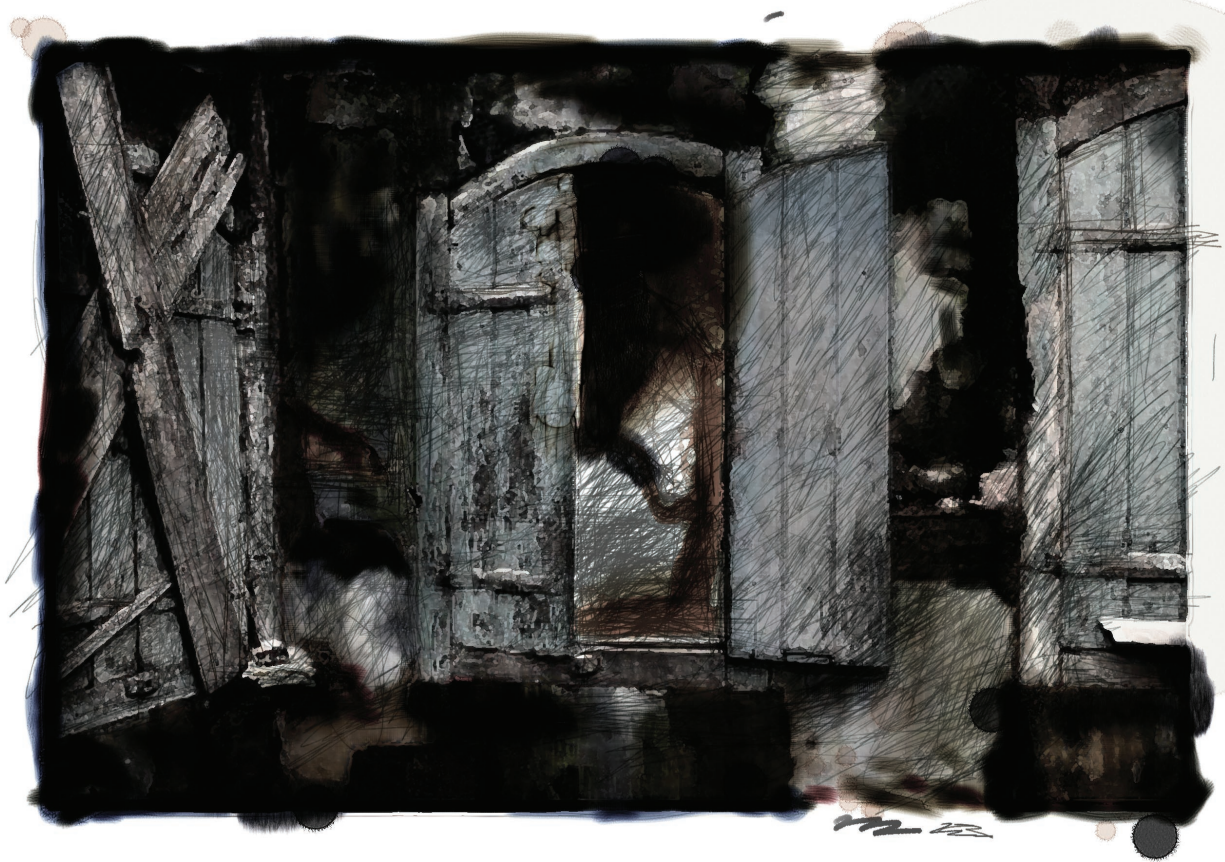


SOCIAL INCLUSION THROUGH SOCIAL SERVICES



The Case of Roma and Travellers

Social Inclusion Through Social Services: The Case of Roma and Travellers

Assessing the Impact of National Action Plans for
Social Inclusion in Czech Republic,
France and Portugal

ERRC/NÚMENA

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1. INTRODUCTION

In Czech Republic, France and Portugal, Roma and Travellers¹ experience widespread exclusion from labour markets for a myriad of reasons, including direct and indirect discrimination, low educational attainment levels, illiteracy and the “extinction” of forms of employment traditionally occupied by Roma and Travellers. Unemployment levels are therefore proportionally much higher amongst the Romani and Travellers populations of the target countries than amongst non-Romani/Traveller groups. Unemployment is a major contributing factor to social exclusion. This is particularly true in households with no income earner and for persons who are long-term unemployed.

The corresponding importance of equal access to effective social services of persons falling within these groups cannot be understated in terms of fostering their social inclusion. Unimpeded access to social services is essential for the elimination of poverty and social exclusion and the promotion of human rights and basic dignity, including the right to access to social services and the right to the highest attainable standard of living.

Most governments in Europe are resistant to collecting and/or making publicly available data disaggregated by race or ethnicity. However, data collection is essential for the assessment of government policies and programmes and their implementation and in order to understand and eliminate the social exclusion of Roma and Travellers. The lack of disaggregated data makes the analysis of the impact of government actions on Romani and Traveller individuals very difficult. Where political will to foster the social inclusion of Roma does exist, a lack of disaggregated data in areas of relevance undermines the effectiveness of policy efforts towards this aim. These facts hold true in the area of access to social services. Current information available on the ability of Roma and Travellers to achieve equal access to effective social services is fragmentary at best. Studies on the impact of social policy, including National Action Plans for Social Inclusion, in this area and the impact of such in terms of the social inclusion of Roma and Travellers are non-existent.

¹ The ERRC and Númena note that there are various distinct ethnic groups in France that comprise the group commonly referred to as *Gens du Voyage* (Traveller); such groups include Travellers, Yenish, Gypsies, Roma, Sinti, Kale, Manouch, amongst others. In the preparation of this report, the ERRC and Númena met with members of most of these groups. In this report, the ERRC and Númena have chosen to use the collective term Traveller to refer to members of all groups.

This assessment report explores the impact of National Action Plans for Social Inclusion (hereafter “NAPs”) in the Czech Republic, France and Portugal on the ability of Roma and Travellers to access social services. For the purposes of this assessment, social services are taken to mean social assistance, social housing, state-sponsored pensions and state-sponsored health insurance.

Roma and Travellers experience problems in achieving equal access to effective social services in the Czech Republic, France, and Portugal. Factors negatively impacting the ability of Roma and Travellers to access social services include, but are not limited to:

- Discrimination against Roma and Travellers by social services workers, including arbitrary decisions to deny access completely or to reduce the amount of assistance granted, and the discriminatory application of social assistance programmes (such as means tested social assistance);
- The implementation of laws and/or policies that have the effect of rendering Roma and Travellers ineligible for regular social services;
- Territorial segregation of Roma and Travellers makes social services difficult to access;
- The treatment of Romani/Traveller groups as itinerant in France;
- Personal documents issues resulting from living in informal housing or on halting sites and the break up of Czechoslovakia;
- Communication barriers between social service workers and offices and Romani or Traveller individuals; and
- The lack of information about such services in Romani and Traveller communities.

In the following sections of this report, the ERRC and Númena aim to provide an assessment of policies and strategies in the area of social services as included in the National Action Plans for Social Inclusion of the Czech Republic, France and Portugal in order to:

1. Identify barriers to the effective implementation of measures included in the NAPs;
2. Identify deficiencies that exist in the plans;
3. Identify good practices in improving access to social services for Roma and Travellers; and
4. Provide a series of recommendations for the improvement of social inclusion measures in the targeted Member States.

2. METHODOLOGY

This report is based on research and documentation conducted by the ERRC and Númena during the course of 2006 on the impact of measures in the area of social services included in the National Action Plans for Social Inclusion in the Czech Republic, France and Portugal on the ability of Roma and Travellers to access effective social services and, consequently, on the social inclusion of members of these groups.

Field research was conducted in each of the target countries, in line with methodology established by the ERRC and Númena. The report also draws on past documentation undertaken by either the ERRC or Númena in recent years of relevance to this assessment.

Field research conducted in preparation for this report was undertaken in four locations in each country, with a view to geographical representation. In each country's capital city, approximately twice as many persons were interviewed compared to the other, smaller centres. The research team conducted approximately 150 in-depth interviews in each country with government representatives (national, regional and local), social service workers, civil society representatives, academics and, most importantly, members of Romani and Traveller communities. Within the Romani and Traveller communities, special care was paid to ensure both a gender balance and the representation of members of the various age groups from 18 and upwards. In France, the research team met with Travellers living on both authorised and unauthorised halting sites, as well as in social housing.

