

European workshop
**LIFTING THE BARRIERS OF SOCIAL PARTICIPATION:
ROMA POPULATION CASES BEFORE THE OMBUDSMAN**

7-8 December 2007
Old Parliament ("Vouleftiko"), Nafplio

Findings and Conclusions per session

**SESSION 1 – NORMATIVE AND POLICY DEVELOPMENTS IN EUROPE
REGARDING ROMA POPULATIONS**

The main conclusions stemming from the papers presented in the workshop and the discussions that followed are:

- The social problem of the marginalisation of Roma people is extremely complex, covering all aspects of social life of the members of this vulnerable population and having the structural dimensions leading to its exacerbation and perpetuation. There are many forms of direct and indirect discrimination against members of this group.
- Discrimination is widespread on all strata of society. An important role in the proliferation of its manifestations is played by the public administration. This is due to the practices it employs, including its inertia or indifference, which may lead to misapplication of legislation and to the inefficient materialization of positive actions of social care and support to the Roma people, especially with regard to ensuring their housing and access to education.
- The intensity and the nature of the problems facing the member states of the Council of Europe is varying, in regards to legislative and administrative practice. The most intensive problem or are faced by the countries of Central and Eastern Europe, especially due to the size of the

marginalized populations in their grounds as well as the lack of efficient legal framework established to protect Roma rights.

- In the effort to confront the aforementioned problems must be included the work of the Ombudsman institutions. Their task is to identify the problems and coordinate solutions at local and national level. The Ombudsman has the ability to function as an intermediary between the competent state institutions, the Roma communities involved, civil society and the Council of Europe, so that solutions are found and their application is monitored.
- In the great majority of cases, what is needed is the effective mobilization of state social support mechanisms in order to achieve efficient and viable solutions to the existing problems.

SESSION 2 - “ROMA INVISIBILITY” BEFORE THE ADMINISTRATION

The discussion pertaining to the problems generated by the undetermined civil status of Roma leads to the following conclusions:

- Roma in Greece still face serious problems as to the official registration of their life events (birth, marriage, death certificates), the entry of persons to the Municipal Registries and in the Registry of Males. Without such official registration it is difficult to obtain an identity card, a birth certificate, to perform a wedding etc.
- Absence of recognizable, official civil status cause severe difficulties to Roma people in their access to and dealing with state services. Thus they are unable to exercise their rights, especially the right to have access to education, employment, social welfare, the right to elect and be elected, as well as, the right to be included in social support programmes (e.g. eligibility to no-interest or low rate housing loans).

- The existing legal framework regarding civil and municipal status does not include any special measures for handling issues caused by the social situation of Roma. They are not informed about the procedure they must follow in order to resolve their specific, individual problem. It is often required to produce additional data or to bring a case to the court, in order to resolve a case of unregistered person. That entails among other a heavy financial cost for the Roma and an additional burden to the judicial system. Legal support is not usually available due to inefficient operation of most lawyers' bar associations.
- The state, guided by the central services of the Ministry of the Interior, has tried to find solution for individual cases, but, thus far has not been effective in changing the reality for the Roma. This is due to the lack of proper institutional tools and legislative inflexibility in order to address the particularity and the multi dimensional nature of the issue. For this reason it was proposed that special procedures be adopted which will solve quickly and decisively certain individual problems while, alternatively, the state would have to resort to adopting general measures for a limited period of time, as it has done, for example, during the late 1970s. In the discussion it was emphasized that resolving civil status problems should be coordinated and supported by other parallel social support programmes, such as housing, education and infrastructure. To that end the experience gained so far by the existing medical and social centres should be utilized.

