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Promoting the inclusion of Roma and Travellers

Report[1]
Committee on Equality and Non-Discrimination
Rapporteur: Mr Tobias ZECH, Germany, Group of the European People's Party

Summary

Roma and Travellers constitute the largest minority in Europe. Many members of these communities are poor, and discrimination and prejudice impact all aspects of their daily lives.

Yet social exclusion is not the inevitable fate of Roma and Travellers. As European citizens, they have a vital role to play in society.

Employment is a key path to inclusion. States must actively promote equal access to employment for Roma and Travellers. Effective anti-discrimination measures and equal access to education and training are crucial. Employers should be required to apply diversity policies, equality requirements should be included in public procurement processes, and individualised support should be provided to Roma and Travellers in all programmes aimed at promoting their access to the labour market.

More generally, it is time to move beyond stereotypes and to recognise Roma and Travellers as actors in their own future. Fighting anti-Gypsyism must form an integral part of all efforts to promote the inclusion of Roma and Travellers, local authorities must foster good relations in their communities, and a positive sense of Roma and Traveller identity must be promoted.

1. Reference to committee: Doc. 13576 and Doc. 13466, Reference 4102 of 26 January 2015.

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A. Draft resolution[2]

1. There are estimated to be around 11 million Roma and Travellers living in Europe today. On average, they are disproportionately poor. Inadequate living conditions and access to health care, low incomes, high unemployment and discrimination in access to education are the daily reality for many Roma and Travellers. Prejudice, hate speech and lack of trust between public authorities, the population at large and these groups aggravate this situation and make it harder to overcome.

2. Nobody's life chances should be determined by their ethnic origin. States are increasingly recognising that integrating Roma and Travellers is in everyone's interests, and are adopting strategies to this effect. Major initiatives to promote the inclusion of Roma and Travellers have moreover been taken by the Council of Europe, the European Union and other regional bodies in recent years. In this context, the Parliamentary Assembly welcomes the creation of a European Roma Institute for Art and Culture to promote understanding about the rich and varied culture and history of Roma and Travellers and to break the cycle of prejudice, ignorance, anti-Gypsyism and discrimination.

3. Access to employment is a crucial factor in social inclusion. Yet Roma and Travellers face much lower employment rates than the rest of the population. Roma and Travellers tend to be in more precarious employment, to have lower wages, and to be over-represented in the informal sector. Barriers to employment for Roma and Travellers include lower education outcomes and skills, direct and indirect discrimination on the labour market, and persistent stereotypes of Roma and Travellers as passive recipients of assistance rather than as actors in their own destiny. The Assembly is convinced, however, that these barriers can be overcome and that social exclusion is not the inevitable fate of Roma and Travellers.

4. In the light of the above, the Assembly calls on Council of Europe member States to:

4.1. with regard to improving the education outcomes and skills of Roma and Travellers, implement the recommendations contained in Resolution 1927 (2013) on ending discrimination against Roma children, and ensure in particular that:

4.1.1. all Roma and Traveller children have genuine access to quality pre-school education;

4.1.2. school segregation is eliminated and an inclusive environment is created for Roma and Traveller children in the education system;

4.1.3. bullying and discrimination in the education system are not tolerated;

4.1.4. programmes designed to improve education outcomes of Roma and Traveller children include measures to work together with children to prevent absenteeism and school drop-out, in particular for girls;

4.1.5. such programmes engage the parents of the Roma and Traveller children concerned; this is especially important where parents have low levels of educational attainment themselves and/or little faith in an education system that previously failed them;

4.1.6. unskilled and semi-skilled Roma and Traveller workers have access to return-to-education, retraining and vocational education programmes, and that individuals who have not completed their compulsory schooling are not excluded from such programmes but instead given additional support in order to make these programmes accessible to them;

4.2. with regard to tackling discrimination against Roma and Travellers in the field of employment:

4.2.1. ensure that effective anti-discrimination laws are in place, providing for accessible complaints procedures and simplified means of demonstrating discrimination (such as testing and a shared burden of proof), combined with dissuasive sanctions against employers who are found to have discriminated;

4.2.2. deliver anti-discrimination training to legal professionals in all fields and conduct awareness-raising campaigns to ensure that employers are aware of their duties as regards non-discrimination;

4.2.3. implement capacity-building measures in order to ensure that Roma and Travellers have effective access to existing remedies;

2. Draft resolution unanimously adopted by the committee on 9 September 2016.

4.3. with regard to actively promoting equal access of Roma and Travellers to employment:

4.3.1. place both public and private employers under a legal duty to monitor and report on the diversity of their workforce, encourage applications from under-represented groups, and ensure that their training and promotion practices also promote inclusion;

4.3.2. include equality requirements in public procurement processes;

4.3.3. develop and implement programmes to increase the immediate and long-term employability of Roma and Travellers through personalised support and accompaniment, tailored to the individual and context; work together with employers in order to match labour supply with employers' needs;

4.3.4. ensure that any active labour market policies implemented go beyond mere short-term reinsertion in working structures and provide an opportunity to receive additional training and/or qualifications that will promote integration in the primary labour market; jobs provided through such schemes must also be attributed fairly and remunerated sufficiently to help break the poverty cycle;

4.3.5. when putting in place measures to promote self-employment and entrepreneurship, ensure that adequate training in financial and business skills is made available to Roma and Traveller participants and provide support and accompaniment throughout the process of setting up or formalising a business.