In addition, desk research was conducted with a view to taking account of existing information in this area and to gathering any quantitative data available.

3. MAIN FINDINGS OF THE ASSESSMENT

3.1 General assessment of nap measures

Research conducted in 2006 on the impact of National Action Plan measures in improving access by Roma and Travellers to social services in Czech Republic, France and Portugal by the ERRC/Númena reveals quite limited results. While this indication can be offset somewhat by the relatively short period of time in which the National Action Plans have been in existence, there appears to be a number of worrying shortcomings in the existing documents in order to effectively address social exclusion issues in this area. What follows in this section is a discussion of impacts, expected impacts and general deficiencies with the existing NAPs.

The most positive result of the NAPs in the Czech Republic, France and Portugal in terms of improving access of Roma and Travellers to social services has been the inclusion of all (or most) programmes in this area in one policy document. It was noted by some civil society representatives that the NAPs have facilitated improved awareness of existing social programmes and access to information in this area.²

The NAPs have also facilitated a process by which Romani and Traveller representatives are to be involved in public policy processes. Whilst the results of this process have been quite limited in France or Portugal, Romani representatives in Czech Republic appear to have been consulted more in policy development in areas affecting Roma. Problems in this area are discussed below.

In general terms, a series of issues arose across all three target countries. Issues of concern related primarily to awareness of the NAPs, utility of the NAPs (particularly at the local level where they are implemented), the lack of available funds to effectively implement measures, the failure of each government to use the opportunity of the NAP process to design and implement new programmes that would address identified needs, the lack of mainstreaming of social inclusion considerations across all law and policy making, and the low level of participation of Roma and Travellers in the design and implementation of each country's NAP.

As will become apparent in the following sections of this report, the greatest deficiencies lie not in the measures included in the NAPs themselves, but in their implementation, how effectively they promote social inclusion and in those measures that are missing.

² ERRC/Númena interview with Ms Adília Biscaia, Fight Against Poverty Program. Lisbon, May 2006.

It was generally agreed that Roma and Travellers, for the most part, are able to access social services. However, some categories of Roma and Travellers were identified as experiencing barriers to accessing certain social services. Members of the Romani and Traveller communities which experience increased barriers to accessing social services include Roma who are still without citizenship in the context of the break-up of Czechoslovakia, the long-term unemployed, homeless, disabled, single mothers and the elderly. One major problem identified in this respect is the requirement of a permanent residence, or domiciliation, to access social services. For instance, in Czech Republic, some Romani individuals are unable to acquire permanent residence at all or in the town in which they reside, which impedes their access to social programmes.³ At the same time, territorial segregation, often the direct result of government actions and programmes, of Romani communities in the target countries places Romani social service users at great distances from social service reception points, both increasing their costs of acquiring such and contributing to difficulties in maintaining such. In addition, it was generally agreed that, while Roma do for the most part have access to social services, their relationship with social service providers is often problematic, as a result of racism and discrimination, which results in unequal access to services. This is particularly alarming in Czech Republic, where the government has to date failed to adopt and implement comprehensive anti-discrimination law, which would provide effective remedy to individuals experiencing such treatment. The present NAP documents in the target countries do not contain provisions to address the above issues.

The major problem with the NAPs to be noted in all three countries is the fact that little or no new policy specifically designed to address social exclusion issues experienced by marginalised groups such as Roma and Travellers are included in them. Rather, the NAPs are almost entirely an aggregate of existing policy in each country that fit within the framework of the European Social Inclusion Model. Some of the interviewed authorities indicated that the European Social Inclusion Model was important for aiding in access to information and ideas and the definition of priorities, but reiterated that sufficient funds to implement it in practice were missing. In Portugal, interviewees also indicated that:

³ For example, Ms Margita Rídlová testified to the ERRC/Númena that she has been without permanent residence since she was released from prison in March 2006. Ms Rídlová's adoptive mother cancelled her permanent residence in Hronov while she was in prison. Since leaving prison, Ms Rídlová has lived in Prague with her sister in overcrowded conditions. Prague authorities have refused to register her as resident in the municipal rolls and, as such, she is ineligible for any social benefits, which are allocated by municipal authorities. Prague authorities have reportedly instructed Ms Rídlová to return to Hronov. ERRC/Númena interview with Ms Margita Rídlová. Prague, May 2006.

“[W]hile the comparison of implementation and results of measures between states is encouraging [...] common goals should take into consideration local realities [...]. [S]ince each country has its own social protection system, the application of the measures in each country is diverse, which means that these poor results might not be the outcome of a poor implementation of the measures but may instead be a consequence of those different systems, and thus the impossibility to evaluate all countries with the same criteria.”⁴

In terms of the effectiveness of social inclusion policy, the NAPs and the concept behind them have not been mainstreamed into all law and policy-making activities of the target governments. The Czech government explicitly affirmed this idea in its NAP 2004-2006: “Social inclusion mainstreaming has not yet been applied in the CR as a comprehensive policy process cutting across all policy areas.”⁵ While the French and Portuguese governments have not explicitly acknowledged this to be the case in their countries, the data presented below indicates this to be a problem. At the same time that the NAPs have been articulated and implemented, the governments of Czech Republic and France have adopted laws that either have or are expected to result in further social exclusion.⁶ The Portuguese government has failed to date to effectively amend housing policies such that further social exclusion is avoided in the re-housing of socially vulnerable groups.

Interviews with public officials and social service providers in the target countries revealed that many of the people responsible for implementing the NAPs have very limited awareness of these policies. In Czech Republic, all government officials interviewed were involved in the preparation of the Czech NAP. At the same time, 12 of 19 social service workers interviewed had read the NAP, though the vast majority of these indicated an understanding of the policy and their role in implementing it. Only 2 responded that they had been involved in the process of designing the NAP. Aside from the NAP itself, the ERRC/Númena noted with alarm the denial of the existence of Roma by authorities in Czech Republic’s Plzeň region. Plzeň authorities preferred to refer to “socially disadvantaged” persons, promoting a “culture of poverty” approach, rather than one that is respectful of ethnic factors in one’s life circumstances. In France, there was alarmingly low knowledge of the existence of the NAP among a number of state representatives.

⁴ ERRC/Númena interview with Mr António Borges da Silva. Lisbon, June 2006.

⁵ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 58. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

⁶ See, for instance, Sections 3.2.1.3 and 3.2.2.4 of this report.

Social service workers with whom the ERRC/Númena met were not familiar with the NAP; with a few notable exceptions, nor were government workers at the local and regional levels. Alarming, social service workers expressed the opinion that it was not necessary for them to know or understand the NAP.⁷ This can be viewed as extremely problematic as the people supposedly closest to socially excluded persons do not know the policy framework they are implementing and are not engaged in policy-formulation. In Portugal, while all government officials had read the NAP, 16 of 18 social service workers knew of the existence of the NAP but only 4 had read the document.⁸ One social service worker stated “the NAP is hardly taken into account in the regular functioning of the services.”⁹ Additionally, only one social service worker reported having participated in the NAP planning process, while several noted that their department had been consulted. Aside from the NAP itself, national authorities interviewed by the ERRC/Númena exhibited a low awareness or even interest in the situation of Roma. On the other hand, local and regional authorities did exhibit a good understanding of the situation of Roma; this information needs to flow up to the national level where policy is drafted in order to increase the effectiveness of social policy in the country. France was the exception to this, where national authorities seemed to have a better understanding of the situation of Traveller communities in the country.

From this information, it is apparent that the NAPs have very little meaning in the day-to-day functioning of the social service systems in the target countries. It is also questionable how effective social policy can be implemented by those responsible for the actual delivery of services when said individuals do not possess an in-depth knowledge of the framework within which they are working or the goals they should help achieve. Combined with the low level of expressed knowledge of the NAPs by non-governmental representatives contacted, this could be seen as one of the greatest shortcomings of the NAP process in the target countries.

Another apparent fault with the NAPs in the target countries was the gap between the national policy and the local level where it is implemented. In all three countries concerned, social programmes are implemented at the local level, according to law and policy designed at the national level. National and regional authorities in Czech Republic, France and Portugal expressed their inability to

⁷ The reasoning offered for this was that it was known by policy-makers and they were merely implementing policy according to certain guidelines. ERRC/Númena interviews with CAF officials in Paris. Interestingly enough, this opinion was contradicted in a further interview with a local CAF (CRAMIF) official Katia Gauthier, a social worker in Dept 93 (Aubervilliers, Seine-Saint-Denis) who was fully briefed and knowledgeable about the NAP, November 2006.