SESSION 3 - PROBLEMS RELATED TO THE EDUCATION OF ROMA CHILDREN

The discussion of the issue on the education of Roma children let us draw the following conclusions:

- All education requirements for Roma children are set by non Roma individuals. In general, Roma people and their associations do not participate in the decision making bodies with influence matters concerning the education of their children.
- Usually educational goals which are set are not realistic and denote the fact that people in charge are not aware of the concrete, in the field, specific conditions that exist locally in the Roma communities.
- Educational programmes/decisions that are implemented a) are based on false or unreliable demographical data, b) are not materialized properly either due to lack of funding or due to capable and specialized personnel.
- The absence of coordination among the involved public services as well as the absence of mechanisms for monitoring and assessing the effectiveness of these programmes constitute additional reason for not achieving the educational integration of Roma children.
- Racism in school manifested by the education/administrative personnel as well as by the non Roma members of the student community result in non admittance and school drop out, as well as, in unsatisfactory school performance by Roma students.
- The Roma culture is not considered substantial factor in formulating educational programmes.
- It was emphasized that Roma mothers should be informed and become engaged in the educational process, as they are considered essential for both student attendance and preventing school drop out.
- In order to improve the students' performance at school it is necessary to improve their living conditions (notably housing).
- It is necessary to re-examine the legislative framework pertaining to education so as to cover existing flaws or blanks. Attention was drawn to the issue of educating young Roma, especially those of 12 to 18 years of age, who have never attended school.

- An important success factor for any integrative initiative would be to link education with specific positions in the labor market.

SESSION 4 - HOUSING OF ROMA

The housing issue discussed in this session was treated by most participants as a basis for determining the outcome of other processes such as education. Under this light, the following conclusions were drawn:

- All planned Roma relocations should be realistic in order to secure an acceptable level of living conditions. They should not occur as a way of freeing land illegally occupied by members of the group. No violent means or other forms of “persuasion” should be used for expelling Roma from the lands they have occupied unless there are an alternative, suitable, even temporary, place to live is offered to them.
- The distinction between temporary and permanent housing is important since it calls for different courses of action, correspondently by the central state agencies or the competent local administration authorities. Thus far the issue of permanent housing for Roma is not efficiently addressed at central level by the Greek state. The existing relevant projects have only patchily worked while the coordination of competent agencies has proved ineffective in materializing them.
- The Ombudsman’s role is very important in identifying the allocation of responsibilities to public services and in suggesting the adoption of positive measures, such as the obligation of the Municipalities to take positive action in finding the appropriate land to relocate Roma before they are in any way expelled from the lands they occupy.

SESSION 5 – WORKSHOP EXERCISE

The final session of this meeting took the form of a workshop exercise for exemplifying the collaboration between the Ombudsman, the civil society organizations and the public authorities on Roma issues. It aimed at suggesting a real (or, ideal) cooperation model in everyday dealing with such issues.

- In the example on a civil status case, the issue that was highlighted was the lack of dissemination of pertinent information and the need to register all excluded persons. In particular it was emphasized the need to inform and coordinate the actions of all the involved parties as well as the need to search for effective measures, which could take the form of creating specific procedures, appropriately tailored to the circumstances, or by activating and correctly implementing existing provisions, such as the legal aid to financially deprived groups.
- In the case on education, the issue stressed was that of depriving children of schooling, based on the unacceptable justification that there is lack of funds for transportation means. The discussion on educational issues brought to light the distance between central planning carried out by the Ministry of Education and the application of these plans by local administration agents.
- The issue of foreign Roma populations occupying private or public lands in the outskirts of the Municipality of Athens and the numerous parameters of the problems arising from their situation and efforts for their relocation was also discussed. It was emphasized that the prerequisite of securing appropriate living conditions should be applicable in all persons, regardless to their nationality. It was particularly mentioned that there is a total lack of provision for their basic housing rehabilitation, and once again it was stressed that there is a compelling need for central political activation for Roma issues.

The complete absence of an administrative structure that would be in charge for the particular Roma problems was pin pointed as one of the most critical obstacles for an effective administrative intervention towards lifting all structural obstacles of social exclusion of Roma people. As many of speakers implied, this is due to the fact that the symptomatic manifestations of the Roma exclusion make part of a general exclusion of this population. Taking this into account it not strange that several costly and ambitious activities, in the field of education for instance, cannot offer the anticipated results without involving activities in the field of civic status or housing, which are areas that stir up the problem of the exclusion from education

Such a holistic approach to these issues could stem exclusively from an administrative structure that would be able to have a global picture of the exclusion status of this population and not only their individual manifestations. Undertaking such a role constitutes *par excellence* a challenge for the Ombudsman too.