5. In addition, the Assembly calls on member States to:

5.1. incorporate measures to fight anti-Gypsyism and combat prejudices and stereotypes as an integral part of all efforts to promote the inclusion of Roma and Travellers; promote a positive sense of Roma and Traveller identity as well as Roma and Traveller role models with whom younger generations can identify;

5.2. directly involve Roma and Traveller representatives at all stages of the design, implementation and evaluation of policies, strategies and programmes intended to promote their inclusion;

5.3. ensure that funding periods for such programmes allow for medium- to long-term planning, and avoid making such programmes reliant on funding that needs to be constantly renewed on a short-term basis;

5.4. encourage local authorities and give them financial and substantive support to play an active role in promoting the inclusion of Roma and Travellers, both by implementing programmes in this field and by engaging with members of local Roma and Traveller communities to build trust and foster good relations between them and the broader community; to this end, an appropriate housing policy also needs to be made available;

5.5. engage, in conformity with data protection requirements, in collecting the necessary data to enable programmes to promote the inclusion of Roma and Travellers to be appropriately designed and their impact to be effectively monitored.

6. Finally, the Assembly invites national parliaments to mobilise against anti-Gypsyism and all forms of racism and intolerance, in particular through participating in networks such as the No Hate Parliamentary Alliance.

B. Explanatory memorandum by Mr Tobias Zech, rapporteur

1. Introduction

1. There are estimated to be around 11 million Roma and Travellers[3] (roughly the equivalent of the population of Belgium, Portugal or Greece) living in Europe today.[4] Roma and Travellers are, on average, disproportionately poor. Life expectancy among their communities is around 10-15 years lower than among the rest of the population.[5] Inadequate living conditions and access to health care, low incomes, high unemployment and discrimination in access to education are the daily reality for many Roma and Travellers. In addition, prejudice, hate speech, and lack of trust between public authorities, the population at large and these groups aggravate this situation, and at the same time make it harder to overcome.

2. Painting a constant picture of this social exclusion is however a double-edged sword. On the one hand, it is crucial to understand the human rights violations experienced by many Roma and Travellers in order to design effective policies to overcome them. But on the other, average figures mask a multitude of realities. Images of socio-economic disadvantage also feed stereotypes and prejudice: if poverty is the only reality of the life of Roma and Travellers that others see, then fertile ground is created for cultivating the deeply harmful myth that persons belonging to these groups may be somehow intrinsically inferior, "inadaptable", or prone to so-called "poverty migration".

3. Plenty of evidence already exists to show that social exclusion is not the inevitable fate of Roma and Travellers. On the contrary: many Roma and Traveller men and women already work as academics, teachers, doctors, nurses, lawyers, engineers, politicians, sportspersons, artists, journalists, civil society actors, etc. During my visit to Hungary, I was pleased to meet many Roma representatives holding tertiary qualifications and pursuing successful careers as, for example, lawyers, police officers or craftspersons. They are good role models for motivating young people. Some Roma and Travellers moreover hold leading positions at national and European level and within the United Nations. The question is thus not whether it is possible to break the cycle of exclusion, but rather how to achieve this for all people belonging to these groups.

4. The persistent marginalisation of significant groups of the population – their exclusion from the labour market, lower health status, etc. – has immediate and long-term costs for society as a whole. We therefore have a collective interest in tackling these issues. Promoting the inclusion of Roma and Travellers is not only about removing long-term injustices: it is also about building stronger societies and more resilient economies, in which all can participate on an equal footing and in which individuals' life chances are not determined by their ethnic origins.

5. The Council of Europe has been at the forefront of efforts to raise awareness and improve the situation of Roma and Travellers for decades.[6] A new impetus was given to European efforts in this field by the Committee of Ministers' 2010 Strasbourg Declaration on Roma,[7] followed up on through a Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019),[8] together with the Framework for National Roma Integration Strategies adopted at European Union level in 2011.[9] Moreover, building on the achievements of the Decade for Roma Inclusion 2005-2015, the Roma Integration 2020 initiative launched in June 2016 aims to help reduce the socio-economic gap between the Roma and non-Roma population in the western Balkans

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3. The terms "Roma" and "Travellers" are used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

4. Average estimate, figures used by Council of Europe. See Estimates on Roma population in European countries, available on the Council of Europe's Roma website, www.coe.int/roma.

5. World Health Organisation (WHO) Regional Office for Europe, "Improving the health of Roma in the WHO European Region: A new initiative of the WHO Regional Office for Europe", 2012, p. 2.

6. See European Roma and Travellers Forum, Catalogue of Council of Europe texts on Roma, Strasbourg, 2014. The Assembly adopted its first recommendation related to Roma and Travellers in 1969: Recommendation 563 (1969) on the situation of Gypsies and other travellers in Europe.

7. Strasbourg Declaration on Roma, CM(2010)133 final, Strasbourg, 20 October 2010.

8. Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019), SG/Inf(2015)38 final, Strasbourg, 2 March 2016.

9. "EU Framework for National Roma Integration Strategies", COM(2011)173 final, Brussels, 5 April 2011 – adopted in Hungary during the Hungarian Presidency of the Council of the European Union in 2011.

and Turkey and to ensure that Roma integration goals are included in mainstream policy developments.[10] The momentum created by all of these initiatives provides a unique opportunity for progress, which member States must now seize.