⁸ At the same time, most social service workers were familiar with various programmes within the NAP.

⁹ ERRC/Númena interview with Ms Teresa Calado. Lisbon, June 2006.

influence the actions of public authorities at the local level. Indeed, certain measures, such as the Community Field Social Work programme in Czech Republic, included in the NAPs lack any mechanism by which they could be legally enforced.¹⁰ It therefore falls to the discretion of local authorities to implement the measures therein. Serious concerns were raised as to the lack of will on behalf of local authorities to implement social measures, including NAP measures.¹¹ This fact is particularly noteworthy in all three target countries in the area of housing policies, which are dependent on the will of local authorities, who, at times, also face pressure from their constituencies not to implement housing measures for Roma and Travellers.¹² Even when looking at those services that are entrenched in law, such as the Minimum Insertion Revenue and Social Insertion Income in France and Portugal respectively, the manner in which these programmes are administered at the local level differs from area to area.¹³

In Czech Republic, France and Portugal, social service workers additionally expressed a sense of exclusion from the NAP policy formation processes, and/or stated that a disconnect existed between the contents of the NAP and actual policy. At the same time it is noted that the NAP worked in conjunction with national goals that had not been translated into local objectives to be achieved. Several government officials indicated that certain measures included in the NAP are based on existing national policy documents not adopted or accepted at the local level.¹⁴

For their part, local authorities interviewed during the course of research raised the fact that they lack sufficient funds to implement the measures foreseen in the NAPs.¹⁵ Another budgetary problem identified with the NAP process is the fact that the Czech National Action Plan for Social Inclusion 2006-2008 was being drafted several months after the state budget had been approved for 2006. In Portugal, a similar problem was observed. The 2003-2005 NAP was subjected to an actualisation report that extended the plan's activities to 2006. As of October 2006, no information was available on the 2006-2008 NAP. At this point in time,

¹⁰ ERRC/Númena interviews with Ms Klára Tomková and Mr Czeslaw Walek, Prague, April/May 2006.

¹¹ For instance, in Czech Republic, 13 of 19 social service workers noted a lack of implementation of, or even political will to implement, measures at the municipal level. Three of the four national government representatives interviewed pointed to a lack of political will at the municipal level to undertake measures included in the NAP.

¹² ERRC/Númena interview with Mr Nelson Galvão, Councillor for Social Action. Coruche, May 2006.

¹³ See Section 3.2.2.3 below for more detail on this.

¹⁴ ERRC/Númena interviews with Ms Zuzana Zajarošová and Ms Czeslaw Walek. Prague, April 2006.

¹⁵ ERRC/Númena interview with social service worker in Ostrava who refused to be named. May 2006. ERRC/Númena interview with Mr Miguel Ramalho, Councillor for Social Action and Housing. Beja, June, 2006.

the document appears to be under preparation approximately one year after the state budget for 2006 was approved.¹⁶

The apparent chasm between the national and local authorities highlighted in the preceding paragraphs point to an inherent problem in social inclusion efforts in the target countries. The reason why this gap appears is the fact that all countries have a decentralised system of governance that accords discretion on the part of the local governmental authorities to proceed with matters as they deem fit. Therefore, the national institution that oversees this process absolves itself of responsibility at the lack of/partial implementation of the NAP provisions in these countries as it has fulfilled its responsibility in drafting the policy. Paradoxically, local government officials stressed that the funds necessary for full and proper implementation of the provisions are not provided and they therefore have to make choices as to which policies they can implement within the strict budgetary conditions they face. This, they feel, is the fault of the national government that did not provide the requisite monies for the proper implementation of their own national policies. The research data reveals that currently, national governments point to good policies at the national level and the failure to implement at the local level of government. Local government actors point to vague national policies without localised targets and an ever-existing shortfall of funds to implement programmes. The result of this political finger-pointing is that vulnerable groups such as Roma and Travellers continually suffer from a lack of real improvement in their situation.

The question of Romani and Traveller participation in the design and implementation of the NAPs in Czech Republic, France and Portugal yielded worrying results. In Czech Republic, many of the programmes funded within the NAP that would benefit Romani communities are implemented by non-Romani organisations. In France, none of the interviewed Traveller representatives indicated that they had participated in the NAP design process. In addition, while the administration of some social services (for instance, site and social assistance administration) is outsourced to civil society in France, Traveller representatives in the south of France noted with dissatisfaction that the government only confers this responsibility to non-Traveller organisations; Traveller organisations are not contracted by the government to administer services used by Travellers.¹⁷ The situation appeared to be different around Paris, for instance, where the ERRC/Númena met with several Traveller organisations involved in

¹⁶ No information on the 2006-2008 NAP was available in October 2006 in the NAP page, available at: <http://www.pnai.pt/>.

¹⁷ ERRC/Númena interview with Ms Alice Januel (ANGVC). La Plan Trevous Malcouvert, November 2006.

the administration of social assistance. In Portugal, only one Romani organisation took part in the process of NAP elaboration – the União Romani (Romani Union). While Portuguese authorities indicated that more were invited, this result is nonetheless worrying particularly given the extremely vulnerable social situation of Roma in the country. In terms of implementation of the measures included in the NAPS, specifically in the area of social services are many programmes implemented by NGOs. However, Romani organisations in both Czech Republic and Portugal noted difficulties they experienced in accessing funding for initiatives within this framework since most of the funding is given to longer established non-Romani organisations.¹⁸

The preceding is most acutely manifested in the practice of privatisation of social services and the methodology surrounding such. In the Czech Republic, France and Portugal, responsible government authorities have devolved certain responsibilities in the implementation of non-contributory social services to non-governmental organisations. Often, services are implemented in partnership between the state and NGOs. While it is generally acknowledged that NGOs have much expertise and experience to offer in this area, Romani and some Traveller organisations expressed their concerns to the ERRC/Númena that they were unable to secure funding for projects in this area that target their own communities because most of the funding is channelled to long-established non-Romani/Traveller organisations. Another problem noted with this process is the fact that there is very little coordination or evaluation by the governments concerned of the work being implemented by NGOs. This relates also to the fact that such initiatives are locally-implemented, and as such, there is no coordinated and comprehensive national effort. Programmes are therefore funded and implemented in some parts of the countries concerned, whilst not in others, where they would also be needed. This is related again to the will of municipal authorities, which is generally agreed to be problematic in many instances.

3.2 Country-by-country assessment

3.2.1 Czech Republic

3.2.1.1 Measures in the Area of Access to Social Services in Czech Republic

The Czech Republic's National Action Plan on Social Inclusion 2004-2006 addresses social inclusion from a multidimensional approach. Priority is placed on promoting

¹⁸ ERRC/Númena interview with person who requested anonymity. May 2006.

economic growth and competitiveness, employment, public finance reform and sustainable development. Within this strategic framework, the Czech government envisaged measures in the following areas of relevance to social services:

Social assistance:

The Czech government recognised that social services play a key role in the area of social inclusion of disadvantaged groups and undertook to implement measures, amongst others, as following:

- Concluding the process of decentralisation and transformation of social services, including financing social services and adopting corresponding legal regulations;
- Supporting improved quality in the delivery of social services by introducing national social services quality standards, to protect the human dignity of social services users and to support their social inclusion;
- Promoting the development of services where the users can continue to live in their natural environment;
- Ensuring an adequate supply of all types of social services responding to existing needs and to existing demand;
- Promoting the development of and better access to services provided by NGOs and to decentralise and stabilise funding of services provided by NGOs; and
- Promoting and developing partnerships amongst regions, municipalities, and NGOs in the planning and implementation of regional and local social policies.¹⁹

Specific actions to meet these objectives included:

1. The development, by unemployed persons and labour offices, of Individual Action Plans to improve employability of the applicant;
2. The implementation, from January 2004, of the First Opportunity programme which supports people below 25 years of age in finding employment;
3. The completion of the new Quality Standards in the social service sector;

¹⁹ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 26. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

4. The preparation and adoption of a new Act on Social Services;
5. The preparation and adoption of an Act on Social Workers, based on the Strategy of Life-long Education of Social Workers and their Education on Human Rights; and
6. The completion of local Community Planning of Social Services programmes with participation of all stakeholders.²⁰

