicators

- The Commission should make the situation of Roma an indicator for assessing the accession process.

¹²⁵ For the EC position, see, among others: Commission Staff Working paper accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, supporting developing countries in coping with the crisis. Aid Effectiveness after Accra. Where Does the EU Stand and What More Do We Need to Do; Brussels, 8.4.2009 SEC(2009) 443. On aid effectiveness in development co-operation in general see: Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability (2005); Accra Agenda for Action (2008).

- The Commission should develop indicators allowing for continuous measurement of progress made across all countries in the accession process.
- The Commission should ensure that relevant mainstream projects mention Roma as an explicit target group and include the change of their situation as an indicator.
- The Commission should ensure that projects targeting Roma include clear and realistic development goals, expected results and indicators.

Reporting

- The Commission should ensure that documents guiding the accession process contain realistic and comprehensive analyses of the situation of Roma.
- The Commission should define sectors and develop indicators for assessing the situation of Roma, either within the framework of the Progress Reports or in specific annual reports on the situation of Roma in the Western Balkans.
- The Commission should include a specific chapter on Roma in the annual Progress Reports, or develop annual reports on progress regarding the inclusion of Roma, both for individual countries and for the Western Balkans region.
- The Commission should encourage more active participation of Roma civil society in assessing the situation of Roma in the Western Balkans.

Participation

- The Commission should implement the “General Principles and Minimum Standards for Consultation of Interested Parties” in IPA assistance in all Western Balkans countries.
- European Commission Delegations should implement a targeted approach to consultations with Roma civil society based on the practice established by the Brussels-based consultations organised by the Directorate-General for Enlargement.
- The European Commission should allocate funds under IPA assistance for the development of Roma civil society.
- The Commission should strongly encourage and assist the governments of the Western Balkans to increase the participation of Roma in public administration. It should also collect disaggregated data on minority participation in public administration.
- The Commission should strongly encourage and assist the governments to implement laws regulating the political representation of Roma.

- The Commission should establish clear rules for consultation that would allow timely, effective and meaningful dialogue and participation by civil society, including Roma civil society organisations, in planning and monitoring IPA assistance.
- The Commission should find ways to overcome language barriers in communication with Roma representatives.
- The Commission should support projects to help Roma develop the capacity to work with public administration more effectively.

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Appendix

THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA)

Background

The adoption of the “Copenhagen Criteria” at the European Council in Copenhagen 1993 marked a turning point in the politics of the European Union. The political criteria for EU membership now included “respect for and protection of minorities”:

Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.

An immediate consequence of the Copenhagen Criteria was that candidate states were required to demonstrate that they ensure minority protection in order to accede to the European Union. EU institutions, the Commission in particular, increasingly scrutinised the situation of vulnerable minorities in the countries aspiring to accede. The situation of minorities also became an important issue in the Regular Reports prepared by the Commission to evaluate the progress made in each of the candidate countries in fulfilling the Copenhagen Criteria.

EU monitoring triggered considerable activity by candidate countries; with regard to Roma it led to the development and adoption of national strategies or national programmes for the integration of Roma.

In previous rounds of accession, in countries with large Roma communities—the Czech Republic, Hungary and Slovakia, and later Bulgaria and Romania—the situation of Roma became an issue in EU assistance. As a rule, the closer the countries came to acceding to the European Union the more Roma-related projects were implemented.

The Instrument for Pre-accession Assistance (IPA), with five components, is the main financial means available in the accession process.¹²⁷ While the candidate countries (Croatia and Macedonia) have access to all five components, potential candidate countries (Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo) have access to only the first two components. The components are:

1. Transition Assistance and Institution Building
2. Cross-border Co-operation (with EU Member States and other countries eligible for IPA)
3. Regional Development (transport, environment and economic development)
4. Human Resources Development (strengthening human capital and combating exclusion)
5. Rural Development

IPA assistance is accession-driven, and actions stem from priorities identified in the European Partnership and Accession Partnership for each country as well as in the Enlargement Strategy and the respective Progress Reports.