2. Aims and scope

6. This report focuses on turning declarations about equality and inclusion of Roma and Travellers into reality. I also wish to raise awareness and promote examples of practices that have already proved effective in this field. Of course, the wide variety of situations existing in member States means that not all good practices can be translated directly from one context to another. Nonetheless, understanding the factors that contribute to the success of existing good practices helps to strengthen efforts elsewhere.

7. Bearing in mind the breadth and scale of the issues at stake, this report does not claim to deal exhaustively with all aspects of inclusion. I have chosen to focus in particular on employment as a specific and powerful means of integration. I will examine the situation of Roma and Travellers with respect to the labour market and the barriers that hinder their access to employment, as well as policies and programmes that may be adopted to turn the situation around. I will also look at the cross-cutting factors that need to be taken into account in order to avoid common pitfalls and increase the chances of success of such efforts.

8. As is the case in any group, widely differing opinions, expectations and priorities may be found among Roma and Travellers and their representatives. This is indeed one of the challenges faced when seeking to define policies and measures to promote the inclusion of Roma and Travellers. But despite the challenges involved, it makes no sense to talk about promoting the inclusion of Roma and Travellers while at the same time excluding them from the discussion. I have therefore sought to involve Roma and Travellers in the preparation of this report by, *inter alia*, meeting their representatives during my fact-finding visits to Hungary and Bulgaria in April 2016; inviting representatives of Roma and Travellers to speak at hearings of the Sub-Committee on the Rights of National Minorities in September 2015 and of the No Hate Parliamentary Alliance in May 2016; and using research carried out by Roma and Traveller researchers and civil society organisations. I am also grateful for having had the opportunity to enrich the contents of this report through meeting the Special Representative of the Secretary General of the Council of Europe for Roma Issues in Strasbourg and attending the 11th meeting of the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) in Bulgaria in April 2016.

3. Employment as a path to inclusion

9. Jobs are an element of our self-identity and of how others see us. They are part of how we define our roles in society and how we fit in with others. Having a job usually helps to improve one's own standards of living and foster better opportunities for one's children. In parallel, working creates new links between people and can contribute to social cohesion.[11] Conversely, exclusion from the labour market may create a diminished sense of self-worth and is often associated with lower standards of living. When certain groups face disproportionate levels of unemployment, they may moreover be perceived by other members of society as lazy, parasites or a burden on society. Tensions rise and social cohesion is threatened.[12] Access to employment is in short a crucial factor in social inclusion.

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10. See Regional Cooperation Council, "Before accession, countries will need to prove tangible progress on Roma inclusion", Press release, 9 June 2016. This initiative covers the beneficiaries of the European Union's Instrument for Pre-Accession Assistance IPA II, namely Albania, Bosnia and Herzegovina, "the former Yugoslav Republic of Macedonia", Kosovo*, Montenegro, Serbia and Turkey.

* All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

11. See "Overview: Moving Jobs Centre Stage" in World Bank Development Report 2013: Jobs, The World Bank, Washington DC, 2012. See also on this point European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 14 on Combating racism and racial discrimination in employment, Strasbourg, 2012, CRI(2012)48.

12. European Roma Rights Centre (2007), "The Glass Box: Exclusion of Roma from Employment", Budapest, p. 17; see also František Kostlán et al., Center for Romani Studies, "Most Czechs do not consider Roma a natural part of society", Romea.cz, 23 October 2013.

3.1. The employment situation of Roma and Travellers

10. It is not always easy to compare the employment situation of Roma and Travellers with that of other members of the population, or the population as whole, due to a lack of data disaggregated by ethnic origin. However, surveys on the labour market situation of Roma and non-Roma conducted in 2011 in 18 Council of Europe member States with substantial Roma populations[13] showed that the employment rates of Roma were overall significantly lower than those of both non-Roma living in the same regions and the general population. Roma tend to be in more precarious employment and to be over-represented in the informal employment sector. Their average monthly wages are consistently lower than those of non-Roma – including for Roma having completed upper secondary or post-secondary education.[14] The disparities nonetheless varied greatly between States.[15] Travellers likewise face much lower employment rates than the rest of the population.[16]

11. Age and gender are crucial aspects of access to employment. The situation of Roma men and women vis-à-vis employment may differ greatly.[17] Roma men tend to join the economically active population earlier than Roma women.[18] Gender differences also exist among Roma youth (aged 24 or under) who are economically inactive: more than 50% of Roma men in this group are engaged in formal studies, whereas more than 70% of Roma women in this group are taking care of the home.[19] Overall, although there are again important variations between States, Roma women are more vulnerable in the field of employment and face greater barriers than Roma men in accessing the labour market.[20]

3.2. Structural barriers facing Roma and Travellers

12. As one recent study noted, "[w]ithout jobs, competitive skills, and a fair access to the labour market, many Roma lack the tools to succeed and advance economically".[21] In order to turn this situation around, a number of structural barriers must be overcome.