With regard to minimum income, the Czech National Action Plan on Social Inclusion declared as its objective to guarantee a dignified living standard by means of minimum income, giving preference to income from work before income from social benefits. To achieve this objective, the Czech government pledged to continue applying the following objectives:

- Regularly increasing minimum wages thus attaining a more positive relation to minimum subsistence amount both for individuals and for larger families;
- Regularly increasing the percentage share of minimum wages in average wage in the national economy thus reaching the level which is prevalent in EU countries; and
- Adjusting regularly minimum subsistence amount, which should continue to constitute adequate and equivalent protection against material poverty for all types of households, and to make the corresponding legislative changes in accordance with research results concerning the level and composition of minimum subsistence amount with a view to creating incentives to work.²¹

Specific actions to meet these objectives included amendment of the Act on Minimum Subsistence Amount and the Act on Material Need. Amendments were stated to focus on creating greater incentives to work and preventing long-term dependency on social benefits through activation measures.²²

Housing:

In its Action Plan, the Czech Government recognised access to adequate housing as one of the most important factors influencing social inclusion. Under the present circumstances, access to adequate housing is very limited and few people can afford the necessary expenditure. Low-income households which find themselves

²⁰ Ibid, pp. 38-42.

²¹ Ibid, p. 25.

²² Ibid, p. 40.

in specific adverse social situations or have specific needs tend to experience increased problems. The stated objective is to ensure access to affordable housing of good quality to people at risk of social exclusion via:

- Removing economic and legislative barriers to the establishment of a functional housing market;
- Providing incentives to municipalities to assume full responsibility for the creation of conditions to meet the housing needs of the population, in accordance with the municipality act;
- Providing support to construction of housing fulfilling the role of social housing, thereby meeting the needs of people who are not in a position to purchase their own home, as well as people who are at risk of social exclusion for reasons of their state of health, advanced age, or reduced capacity to integrate into society; and
- Motivating municipalities to prevent territorial segregation and combat the formation of enclaves consisting of socially disadvantaged families.²³

At the same time, the government cited a number of hindrances related to the issue of social exclusion in the area of housing, including:

- The increasing burden of housing expenditure compared to household budgets;
- Financial barriers;
- Problems in the maintenance of the housing fund;
- Ambiguous interpretation of the role of the Municipal Housing Fund;
- The lack of an act on rents and existing regulations covering the relationship between house owners and tenants;
- Insufficient facilities for social housing; and
- Social and geographical segregation is strengthened through municipal actions that force people out.

Specific actions to meet these objectives included:

1. Clarifying the role of the Municipal Housing Fund;
2. Continuing to construct subsidised apartments and housing, with finances from the Ministry for Regional Development and implemented

²³ Ibid, pp. 25-26.

by municipal authorities (590 million CZK was earmarked for such programmes in 2004-2006); and

3. Preparation of a programme to motivate municipalities to prevent territorial segregation of socially disadvantaged families.²⁴

Health insurance:

In the area of health and health care, the Czech government listed the following objectives in its National Action Plan:

- To adopt and implement measures directed at meeting the “Health for All” goals at national, regional and local levels by 2010; including appropriate institutional infrastructure and new management and leadership methods; and
- To complete and implement quality standards in health care.²⁵

It also stresses that special disadvantaged groups – such as people from socially and culturally disadvantaged environments (for example, Roma) – may have specific needs in accessing healthcare. Specific objectives are as follows:

- Creating, in collaboration with health insurance companies, integrated community care, i.e. to link health and social care in order to meet specific needs experienced by target groups;
- Improving the general state of health of the population, to reduce the growing number of dependent senior citizens and to promote an active way of life for senior citizens; and
- Lending support to projects aimed at the education of health care recipients, thereby focusing their attention on proper care of their own health.²⁶

Specific actions to meet these objectives included:

1. The preparation and adoption of a new Bill on Health Institutions, which will affect health insurance;
2. The preparation and adoption of a new Bill on Health Care; and
3. The implementation of the Community Planning method in the area of health.

²⁴ Ibid, pp. 40-41.

²⁵ Ibid, p. 25.

²⁶ Ibid, p. 25.

Finally, the National Action Plan refers to the government's 2000 Strategy on Roma Integration and specific programmes within the Strategy as key to the social inclusion of Roma, including the programme Field Work in Excluded Roma Communities. This programme aims to move from granting social benefits to providing social assistance in excluded Romani communities.

3.2.1.2 *The General Situation of Roma in Czech Republic*

In its National Action Plan for Social Inclusion, the Czech government stated that the rate of employment in the country in 2003 was 64.7% (average of 56.3% of women and 73.1% of men). At the same time, the rate of unemployment in 2003 was 7.8%.²⁷

According to the results of interviews with 87 Romani individuals in Czech Republic by the ERRRC and Númena:

- 13 reported being retired and 1 was attending school;
- 16 persons (21.6% of those not retired or attending school) reported being formally employed; and
- 7 persons (9.5% of those not retired or attending school) reported being engaged in informal employment activities.

Therefore, of 73 potentially employable Romani respondents, 57 (78%) were reportedly formally unemployed, whilst 50 (68.5%) reported having no form of remunerated employment whatsoever.

In the area of education and literacy, the Czech government states that education “is one of the most important prerequisites for social inclusion.” The government then notes the good educational situation in the country, indicating that “there is practically no illiteracy and the percentage of early school leavers is low.”²⁸ However, according to the Czech government's own estimates, “around 75 per cent of Roma children are transferred to or directly enrolled in remedial special schools.”²⁹ In these schools Romani children are subjected to an inferior level

²⁷ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 8. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

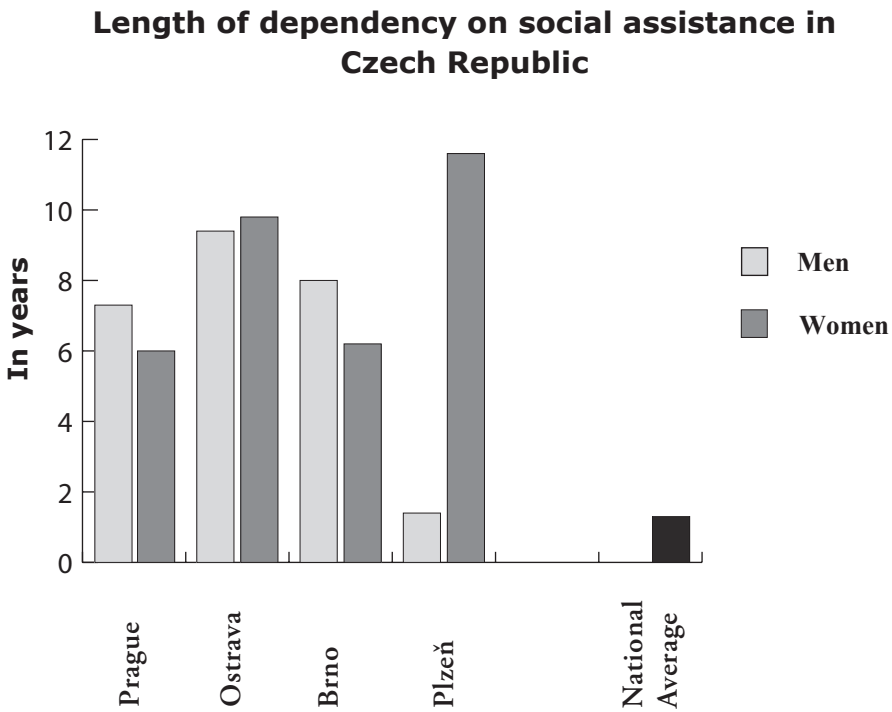
²⁸ Ibid, p. 27.

²⁹ See Committee on the Elimination of Racial Discrimination, CERD/C/372/Add.1, 14 April, 2000. *Reports submitted by States Parties under Article 9 of the Convention. Fourth periodic report of States parties due in 2000.* Addendum Czech Republic, 26 November 1999, para. 134.

of education compared to that offered in mainstream schools. It logically follows that illiteracy levels and the number of early school leavers amongst the Romani community are likely to be higher than that of the non-Romani population.