This report analyses all relevant documents of the accession process with the goal of gaining a better understanding of the European Commission's approach to Roma inclusion within the framework of IPA assistance in the Western Balkans. It analyses all available documents, from the Enlargement Strategy to the project fiches; however, it does not analyse the terms of reference of all projects or project implementation reports. Consequently, it covers the planning process of the general policy more than the implementation process for individual projects.

Introduction to the Relevant Documents of Pre-Accession Assistance

Several documents guide general European Commission policy and financial assistance for Western Balkans countries that are either candidate countries or potential candidate countries in the EU accession process.

¹²⁷ For details about IPA see Council Regulation 1085/2006, adopted on 17 July 2006; Commission Regulation 718/2007 of 12 June 2007.

Most of the documents refer to Roma either by briefly describing their situation or by asking the governments to undertake initiatives to address their situation.

Enlargement Strategy and Main Challenges¹²⁸

The Enlargement Strategy primarily serves the purposes of outlining the updated annual strategy of the Commission, and explaining its policy and objectives for EU enlargement. The Enlargement Strategy generally is published annually together with the Progress Reports and the Multi-Indicative Financial Framework (MIFF) in an “Enlargement Package” covering a two-year rolling period. The last Enlargement Strategy, covering 2009–2010, was published in October 2009.

All relevant chapters of the Enlargement Strategy’s annex “Conclusions on Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Kosovo, Turkey” discuss the situation of Roma in the respective countries.

The document uses similar wording to describe or assess the situation of Roma for all countries, referring to the fact that Roma still face very difficult living conditions and discrimination, especially in the areas of education, social protection, health care, housing and employment.

Progress Reports

The Progress Reports describe relations between the European Union and each candidate country or potential candidate country, and analyse the situation regarding the political criteria, the economic criteria and the country’s capacity to implement European standards. Progress Reports are published annually, and the latest reports were published in October 2009.

¹²⁸ Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2009–2010 Brussels, 14.10.2009 COM(2009) 533 final; Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2008–2009 Brussels, 5.11.2008 COM(2008) 674 final; Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2007–2008 Brussels, 6.11.2007 COM(2007) 663 final.

Accession Partnership and European Partnership

The Accession Partnership and European Partnership documents describe the priorities for co-operation between the European Union and each country. They differentiate between short-term priorities that should be accomplished within one to two years and medium-term priorities that should be accomplished within three to four years.

The Progress Reports monitor the implementation of the Accession Partnership and European Partnership documents. The latest Partnership documents were published in February 2008.

Multi-Annual Indicative Financial Framework (MIFF)

The Multi-Annual Indicative Financial Framework (MIFF), the main financial planning document, provides information on the Commission's intentions in terms of indicative financial allocations by country and by component. The MIFF forms the link between the political framework and the budgetary process. It is revised annually, on a rolling three-year basis. The latest MIPD cover 2010–2012; the previous MIFFs covered 2008–2010 and 2009–2011.¹²⁹

Table A1
Financial Allocations by Country (in Millions of Euros)

Country	2007	2008	2009	2010	2011	2012
Croatia	141.2	146.0	151.2	154.2	157.2	160.4
Macedonia	58.5	70.2	81.8	92.3	98.7	105.8
Albania	61.0	70.7	81.2	93.2	95.0	96.9
Bosnia and Herzegovina	62.1	74.8	89.1	106.0	108.1	110.2
Montenegro	31.4	32.6	33.3	34.0	34.7	35.4
Serbia	189.7	190.9	194.8	198.7	202.7	206.8
Kosovo (under UNSCR 1244)	68.3	184.7	106.1	67.3	68.7	70.0
Multi-Beneficiary Programme	109.0	135.7	160.0	157.7	160.8	164.2

¹²⁹ Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, Instrument for Pre-Accession Assistance (IPA), Multi-Annual Indicative Financial Framework for 2010–2012, Brussels, 5 November 2008, COM(2008) 705 final, at http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/planning-ipa_en.htm.