3.2.1. Education and skills of Roma and Travellers

13. Enrolment levels of Roma and Traveller children in primary school and parents' educational aspirations for their children are similar to those of the majority population. However, Roma and Travellers have, on average, lower educational outcomes, with far fewer Roma and Traveller children completing secondary education than their counterparts. Levels of illiteracy are higher than average. Many Roma children do not have the benefit of quality pre-school education and Roma children are frequently channelled into education streams intended for children with disabilities, with less challenging academic programmes and

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13. Surveys conducted in May-June 2011, in regions known to have a significant Roma population. Surveys by the United Nations Development Programme (UNDP), World Bank and European Commission in five EU member States: Bulgaria, the Czech Republic, Hungary, Romania and the Slovak Republic, and seven non-EU member States: Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia and "the former Yugoslav Republic of Macedonia", and surveys by the European Union Agency for Fundamental Rights (FRA) in the same five EU member States as well as France (*Gens du voyage* households), Greece, Italy, Poland, Portugal and Spain. See O'Higgins N. (2012), "Roma and non-Roma in the Labour Market in Central and South-Eastern Europe", Roma Inclusion Working Papers, Bratislava, UNDP, pp. 7-10, and FRA (2014), Roma Survey – Data in Focus, Poverty and employment: the situation of Roma in 11 EU Member States, Luxembourg, pp. 8-9.

14. O'Higgins (2012), pp. 22-29, and FRA (2014), pp. 11, 16-18 and 29-31.

15. For example, in the regions surveyed in Portugal, only 15% of Roma indicated that paid work was their main activity, compared with 43% of non-Roma; likewise in the Slovak Republic, paid work was the main activity for only 21% of Roma compared with 53% of non-Roma; in contrast, in Greece, the figures stood at 39% and 40% respectively. FRA (2014), p. 16.

16. Peelo D. et al. (2008), "Positive Action for Traveller Employment: Case Studies of Traveller Participation in Employment and Enterprise Initiatives", Dublin, Equality Authority, p. 6; Cemlyn S. et al. (2009), "Inequalities experienced by Gypsy and Traveller Communities: A Review", Equality and Human Rights Commission, Manchester, p. 38.

17. The ratio of Roma/non-Roma employment rates was 0.6 for men and 0.3 for women in the Czech Republic, but the gender gap was even greater in Montenegro, with the ratio standing at 0.9 for men (i.e. an employment rate of Roma men only slightly lower than for non-Roma men) but only 0.2 for women. O'Higgins (2012), p. 23. See also FRA (2014), pp. 24-26.

18. Fundación Secretariado Gitano, "The Roma Population and Labour Market", in Tarnovschi D. (ed.) (2012), Roma from Romania, Bulgaria, Italy and Spain, Between Social Inclusion and Migration: Comparative Study, Soros Foundation Romania, Bucharest, pp. 36-39. Roma under 24 had an overall activity rate of 71.8%, compared with 42.3% of non-Roma.

19. Fundación Secretariado Gitano, (2012), p. 40.

20. O'Higgins (2012), p. 30.

21. Gatti R. et al. (2016), "Being Fair, Faring Better: Promoting Equality of Opportunity for Marginalized Roma, Directions in Development", World Bank, Washington DC, p. 100.

correspondingly reduced professional options. Bullying and discrimination against Roma and Traveller pupils are also reported. Absenteeism and repeated years tend to be higher among Roma children, as does early school drop-out. Segregation between schools and within schools also leaves Roma at a disadvantage.[22] I wish to underline that segregation is not automatically based on ethnic origin: in this matter the different regional and social situations also play an important role. Not all of the above factors are present to the same extent in every country or region, but each tends to reduce the capacity of Roma and Travellers to compete equally on the labour market, and increase the likelihood that they will be confined to unskilled or semi-skilled jobs. Access to better-paying jobs is thus diminished, and the chances of finding stable work outside the informal labour market reduced.[23]

14. In countries that previously had command economies, unskilled or semi-skilled Roma were often employed in heavy industries, for which demand dropped after the transition to market-driven economies. Educational qualifications played a greater role in determining who had access to jobs, and Roma were no longer able to compete on an equal footing in the labour market.[24] Employment rates have dropped over the years for both Roma and non-Roma in such countries. However, the ratio of Roma/non-Roma employment rates has worsened overall – in other words, there has been a greater drop in the employment rate of Roma compared with non-Roma. The economic crisis may furthermore have aggravated existing inequalities.[25]

3.2.2. Discrimination, prejudice and other barriers on the labour market

15. Although many Roma are seeking work, limited work experience and long periods of unemployment tend to act as barriers to employability.[26] A 2007 survey of Roma of working age in five States of central and eastern Europe found that 42% of respondents had experienced continuous employment lasting five years or more and 78% had experienced continuous employment lasting at least one year. However, at the time of the survey, 62% of the respondents were out of work and 34% had been out of work for at least a year. In other words, despite the fact that Roma were able and willing to hold down jobs for sustained periods, a high proportion of Roma experienced long-term unemployment.[27]

16. Discrimination by employers against Roma and Travellers is widespread, in particular as regards access to employment. Reports that employers refuse to hire Roma and Travellers because of their ethnicity are common; a classic experience for these applicants is to be informed in response to their phone enquiry that an advertised vacancy is still open, only to be told when they present themselves in person that the vacancy has just been filled. Practices of requiring excessively high educational qualifications for unskilled work also indirectly discriminate against Roma. Such discrimination is sometimes overt, with some companies openly applying a policy of refusing to hire Roma, and others freely admitting to Roma applicants that they were rejected because of their ethnic origin. In some cases, public employment offices turn a blind eye to such practices, tacitly or even openly approving them. Individuals and their peers' lack of success in seeking work moreover create a vicious cycle of discouragement and disengagement, as the labour market ceases to be perceived by Roma as having the potential to help them improve their situation.[28]