3.2.1.3 Access to Social Assistance

According to ERRC/Númena research in Czech Republic, 53 out of 73 potentially employable respondents (not retired or in school) were social assistance recipients. Out of 57 persons not formally employed, retired or enrolled in school, 53 reported receiving the Minimum Subsistence Income (MSI). Therefore 92.98% of unemployed persons were receiving social welfare benefits, while 7.02% were not.



Of those persons receiving the MSI in Czech Republic, many of them appear to be long-term dependent on social benefits as a source of income. In Prague, male respondents indicated an average dependency on social assistance of 7.3 years, whilst the average amongst female respondents was 6 years. In Ostrava, male respondents indicated an average dependency on social assistance of 9.4 years, whilst women indicated 9.8 years. In Brno, male respondents indicated an

average dependency on social assistance of 8 years, whilst women indicated 6.2 years. In Plzeň, male respondents indicated an average dependency on social assistance of 1.4 years, whilst the average amongst women was 11.6 years.

By way of comparison, according to information provided by the Czech government to the ERRC/Númena, in general, the average length of reliance on social assistance in Czech Republic is only 16 months (1.33 years). This term of reliance on social assistance was, itself, noted to be problematic by the Czech government.³⁰

In response to the question “have you ever had your minimum subsistence income cut off”, 21 persons responded positively. Amongst the reasons noted were missed deadlines, debts to the social system, permanent residence issues, a lack of citizenship, administrative errors, decisions by social workers as to perceived wealth (having bought new furniture), partner bonus at work and a lack of documentation. Of the 53 Romani individuals receiving social support, 46 (86.79%) stated to the ERRC/Númena that the social welfare system did not meet their needs. In response to the question:

Do you believe access to social services has improved in last 5 years? Of 53 respondents receiving social assistance:

- Only 3 (5.7%) responded that there had been improvement;
- 26 (49.1%) responded that there had been no change;
- 13 (24.5%) responded that the situation had worsened;
- 6 (11.3%) responded that access to services remained the same but their situation has worsened as the cost of living had increased faster than the amount of benefits they receive; and
- 5 (9.4%) did not respond.

The Amended Act on Minimum Subsistence, set to enter into effect from 1 January 2007, introduces major changes to the current system of state-sponsored social support benefits based on the minimum subsistence level. The changes, which will significantly decrease the benefits allocated to social assistance recipients, are, according to the Czech government, intended to create greater incentives for seeking employment, strengthen the activating potential of social assistance and prevent long-term dependence on social benefits. The Act on Material Needs is also highly

³⁰ Information from research conducted by the Czech Institute for Labour and Social Affairs in 2005. English summary provided via email to the ERRC/Númena by Ms Jana Vlachová of the Ministry for Employment and Social Affairs on 26 January 2007.

disputed; the new law restricts social assistance by introducing new definitions of situations and categories of material need, limiting the number of people per household entitled to social assistance and introducing stricter criteria for housing benefits.

According to ERRC research in 2005/2006 conducted on the ability of Roma to access employment in Czech Republic, over three quarters of the Roma interviewed (79%) encountered discrimination when seeking employment. Over 50% of the persons interviewed reportedly experienced overt and direct discrimination and were told that they were not being employed because they were Roma.³¹ Against this background, the ERRC and Númena note that at the same time as the Czech government is shifting to “employment re-activation” social assistance programmes, it has not elaborated corresponding measures in the NAP to reduce the prevalence of employment discrimination. In the absence of pro-active measures in this area, it is very likely that the new social assistance scheme in Czech Republic will have very limited, if any, real impact on the social inclusion of Roma in the long term.

Indeed, according to the Romani advisor of the City of Brno, “in relation to the adoption of the Amended Bill on Minimum Subsistence and the introduction of the concept of material need, even more worsening developments are to be expected – poverty is acquiring the dimension of ethnicity.”³² Indeed, the changes are expected to disproportionately affect Roma negatively. Initial indications from the field indicate that social assistance recipients have been hard hit by the changes.³³ Romani activists and field community social workers in Czech Republic expressed concern that the changes may trigger social unrest such as that witnessed in eastern Slovakia in 2004 when similar measures were introduced. She also reported that while implementing instructions were supposed to be delivered to social service offices throughout the country by 30 September 2006, only in November did the instructions actually reach the offices. This may in fact lead to a level of unpreparedness for the changes. Furthermore, during a ministry-organised workshop that she attended on the implementation of the new legislation, when asked about the impact of the new legislation in practice, officials replied that they could not tell as they considered this year a test.³⁴

A number of Romani respondents expressed dissatisfaction with the manner in which social service workers treated them, or rather at their apparent unwillingness to assist them. Fifteen Roma interviewed by the ERRC and Númena also expressed frustration at the degree of discretion afforded social service workers

³¹ ERRC research conducted in Czech Republic in 2005.

³² Křištofová, Helena. February 2006. *Report on the Current Situation of Roma Living in the City of Brno*.

³³ Email communication to the ERRC from Ms Lucie Fremlová. 30 January 2007.

³⁴ ERRC/Númena interview with Helena Křištofová, Romani Advisor. Brno, 12 January 2007.

in the allocation of one-off social benefits, which resulted in their not receiving needed benefits. Various members of the social system interviewed by the ERRC/Númena supported these grievances.

The Act on Social Services (came into effect on 1 January 2007) delineates the provision of social services by both the governmental and non-governmental sectors. This is seen as a major step forward in this area given the lack of coordination until this point. The new law was designed to ensure a uniform and transparent system of financing on the one hand, and availability and quality of social services on the other. The approval of the Act on Social Services, alongside the Standards for Quality in Social Services and Community Planning of Social Services may be seen as the first and possibly most significant step on the way to providing access to quality social services for everyone and address the concerns raised by Romani individuals in this area.

This suggests, paradoxically, that the positive changes expected with the implementation of the Act on Social Services will in fact be negated by the Amended Bill on Minimum Subsistence and the Bill on Material Needs. At the same time, the Czech government does not appear to have any plan in place to address this.

3.2.1.4 Access to Social Housing

All of the Romani individuals interviewed by the ERRC/Númena feel that their housing situation had worsened in the past 5 years, and in fact, many stated that it was better under communism. The National Action Plan on Social Inclusion 2004-2006 states that “access to housing has gradually improved and so has the quality of housing (...), so it can be said that there was no across the board deficit in housing [...]”.³⁵ In light of the substandard living conditions prevailing in many Romani neighbourhoods and the widespread lack of state-sponsored alternative housing, this statement seems to be anything but realistic. The European Union has also noted that “little attention seems to have been focused in this [housing and health] area [...]”.³⁶

The issue of social housing is not addressed at all in the Czech National Action Plan on Social Inclusion 2004-2006.

³⁵ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 15. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

³⁶ European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. 2005. *The Report on social inclusion 2005: An analysis of the National Action Plans on Social Inclusion (2004-2006) submitted by the 10 new Member States*. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/sec256printed_en.pdf.

At the same time, 67 out of 87 (77%) Roma interviewed by the ERRC/Númena felt they required access to social housing to improve their living situation. None of the locations in which the ERRC/Númena conducted research offered social housing. At the time of research for this assessment, no legal definition of social housing existed in Czech Republic. According to government officials, the Ministry of Regional Development is only required to introduce a clear definition of social housing by the end of 2008.³⁷ While a definition of social housing is due approximately 2 years after the publication of this report, it is likely that social housing will actually be made available several years after the introduction of the definition; the vast majority of Roma, who cannot afford regular rental accommodation and for whom the provision of social housing offers a solution to their substandard living situation, will effectively live without a solution for years to come. Even then, the likelihood of a solution only seems viable if the provision of social housing is laid down in law, given the unwillingness of municipal authorities to undertake “optional” social measures.

In terms of housing conditions, the 2004 Feasibility Study on the Czech Agency for the Prevention of Social Exclusion states that experience acquired at the local level shows that the housing situation of Roma has been continuously deteriorating since the 1990s. The report points to the fact that in the past, members of the Czech Roma communities were usually allocated lower category state flats in neglected houses.