Multi-Annual Indicative Planning Documents (MIPD)

Based on the allocations in the MIFF, the Multi-Annual Indicative Planning Documents (MIPD) are developed in wide consultation with the authorities of countries in the accession process, representatives of EU Member States present in the countries, international and local civil society organisations and other stakeholders such as the World Bank, the United Nations Development Programme and the International Monetary Fund.

The MIPD are the main strategic planning documents. They further detail priorities, expected results and programmes to be implemented within the given framework. With regard to the potential candidate countries, they refer to “political requirements”, “socio-economic requirements” and “European Standards” within the framework of IPA Component I, “Transition Assistance and Institution Building” (see below).

In addition to the MIPD for each country, MIPD exist for the multi-beneficiary component of IPA that covers all countries in the accession process in the Western Balkans. It is not obligatory for all projects developed under the multi-beneficiary MIPD to cover all Western Balkans countries.

The MIPD are developed on a rolling basis, covering three-year periods. The latest MIPD cover 2009–2011; the previous MIPD covered 2007–2009 and 2008–2010.

Annual Programmes under IPA Component I “Transition Assistance and Institution Building”

Annual or Multi-annual Programmes for Component I are designed in accordance with the MIPD. They are adopted by the Commission following consultation with the beneficiary countries and other stakeholders.

The Annual Programmes determine and further detail the projects and activities to be conducted in the respective year. The project fiches elaborate on the specific projects, their objectives, beneficiaries, activities, etc. At time of this writing, the 2008 Annual Programmes were the latest available; Annual Programme 2009 was only available for Kosovo.

Cross-border Co-operation Programmes

All Western Balkans countries, with the exception of Kosovo, have concluded Cross-border Co-operation Programmes, covering Component II, with neighbouring countries.

Operational Programmes

Croatia and Macedonia, as candidate countries, produced an “Operational Programme for Human Resources Development 2007–2009” and a “Multi-annual Operational Programme ‘Human Resource Development’ 2007–13, IPA Component IV” respectively.

Communication from the Commission to the European Parliament and the Council, Western Balkans: Enhancing the European Perspective¹³⁰

This communication initiated the Civil Society Facility that was announced within Enlargement Strategy 2007–2008. It states that assistance to civil society has been provided under previous instruments and will be given special attention under IPA, and identifies “protection of minority rights, including Roma” as one of the areas that has received special attention.

The communication, however, does not contain any information regarding whether situation of Roma will receive special attention under the “new facility”.

Under IPA 2009, support schemes to civil society partnerships will give priority to sectors such as culture, minorities and business associations. Further capacity building and networking projects will be funded as part of the new Civil Society Facility, including the “People 2 People” visitor programme and support schemes for civic partnerships in several areas.

Enlargement Strategy 2009 further states that the Commission “will continue to support civil society partnerships giving priority to sectors such as culture, minorities and business associations”.

Other Financial Assistance

In addition to the financial instruments outlined above, other financial instruments exist from which Roma could benefit. These include as the European Initiative for Democracy and Human Rights (EIDHR) and Community Programmes, the latter particularly with regard to the candidate countries. These instruments, however, are not included in this analysis, which primarily examines the relevance for Roma of the Instrument for Pre-Accession Assistance.

¹³⁰ Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Western Balkans: Enhancing the European Perspective, Brussels, 5.3.2008. COM (2008) 127 final.

All countries in the Western Balkans aspire to membership in the European Union, and the protracted accession process has opened opportunities for the EU and national governments to effectively address the situation of Roma, the region's most disadvantaged ethnic group.

The European Union has a vital role to play during the accession process: it should increase funding and monitor its impact on Roma inclusion, and it should increase opportunities for Roma to participate in the policy process. The EU also must hold prospective Member States to account if they fail in their commitments and obligations to their most vulnerable, deprived and excluded citizens.



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