17. The types of work to which Roma have access also tend to be limited. Qualified Roma are often confined to working in Roma-related jobs. Thus, Roma with tertiary qualifications as social workers, teachers or journalists are almost always employed to work with Roma or on Roma-related issues. In the retail, restaurant or hotel industries, some employers appear deliberately to keep Roma away from work involving direct contact with customers, although such positions could offer key opportunities to unqualified Roma. This situation has been described as a "glass box" that limits the possibilities for employed Roma to progress upwards, horizontally or in new directions.[29]

18. Issues related to housing and the location of Roma and Traveller communities also influence access to employment. Many marginalised Roma communities are located in regions where unemployment is structurally high, and/or in isolated settlements with little access to public transportation. Residential segregration is thus a further barrier to employment for many Roma. The effects of this segregation are often

22. Gatti R. et al. (2016), pp. 53-96.
23. O'Higgins (2012), p. 49.
24. European Roma Rights Centre (2007), p. 16, and sources cited therein.
25. O'Higgins (2012), pp. 31-32 and sources cited therein.
26. Gatti R. et al. (2016), pp. 100-118.
27. European Roma Rights Centre (2007), pp. 23-24. During my visit to Hungary I was also informed that complaints of employment discrimination against Roma concern the hiring stage, meaning that access to employment itself is denied.
28. European Roma Rights Centre (2007), pp. 37-42; Cemlyn S. et al. (2009), pp. 40-41; Gatti R. et al. (2016), pp. 111-114.
29. European Roma Rights Centre (2007), pp. 24, 44.

heightened by the lack of a social network creating links to the labour market. Moreover, Roma who lack financial capital are not usually in a position to launch their own business.[30] For Travellers, not having a permanent address may significantly increase the difficulties faced in finding employment, including self-employment. Evictions aggravate these difficulties. Regulations governing the use of sites where Travellers reside may also prevent them from exercising traditional professions, even when they own the site on which they live.[31]

3.3. Specific measures to promote the access of Roma and Travellers to employment

19. As stated above, the exclusion of significant groups of the population from the labour market is both costly and discriminatory. Promoting the inclusion of Roma and Travellers through fair access to employment is a win-win scenario. Below, I look at some of the key measures that can be taken to this end, and note some pitfalls to be avoided when designing and implementing such measures. I also give examples of practices aimed at improving Roma and Traveller employment rates which have been presented to me during my work on this report.

3.3.1. Measures to improve education outcomes and skills

20. Overcoming differences in education outcomes is key to promoting better access to employment of Roma and Travellers. States must tackle this issue comprehensively. The Assembly has already made detailed recommendations in this field, which remain as pertinent as ever today.[32] I wish to emphasise nonetheless that early childhood development has a crucial impact on subsequent life chances, and it is essential to ensure that all Roma and Traveller children have genuine access to quality pre-school education. In this context, I was interested to learn about measures taken by Hungary such as the Sure Start programme, which provides support to parents and children mostly aged 0-3 years and helps to build trust and break down barriers to education from nursery school age. The lowering of the compulsory kindergarten age in Hungary to 3 years is also a positive step, although it must be accompanied by support measures to ensure that the lowest-income families can comply with this requirement. Contrasting with these good practices, the European Court of Human Rights has found in a series of cases concerning several States that school segregation is in breach of the European Convention on Human Rights (ETS No. 5).[33] It must be put to an end, and an inclusive environment for Roma and Traveller children has to be created in the education system. Bullying and discrimination in the education system must moreover not be tolerated. All of the above measures can moreover contribute to reducing absenteeism, repeated years and early school drop-outs, which are major factors in lower education outcomes. Here again, I was pleased to learn during my visit to Hungary about effective initiatives in place in that country such as the Tanoda after-school support programme and the Second Chance programme to help those who had dropped out of the education system to complete their qualifications later.

21. I wish to underline the central role that parents have to play in ensuring that their children regularly attend pre-school, and subsequently school, and that they continue to do so until at least the statutory school leaving age. It is crucial that programmes designed to improve education outcomes of Roma and Traveller children engage their parents, especially where the latter have low levels of educational attainment themselves and/or little faith in an education system that previously failed them. The Hungarian way of connecting the parental duty of care with access to social benefits (in cases of school drop-out) is an appropriate instrument in my view, and is implemented in other member States of the Council of Europe.

22. It has to be noted however that although there have been welcome improvements in the educational participation of Roma and Travellers in a number of States in recent years, these do not automatically translate into better employment rates or a better quality of employment for Roma and Travellers. As yet,

30. Gatti R. et al. (2016), pp. 114-116; FRA (2014) p. 13.
31. Cemlyn S. et al. (2009), pp. 37, 42.
32. Resolution 1927 (2013) on ending discrimination against Roma children. See also the detailed recommendations of the European Commission against Racism and Intolerance in its General Policy Recommendations No. 10 on Combating racism and racial discrimination in and through education, Strasbourg, 2007, CRI(2007)6, and No. 13 on Combating anti-Gypsyism and discrimination against Roma, Strasbourg, 2011, CRI(2011)37.
33. See notably *D. H. and others v. the Czech Republic*, Application No. 57325/00, judgment of 13 November 2007 (Grand Chamber); *Sampanis and others v. Greece*, Application No. 32526/05, judgment of 5 June 2008; *Oršuš and others v. Croatia*, Application No. 15766/03, judgment of 16 March 2010 (Grand Chamber); *Sampani and others v. Greece*, Application No. 59608/09, judgment of 11 December 2012; *Horváth and Kiss v. Hungary*, Application No. 11146/11, judgment of 29 January 2013; *Lavida and others v. Greece*, Application No. 7973/10, judgment of 28 May 2013.

there appears to have been little analysis of the reasons for this.[34] However, it is a clear signal that although education is an indispensable lever towards promoting inclusion, focusing solely on education is not enough in itself to promote the effective integration of Roma and Travellers in the labour market.