An increasing number of municipalities have in recent years evicted Romani tenants and moved them into flats with no amenities (so-called *holobyty*, a Czech term referring to the notion of virtually empty flats). Paradoxically, rent paid by tenants in these empty flats frequently exceeds the amount paid for regular flats: “As a result of this practice, Romani neighbourhoods, or rather ghettos are formed, even in cities or towns in which members of the Roma community had previously lived in a dispersed manner.”³⁸

In her “Report on the Current Situation of Roma Living in the City of Brno”, the Brno Municipality Romani Advisor states that moving out of so-called Romani ghettos is virtually impossible and the “moving together” of Romani families is the result of various factors, including:

- Privatisation of the Housing Fund with new owners evicting undesirable Romani tenants (who, in many cases, need not be debtors); legal

³⁷ ERRC/Númena interview with Mr Czeslaw Walek, Office of the Government Council for Roma Community Affairs, Prague, 2006.

³⁸ Office of the Government Council for Roma Community Affairs. *2004 Feasibility Study on the Czech Agency for the Prevention of Social Exclusion*, p. 5.

protection, preventing the abuse of low social and legal awareness by Roma, is almost non-existent;

- Poorly planned housing policy that does not include measures to prevent people from becoming rent dodgers. Problems are not identified at a time when they could still be resolved;
- Roma are rarely admitted to municipality flats in the Brno-Střed and Brno-Sever Districts, allegedly because they fail to prove they possess the financial amount required for reconstruction work;
- Where Roma applying for a municipal flat are able to prove possession of the required financial amount for reconstruction work, by law the social department must include the amount in the family's income. Consequently, social benefits are withdrawn and the family find themselves in a stalemate situation again;
- Housing officials tend to view unemployed persons applying for municipality flats as "a priori" a debtor; and
- Housing lists taking into account the applicant's social status are practically non-existent.³⁹

Municipalities view the complexity of the problematic housing situation of Roma from the perspective of the tenants' obligations rather than their rights. Government actions with regard to rents and landlord – tenant relations also reinforce the fact that the NAP exists in a vacuum and is not mainstreamed into the regular functioning of law and policy-making bodies in Czech Republic. For instance, amendments introduced to the Civil Code in March 2006 saw the deterioration of tenants' rights which are expected to have detrimental, disproportionate impact on Roma in the country in the long term and which certainly go against the principle of social inclusion.⁴⁰

³⁹ Křištofová, Helena. February 2006. *Report on the current situation of Roma living in the city of Brno.*

⁴⁰ For instance, court approval is no longer necessary for the termination of tenancy agreements in cases where the lessee continues to violate the good morals of the house following written warning, if the lessee grossly violates his lease obligations, if the lessee fails to pay three times the monthly rental or associated costs in advance, or fails to replenish the deposit; however, the lessor must provide written notice of the lessee's right to file a motion before the court within 60 days asking that the termination of tenancy be declared void. The automatic renewal of fixed term residential leases without formal application for eviction by the lessor with a court more than 30 days prior to the end of the contract was removed, giving landlords the automatic right to end contracts at the expiration of the lease period. The transfer of lease agreements to the family of the lessee is no longer automatic for persons entering a shared household after 31 March 2006: The lessee's children, siblings, parents and sons- and daughter-in-laws must prove that they resided with the lessee on the day of his death or permanent abandonment of the household and that they do not have their own residence (for grandchildren, they must prove 3-years continuous residence); unmarried spouses, who moved in after signing the lease agreement, must prove that they do not have another residence and the lessee must have entered a written agreement with the lessor.

With few exceptions, there are almost no community housing programmes, which should be initiated at the behest of municipal authorities, currently being implemented in Czech Republic. Despite the fact that projects of this kind have been and are being regularly announced by the Ministry for Regional Development, local authorities appear reluctant to provide financial or material support to NGOs willing to participate in such schemes. An unwillingness to cooperate by local authorities is evident even allowing for factors such as spatial segregation and segregated schooling.

Problems persist as to the ambiguous interpretation of the role to be played by the existing Municipal Housing Fund, especially regarding its social function. However, the Czech government, as well as regional and municipal authorities, appear to have failed to address the issue sufficiently to date, despite the stated objective to do so in the NAP.

The problematic nature of housing issues experienced by Roma, including the lack of social housing, are magnified when one considers the impact of housing on access to other social rights. Access to other social services in Czech Republic is based on permanent residence.

In its NAP, the Czech government undertakes to:

- Provide incentives to municipalities to assume full responsibility for the creation of conditions to meet the housing needs of the population;
- Provide support to construction of housing fulfilling the role of social housing; and
- Motivate municipalities to prevent territorial segregation and combat the formation of enclaves consisting of socially disadvantaged families

It appears, in light of the foregoing, that the government has had little effect in this area.

3.2.1.5 Access to State-Sponsored Health Insurance

In its National Action Plan on Social Inclusion, the Czech government stated that health care is provided on an equal basis and via general health insurance. Insurance contributions by people without an income of their own are paid by the Czech government.⁴¹ Universal access to healthcare is one of the pillars of Czech

⁴¹ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 14. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

public health insurance; standard healthcare ought therefore to be accessible to all citizens. All citizens permanently residing in the Czech Republic are obliged to participate in (pay into) public health insurance.

While none of the government officials, social service providers and civil society workers interviewed stated that Roma do not experience particular difficulties in accessing health insurance, interviews with Romani individuals by the ERRC and Númena, however, indicate that a portion of the Romani population does not have access to health insurance for various reasons; 5 persons (5.7%) stated that they did not have state-sponsored health insurance.

One important hindrance is the fact that a number of Roma in Czech Republic have not acquired Czech citizenship since the split of Czechoslovakia in 1993. Without citizenship, said individuals are ineligible for health insurance subsidised from the state budget, which in turn results in their inability to receive medical treatment. Also alarming is the fact that a considerable number of Romani children are born without Czech citizenship. In the case of socially disadvantaged families, the realisation comes only very late and frequently with the help of field community social workers. Other reasons cited were lack of permanent residence, insurance having been cut off because of debts with the system resulting from having moved abroad while not de-registering and inability to register with the labour office,⁴² amongst others.

Another problem is that despite the universality of the Czech health insurance system, some user participation fees are, however, required of users of the health system. Even minimal payments proved to be too much for many of the Roma interviewed; 16 of the 87 (18.4%) interviewees indicated they could not afford the participation fees, particularly related to medication. The United Nations Development Programme has confirmed this problem: “Problems with access to health services are also important. These are due, in part, to the cash payments required from beneficiaries; although relatively small, they are often too large for many Roma.”⁴³

Territorial and spatial segregation also hinders access to health care. A number of disease-causing features are characteristic of Romani ghettos, such as poor housing conditions without basic amenities (damp and mouldy walls, leaking roof, no running water, no shower/bath and an indoor flushing toilet, exposure to noise, pollution etc.)

⁴² There is a 6-month waiting period from the date of termination of employment and one’s ability to register with the labour office, which is a requirement for access to state-sponsored health insurance in the case of unemployed persons.

⁴³ United Nations Development Programme. Avoiding the Dependency Trap. Chapter 6: Health status and trends. Available online at: <http://roma.undp.sk/>.

or a lack of basic hygiene conditions. This makes Roma living in such areas even more prone to illness and disease, which is made worse by the issues noted above.

Part of the Czech healthcare sector has been privatised. Instances have been reported of Romani individuals entitled to medical treatment who have been turned down by private GPs. The reason given, in the majority of cases, is that they already had too many patients in their register.

3.2.1.6 Access to State-Sponsored Pensions⁴⁴

The Czech NAP does not specifically address the issue of pensions or include any measures in this area. The Czech government did, however, state that “[t]he pension system in CR is a universal one and, essentially, provides coverage to all economically active people. At present, no larger group of older people is at immediate risk of significant poverty.”⁴⁵ The government went on to state that of the total number of old-age pensioner’s household, 1.1% fell below the minimum subsistence level.⁴⁶

Three of the 13 (23%) Czech Romani individuals that reported receiving pensions to the ERRC/Númena reportedly received pensions below the minimum subsistence amount.⁴⁷ It is interesting to note that all three were women. Also alarming is the fact that two of the women reported living with several other people, while their pension was reportedly the only household income.

According to the National Strategy on Adequate and Sustainable Pensions: “Old-age-pension: The insurance period required for eligibility for the old-age pension is at least 25 years and the retirement age stipulated by law that is being raised gradually or

⁴⁴ In attempting to discuss the access of Roma to old-age pensions, ERRC/Númena researchers contacted representatives of the Prague-based headquarters of the Czech Social Security Administration, as well as the heads of the relevant departments of its four branches in Prague, Plzeň, Brno and Ostrava. None of the contacted individuals consented to meet ERRC/Númena researchers; instead we were referred to the press officer the Czech Social Security Administration, who stated that every citizen of the Czech Republic has access to old-age pensions regardless of their ethnicity and that questions related to the NAP and social inclusion are outside the scope of the competence of the Czech Social Security Administration.

⁴⁵ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 11. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

⁴⁶ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 19. Available online at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_cz_en_version.pdf.

⁴⁷ Recalling that the Minimum Subsistence Amount for an individual is 3,126 Czech crowns, the mentioned individuals received 2,800, 2,800 and 3,000, respectively.

at least 15 years of insurance and reaching the age of 65 years as a minimum. [...].⁷⁴⁸ Persons falling outside this category remain on social assistance in old age.

While all Czech citizens are affected in this area, the high levels of unemployment and long-term unemployment amongst Czech Roma due to discrimination and other factors come into play here. Also, seemingly arbitrary decisions by social security workers (perhaps due to complex law) and deregistration of Roma from labour offices, etc, are important.⁴⁹ It would indeed seem that at least a portion of the Romani population who are at risk of ineligibility for old-age pension coverage, remain on social assistance in their elder years, and subsequently experience higher poverty, a result of the 25-year rule. Romani women in particular, whose tradition role has been in the home away from formal employment, are at risk.

While the Czech government notes that the amount allocated to pensioners is sufficient, 92% of the Romani pensioners interviewed by the ERRRC/Númena felt that their pension was not adequate to cover their costs of living.

3.2.2 France

3.2.2.1 *Measures in the Area of Access to Social Services in France*

In its National Action Plan on Social Inclusion 2003-2005, the French government noted that measures in the 2001-2003 National Action Plan aimed at return to employment for those excluded from the labour market for long periods of time and effective access to fundamental rights for all. The government noted that mixed results had been achieved.

In March 2003, the French parliament adopted the constitutional law on decentralisation, which bolstered the social mission of local communities, where social exclusion is fought. The 2003-2005 National Action Plan on Social Inclusion was brought forth within that context. It should be noted here that Travellers are not recognised in the Action Plan as a vulnerable group. Indeed, Travellers are not mentioned in the Action Plan at all.

The Plan prioritised to the independence and dignity of the most vulnerable individuals, balancing protection and empowerment, reactivating integration and access to the economy and promoting local initiatives and solidarity. The French government noted that these priorities were based on 3 pillars:

⁴⁸ Ibid, p. 7.

⁴⁹ ERRRC/Númena interview with Mr Karel Holomek. Brno, April 2006.

1. Developing sustainable and innovative conditions for job creation;
2. Preventing the risks of social exclusion; and
3. Reinforcing proximity and mobilising all participants in the fight against social inclusion.

Amongst the initiatives of the 2003-2005 Action Plan relevant to this assessment are the following:

Social assistance:

- The continuation and strengthening of existing programmes aimed at decreasing unemployment, such as Personalised Action Plans for a New Start (PAP-NDs), Employment Solidarity Contracts (CES), Consolidated Employment Contracts (CEC) and Employment Initiative Contracts (CIE);
- The introduction of various new contracts in order to aid the transition to regular employment, such as:
- Minimum Revenue Activity (RMA) Contracts – subsidised employment contracts for Minimum Insertion Revenue (RMI) recipients;
- CIVIC contracts – a personalised support programme to achieve professional integration for young people between the ages of 16 and 25 who experience the greatest barriers to employment;
- The adjustment of RMI incomes and specific solidarity allowances; and
- The elimination of obstacles in accessing social benefits, including accelerated application processes, the expansion of advances and instalments during the application process, and the continuity of entitlements when moving from one department to another or transferring between benefit schemes and improved information delivery

Housing:

- The extension of public residential facilities;
- The provision of discrimination-free access to housing, including the creation of larger houses for larger families, small houses in town centres and rural areas;
- The promotion of habitat diversity;
- The creation of a task force on discrimination in access to housing within the National Council of Habitat;

- The combining of housing solidarity funds (financial assistance for expenses related to securing housing, rental debts and other associated costs) with water and energy solidarity funds and the telephone payment support programme;
- The provision of improved support for tenants during all phases of eviction procedures; and
- The introduction of an urban policy and renewal planning bill to the French Parliament in 2003.

Health Insurance:

Since 2000, Universal Health Insurance (CMU) has existed in France. In addition, Supplementary Universal Health Insurance (CMUc), a flat-rate assistance of 115 EUR, is available to persons whose income is within 10% of the 562 EUR income limit per month in order to ensure optimal health coverage. Within this framework:

- The establishment of healthcare access help desks (PASS) in new locations in areas particularly vulnerable to social exclusion and local solutions found to improve access to preventative care and health education
- The establishment of city health centres in more disadvantaged neighbourhoods in order to identify local needs and expand intervention programmes

The Action Plan further sets out that the promotion of dialogue and partnership with the relevant public and private parties and that the integration of the fight against social exclusion in all policy making and implementation are key initiatives for the success of the plan. This should be achieved by:

1. Involving labour organisations, non-governmental organisations and social welfare organisations in the fight against social exclusion;
2. Mobilising national, regional and local authorities;
3. Developing appropriate bodies and procedures for co-ordinating initiatives; and
4. Adapting administrative and social services to the needs of the disadvantaged and promoting awareness of these needs amongst those in the field.

3.2.2.2 The General Situation of Travellers in France

According to the French National Institute for Statistics and Economic studies (INSEE), the rate of employment in the country in 2005 was 69.15% (average of

63.8% of women and 74.5% of men). In its National Action Plan for Social Inclusion, the French government states that, at the end of 2002, the national unemployment rate was 9.1%.⁵⁰ In 2005, the rate of unemployment in France was 9.8%.⁵¹

According to the results of interviews with 60 Traveller individuals in France by the ERRC and Númena:

- 6 reported being retired and none were attending school;
- 16 persons (26.7% of those not retired or attending school) reported being formally employed; and
- 17 persons (28.3% of those not retired or attending school) reported being engaged in informal employment activities.

Therefore, out of 54 potentially employable persons interviewed, 38 (70.4%) were formally unemployed, whilst a further 21 (38.8%) had no form of remunerated employment whatsoever.

Of the persons who reported being formally employed, 15 were engaged in part-time work as entrepreneurs in markets or in traditional forms of employment such as furniture repair, painting and landscaping. These persons had small enterprises registered with the Chamber of Commerce.

In its National Action Plan for Social Inclusion, the French government states that between 5 and 10% of the French population are illiterate.⁵² In comparison to this national indicator, research conducted by the ERRC in preparation for the Country Report “Always Somewhere Else: Anti-Gypsyism in France” revealed that the most recent nation-wide official estimates on the educational attainment of Traveller children in France publicly available date back to the 1990 Delamon Report, according to which only 5% of school-age Traveller children attended kindergarten, while 50% of those who travel and 85% of those who are sedentary attended elementary school.⁵³ More recent information provided by the French

⁵⁰ Permanent Representative of France to the European Union. National Action Plan for Social Inclusion 2003-2005, p. 1. Available online at: http://ec.europa.eu/employment_social/news/2001/jun/napincl_fr_en.pdf.

⁵¹ National Institute for Statistics and Economic Studies (INSEE). Number of unemployed and unemployment rate. Available online at: http://www.insee.fr/en/ffc/chifcle_fiche.asp?ref_id=NATFPS03306&tab_id=312.

⁵² Permanent Representative of France to the European Union. National Action Plan for Social Inclusion 2003-2005, p. 25. Available online at: http://ec.europa.eu/employment_social/news/2001/jun/napincl_fr_en.pdf.

⁵³ Delamon, Arsène. “La situation des ‘Gens du Voyage’ et les mesures proposees pour l ’ameliorer ”. Rapport de Mission de Monsieur Arsène Delamon à Monsieur le Premier Ministre. 13 Juillet 1990. (Referred to as “The Delamon Report”).