23. In countries that have transitioned from command to market economies, insufficient public investment in retraining unskilled or semi-skilled Roma workers may be a factor in their long-term unemployment.[35] Providing adult vocational training and opportunities to complete secondary education after compulsory school age is crucial. Such training should however not be limited to those who have completed secondary education, as this excludes many Roma.[36] Additional support needs to be provided in order to make such education and training accessible to all, including Roma and Travellers.

3.3.2. Measures to create a more inclusive labour market

24. Effective anti-discrimination laws are, of course, a necessary part of the arsenal to eliminate discrimination against Roma and Travellers in the field of employment. However, to have maximum impact and provide effective remedies for victims, such laws must provide for accessible complaints procedures and simplified means of demonstrating discrimination (such as testing and a shared burden of proof), combined with dissuasive sanctions against employers who are found to have discriminated. Capacity-building is also needed in order to ensure that Roma and Travellers have effective access to existing remedies.[37]

25. Legal requirements of equal treatment are however not enough to provide equality of opportunity when, as is the case for Roma and Travellers, certain groups face radically different circumstances: for those starting from a position of serious disadvantage, the playing field is clearly not level. Positive measures are needed in order actively to promote inclusion in such situations. Employers need to be part of the solution, and governments have a role to play in making that happen. Both public and private employers having more than a specified minimum number of employees can for example be made subject to positive obligations to monitor and report on the diversity of their workforce, encourage applications from under-represented groups, and ensure that their training and promotion practices also promote inclusion.[38] This kind of measure supports all forms of diversity in the workplace and can benefit all under-represented groups, including Roma and Travellers. Including equality requirements in public procurement processes is also a powerful way to promote equality in employment.

26. Governments can also take specific measures, as in Hungary and Germany, to stimulate job creation and thereby promote access to employment. Active labour market policies that are adapted to the populations they are intended to serve can be useful instruments in this respect. Measures such as public works schemes[39] may for example be relevant in countries where many Roma or Travellers live concentrated in economically depressed regions, in particular as they may contribute to the economic development of such regions. They may also lead to short-term reinsertion in working structures and provide a temporary solution for unemployment. However, studies have found such schemes to be of little direct benefit as regards labour market integration in market or transition economies, as very few participants find regular employment upon completing such programmes.[40] In the words of the European Commission, “instead of providing a bridge to the open labour market, they [have] had a lock-in effect keeping participants in low-quality, low-income jobs that are insufficient to break out of poverty”.[41] To produce longer-term benefits, public works schemes must provide an opportunity to receive additional training or qualifications that will promote integration in the primary labour market.[42] This was moreover a strong message from my exchanges with Roma participants in such

34. O’Higgins (2012), p. 49.
35. European Roma Rights Centre (2007), p. 16.
36. Gatti R. et al. (2016), p. 108.
37. See also in this context Resolution 2054 (2015) on equality and non-discrimination in access to justice.
38. The system in place in Northern Ireland, based on the Fair Employment and Treatment (Northern Ireland) Order 1998, has been cited as a positive example in this respect.
39. These schemes typically involve direct creation in the public or non-profit sector of jobs that should in general be of benefit to society. This job creation is intended to compensate for a lack of private sector jobs and to exist in addition to, rather than replace, existing employment.
40. Auer P. et al. (2008), “Active labour market policies around the world: Coping with the consequences of globalization (2nd ed.), International Labour Office, Geneva, pp. 45-49 and sources cited therein.
41. European Commission, “Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States 2016”, COM(2016)424, 27 June 2016, p. 11.
42. FRA (2014), p. 12.

schemes during my visit to Hungary. They also stressed the importance of ensuring that work provided through these schemes is attributed fairly, and that remuneration should be sufficient to help improve family situations.

27. A programme that has been particularly successful in promoting Roma employment is *Acceder*, which has been implemented in Spain by the Fundación Secretariado Gitano (a non-governmental organisation (NGO) involving both Roma and non-Roma) since 2000, with significant funding from the European Social Fund. Based on the precept that integration in the labour market is the gateway to social inclusion, it focuses on improving the employability of Roma through enhancing basic skills and professional qualifications. In this programme, individual participants receive personalised support and accompaniment, tailored to the person and context. The programme is implemented in close co-operation with employers, in order to match labour supply with employer demands. Nearly 58 000 employment contracts have been signed, with 53% of these going to women, and more than 22 000 persons have found a job since the launch of the programme. Since 2009, a second arm has been added: *Promociona*, a tutoring and educational counselling programme that has also been highly successful in ensuring that increasing numbers of young Roma – both girls and boys – complete compulsory secondary schooling and obtain their diploma.[43] A further initiative in place since 2013 is the *Aprender trabajando* project, providing theoretical instruction and practical work experience to 18- to 30-year-olds. In parallel, a series of awareness-raising campaigns have been run in order to mobilise Roma to participate in these programmes.

28. Amongst the factors that may have contributed to the success of the above programmes in Spain, (long) funding periods of seven years enabling longer-term planning are worth noting, as well as a focus on objectives and results that are measurable and comparable with the rest of the population. Initially implemented in 30 Spanish cities, the *Acceder* programme has since expanded to a total of nearly 50 cities in Spain and has also been launched in Romania (in 2008) and Italy (in 2014).[44] The "Fit to job" model applied in several German *Länder* is also based on an individualised approach, including career guidance, vocational training, work with families and employment services, and has also been cited by the European Commission as a promising practice.[45]

29. Measures to promote self-employment or entrepreneurship should also be explored. The relevance to Roma of the self-employment and business formalisation programme set up in "the former Yugoslav Republic of Macedonia", with promising initial results, has for example been welcomed as it helps to address the disproportionate involvement of Roma in the informal economy in that country.[46] As noted earlier, financial exclusion can however be a barrier for Roma and Travellers when it comes to setting up their own enterprise. Establishing a business can moreover be extremely daunting, and support and accompaniment throughout the process may be needed.[47] Access to microcredit schemes needs to be facilitated and accompanied, for example, by training in financial literacy and business skills.[48]

4. Transversal factors

30. An important point relayed to me by international NGOs during my visit to Hungary is that approaches to promoting the inclusion of Roma and Travellers that are based solely on alleviating poverty ignore the racism that is at the heart of the discrimination they continue to experience. As Soraya Post, MEP, and Martin Collins of the Pavee Point Traveller and Roma Centre (Ireland) made clear at the No Hate Parliamentary Alliance's hearing on anti-Gypsyism in Stockholm in May 2016, anti-Gypsyism pervades all fields of life, from political discourse to calls to anti-Gypsyist violence on social networks to housing to judicial decisions, etc. If anti-Gypsyism and direct or indirect discrimination are ignored, then the measures taken to promote the inclusion of Roma and Travellers will be hollow and ineffective. The negative effect of anti-Gypsyism on the employment prospects of Roma and Travellers can be clearly seen, and is a key finding of all the studies referred to above. Fighting anti-Gypsyism must therefore be an integral part of efforts to promote the inclusion

43. According to national statistics for Spain, 64% of Roma drop out of school. Amongst those participating in the *Promociona* programme, however, over 94% complete their compulsory schooling and obtain their diploma.
44. See, *inter alia*, Fundación Secretariado Gitano, "15 years of Acceder: Promoting Roma social inclusion", Madrid, 2015; see also the description of Spain's national strategy for Roma integration provided by the European Commission: http://ec.europa.eu/justice/discrimination/roma-integration/spain/national-strategy/national_en.htm.
45. European Commission, Progress made by EU Member States in Roma integration: Fact sheet, June 2016, p. 3.
46. O'Higgins N. (2013), "Roma and Employment in the former Yugoslav Republic of Macedonia", UNDP, pp. 48-49.
47. Peelo D. et al. (2008), p. 66.
48. World Bank (2012), "Reducing vulnerability and promoting self-employment of Roma in eastern Europe through financial inclusion", pp. 10-12.

of Roma and Travellers in the labour market. To date, insufficient attention has been paid to this element in many national Roma integration strategies, and this needs to be rectified when amending or developing new strategies.[49]

31. Inclusion is however not only about fighting discrimination: it is also, importantly, about ensuring effective participation. A major criticism of Roma and Traveller representatives about the policies, strategies and programmes that are already in place at national, regional and local levels to promote their inclusion is that such measures are frequently designed, implemented and evaluated without sufficient involvement of and input from Roma and Travellers themselves. When this is the case, the measures adopted are often based on assumptions that do not reflect or adequately respond to the reality of their experience. Promoting effective participation in policy- and decision-making processes is about moving from a situation in which Roma and Travellers are treated merely as passive recipients of assistance to one in which they play an active role in shaping their destinies, and in which they take ownership of this responsibility. Such participation can have a direct and positive impact on the capacity of the policies and measures adopted to improve the everyday lives of Roma and Travellers. It also creates opportunities for interaction and exchange that can help to overcome stereotypes, prejudice, and one of the greatest barriers of all to equality for Roma: mutual lack of trust.

32. Sustainability is also crucial to achieving long-term results. There are many examples of good initiatives that work locally, thanks to the commitment of the local authorities and/or NGOs, or in the short-term – but the dots still need to be joined up in order to ensure that the measures implemented can be of long-term benefit to Roma and Travellers. Moreover, even obviously effective projects and programmes will be compromised if they are reliant on funding that needs to be constantly renewed on a short-term basis.[50] The seven-year funding period of the *Acceder* programme referred to above is a good practice that allows for medium- to long-term planning and that can and should be replicated. In this context, I also wish to draw attention to the ambitious strategy for Roma inclusion presented to the No Hate Parliamentary Alliance by Sweden's Minister for Culture and Democracy in Stockholm in May 2016. The strategy, launched by the Swedish authorities in 2012, aims to ensure that Roma born that year should by 2032 have the same life chances as all other persons born in Sweden. The 20-year commitment made by the Swedish authorities to improving the situation of Roma provides a rare and welcome opportunity for long-term planning and continuity in efforts.

33. The gender dimension also needs to be taken into account in strategies aimed at promoting the inclusion of Roma and Travellers, in particular in those communities where traditional gender roles are still prevalent. If this aspect is ignored, funding for education programmes, for example, may have little impact on girls living in such communities, as was emphasised by Cerasela Bănică of the Centre for Advocacy and Human Rights (CADO), Romania, at the hearing held by the Sub-Committee on the Rights of Minorities in September 2015. The *Acceder* and *Promociona* programmes mentioned above are examples where, thanks to specific efforts to take account of the gender dimension, there has been a high success rate in involving women.

34. The local level, and especially mayors, are a lynchpin as far as social inclusion is concerned – for all groups, including Roma and Travellers. This is in part because Roma and Travellers (like other minorities) are not a homogeneous group, and situations may vary widely from one place to another, but also because local authorities are responsible for the integration of minorities and for implementing many of the measures that have a direct impact on the daily lives of their citizens, including Roma and Travellers. In Bulgaria and north-eastern Hungary I was pleased to meet Roma representatives elected to their local councils, as well as (in Hungary) members of Roma minority self-governments. I also heard about the difference that Roma liaison officers can make within local authorities in helping to build trust and promote good relations between Roma members of the community and the authorities. Also of particular interest as regards the local level is the ROMACT programme – a joint programme of the European Commission and the Council of Europe, implemented by the latter, which aims to build the capacity of local authorities to develop and implement policies and public services that are inclusive of all, including Roma.

35. The reservations of and restrictive constitutional or legislative provisions in force in many States as regards the collection of ethnic data are well known, but it has to be noted that many strategies and programmes intended to promote the inclusion of Roma and Travellers suffer from a lack of available data

49. European Court of Auditors (2016), "Special Report: EU policy initiatives and financial support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground", Luxembourg, paragraphs IV and 52, recommendation 1(b).
50. Ibid., paragraphs 114-115, Box 13.

that would enable their design to be appropriately tailored and the impact of measures taken to be effectively assessed.[51] Implementing recommendations that have already been made on collecting ethnic data in conformity with data protection requirements would certainly help to fill the data gap.[52]

36. Finally, many representatives of Roma and Travellers that I met during the preparation of this report stressed the importance of promoting a positive sense of Roma and Traveller identity, so that people who belong to these groups feel confident to identify their ethnic affiliation publicly. Without this, the high proportion of Roma and Travellers who do not fit the persistent negative stereotypes associating them with an endless cycle of poverty will rarely be willing to publicly acknowledge their ethnic origins and culture, and there will be few successful role models for younger generations to identify with.

37. In this context, I welcome the decision of the German authorities to propose Berlin as the seat of a new European Roma Institute for Art and Culture. I am convinced that promoting understanding about the rich and varied culture and history of Roma and Travellers is central to breaking the cycle of prejudice, ignorance, generalisations and stigmatisation that go hand in hand with anti-Gypsyism and discrimination.

5. Conclusions

38. Nobody's life chances should be determined by their ethnic origin. States are increasingly recognising that integrating Roma and Travellers is in everyone's interests, and adopting strategies to this effect. Major initiatives to promote the inclusion of Roma and Travellers have moreover been taken by the Council of Europe, the European Union and other regional bodies in recent years. It seems fair to say that there has never been a better chance to make progress throughout Europe in overcoming disadvantage and promoting the inclusion of Roma and Travellers. The question is not "if", but "how".

39. Sustainable change has to involve people. Empowerment matters. Roma and Travellers should not be seen, whether by themselves or by others, as passive targets of government measures, but as actors in their own destiny. The success of efforts to promote the inclusion of Roma and Travellers depends not only on the commitment of governments (although this is indispensable) but also on Roma and Travellers themselves taking ownership of their futures. Measures to promote the inclusion of Roma and Travellers should be designed together with them so as to boost the will to integrate, to create networks and share positive examples, and to ensure that young Roma and Travellers growing up today can in future take the floor in public life, and advocate for and influence the fate of their minority.

40. Discrimination against Roma and Travellers exists in a wide range of fields, but I am convinced that promoting access to employment is a key path to inclusion. It not only boosts individual confidence and improves families' financial security, but also helps to foster social cohesion by creating new links between people and overturning persistent stereotypes of long-term unemployed Roma and Travellers as lazy, parasites or a burden on society.

41. Achieving lasting results in this field requires investment both in education and skills and in eliminating other barriers to participation in the labour market, such as discrimination. A wide variety of issues and situations exist both between and within member States, and there is no one-size-fits-all solution. Each country has to face its own challenges in its own way, based on a detailed analysis of the situation of the Roma and Travellers in its jurisdiction and of the causes of this situation. I hope nonetheless that this report will contribute to building a better understanding of the common causes of disadvantage of Roma and Travellers vis-à-vis employment and give greater visibility to good practices for promoting their inclusion in this crucial field of life. For it is not only Roma and Travellers who stand to gain from this, but our societies as a whole.

51. Ibid., paragraphs VI and 116-118, recommendation 8.
52. See, for example, Simon P. (2007), *"Ethnic" statistics and data protection in the Council of Europe countries*, Council of Europe, Strasbourg.