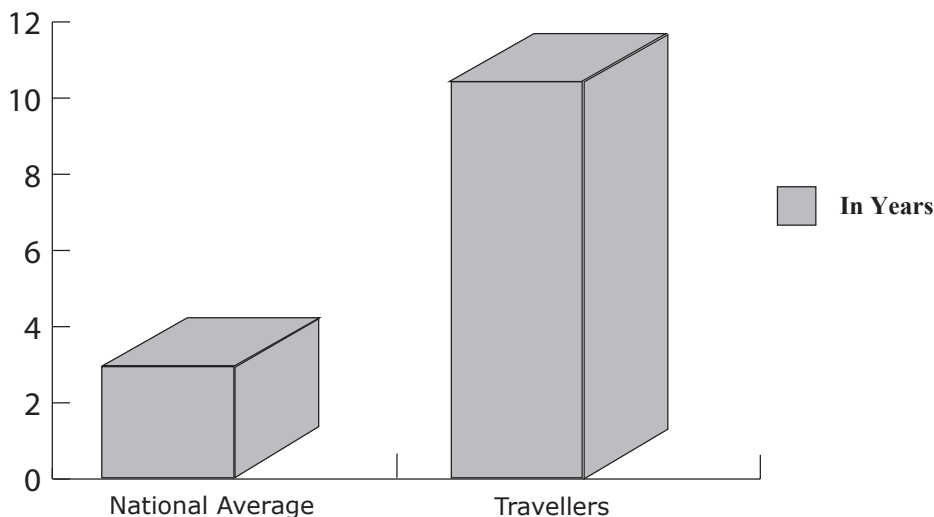
Ministry of National Education for the periodical Interface in the Spring of 2001 indicated that “approximately 15-20% of Gypsy children of secondary school age currently attend” and that “Gypsy children of primary school age are increasingly enrolled in local schools, in ordinary classes [...]”⁵⁴ Such alarming indicators in the area of education have significant effects on both the access of Travellers to social services and the need for access to such by members of this vulnerable group.

3.2.2.3 Access to Social Assistance

The Minimum Insertion Revenue (RMI) was noted to be very important as an income for Travellers in France. As its name infers, the RMI is intended as a conditional, temporary support for unemployed individuals, which should lead to employment via associated “activation” measures. Within 3 months of originally having been granted RMI, beneficiaries are expected to enter into Insertion Contracts, wherein they agree to undergo trainings stipulated by social services, frequent employment offices to seek employment, etc. Progress is checked at regular intervals thereafter, with access to RMI conditional upon this evaluation.

In France, 42 out of 47 potentially employable respondents (not retired or below the age of 25) were social assistance recipients.

Length of dependency on RMI in France



⁵⁴ “Information File: France.” Interface, Number 39, Spring 2001, pp.14-17.

Data published by the National Case of Family Allowances (CAF) indicates that the average length of dependency on RMI by the general population in France is 4.02 years.⁵⁵ Of those Traveller interviewees receiving the RMI benefit in France, many of them appear to be long-term dependent on social benefits as a source of income: Of the 16 respondents that indicated the number of years they had been receiving social assistance, the average length of time was 10.4 years.

In response to the question “has your RMI ever been cut off or late”, 16 persons (38%) responded positively. In almost all cases, this was attributed to the travelling lifestyle of the respondent. Most of the interviewees noted that while they are travelling, they often receive papers late, which causes them to miss deadlines that subsequently results in their RMI payments being delayed. All respondents noted that most times, the delay of payment lasted up to 3 months, which causes considerable strain on the well-being of individuals and families dependent on social assistance as their primary source of income and places these individuals at serious risk of poverty.

Of the 42 Traveller individuals receiving social support, 40 (95.2%) stated to the ERRC/Númena that the social welfare system did not meet their needs. The same individuals informed the ERRC/Númena that there had been no improvements in the social service system in the last 5 years.

Problems inherent in the process of accessing RMI by Travellers and in the implementation of its employment activation components have resulted in very little impact in terms of improving the social inclusion of Travellers in France. At the same time, the French government has not addressed these problems in the articulation of its NAP 2003-2005.

The research data reveals that third party agents, including non-Traveller and Traveller civil organisations, overwhelmingly undertake the administration and distribution of social assistance benefits for Traveller recipients in France. Thirty-three out of 42 (78.6%) of RMI recipients interviewed by the ERRC/Númena were registered through associations. This was because of the travelling lifestyle of Traveller communities in France that results in many Travellers not having fixed, permanent addresses; a prerequisite for receiving social assistance. Said civil organisations therefore offer Travellers in need of social assistance the ability to “register” their

⁵⁵ Figure estimated by the ERRC and calculated as the weighted average of duration of benefit, deduced from the breakdown of all beneficiaries by the starting year of the benefit. Information used in this calculation is available at: [http://www.cnaf.fr/web/WebCnaf.nsf/090ba6646193ccc8c125684f005898f3/c513799a11eb71fcc1257192004ed4d5/\\$FILE/Fascicule%20PL%20AL%20et%20RMI%20au%2031%2012%202005.pdf](http://www.cnaf.fr/web/WebCnaf.nsf/090ba6646193ccc8c125684f005898f3/c513799a11eb71fcc1257192004ed4d5/$FILE/Fascicule%20PL%20AL%20et%20RMI%20au%2031%2012%202005.pdf).

domicile at the address of the civil organisation in order to facilitate their access to social allowances. Discussions with government officials revealed that the intervention of third parties in the disbursement of state benefits was encouraged by the Ministry of Social Affairs, Employment and Solidarity specifically to address the particular problem Travellers experiences vis-à-vis their domiciliation.⁵⁶

One worrying result of this “solution” posited by the French government is the fact that Travellers, who often need to register with an association to receive their social benefits for logistical reasons, have to pay a fee to access their social benefits which non-Travellers do not. Since the associations providing the service are not completely, if at all, government funded, users of their services are required to pay a fee in order to sustain the associations.⁵⁷

Another result of this practice is the widespread dependency of Traveller social aid recipients on these organisations because the receipt of their only regular source of income is tied to them. In addition, and very worryingly, virtually every RMI recipient interviewed by the ERRC/Númena was unaware of exactly which social benefits they were entitled to under the broad range of social assistance offered by the state, and how much their total benefit package was. High levels of illiteracy amongst Travellers in France also impact knowledge of the social benefit system and rendered interviewees somewhat reluctant to talk about the RMI and other benefits because of their rudimentary knowledge of the programme.

Most of the individuals interviewed by the ERRC/Númena in France exhibited very low awareness of how the social assistance system worked in France. For instance, 16 Travellers (38%) did not even know if they had signed Insertion Contracts, which are the cornerstone of the RMI (employment activation) paradigm in France. Their access to RMI and other social benefits had been left completely in the hands of the organisation through which they were domiciled. Almost all interviewees stated that the civil organisation had completely taken over their dealings with the CAF, which they viewed positively.

Further, the capacities and intervention of individual organisations involved in the administration of social benefits for Travellers is also paramount considering their position of importance in the process when it comes to Travellers.

⁵⁶ ERRC/Númena interview with Mr Marc Garrone and Mr Pierre Larcher of the Ministry for Social Affairs, Labour and Solidarity. Paris, November 2006

⁵⁷ ERRC/Númena interviews with Mr Matthieu Busnel (association ASNIT, Marseilles), Louis Adelle (association ASAV, Nanterre) and Emile Scheitz (association AFGVIE, Aubervilliers) November 2006.

ERRC/Númena research revealed that Traveller organisations involved in this field exhibited less knowledge of the social assistance system in France than social work organisations. This revealed a serious flaw in the process because the full enjoyment of the French social assistance programme by Travellers was contingent upon the expertise of the relevant representative association's staff and full understanding of the somewhat complicated state benefits programme.⁵⁸ This places an unfair burden of responsibility on the various Traveller associations given the limited educational attainment that characterises the French Traveller community. Indeed, none of the organisations met indicated that they had been provided any training by the government in order to effectively assist social assistance recipients. Given the historical context, the French government should provide professional training to Traveller associations in order to help them improve their quality of assistance offered.

The practice of “outsourcing” social assistance provision to third party organisations can be viewed purely as a containment strategy for addressing the fact that Travellers do not fit within a certain mould, rather than as addressing, tackling and solving the fundamental causal factors behind the continual marginalisation of the Travellers in France. While this situation continues, Travellers will never truly be integrated into the normal functioning of the social assistance system in France.

The French NAP does not address the issues outlined above or include plans for evaluation and improvement of this system of parallel service for Travellers or the “service” itself offered by the civil organisations.⁵⁹

In its 2003-2005 NAP, the French government noted some progress in the re-entry to the labour market of RMI recipients. The government noted a 20% increase in 2001 in the number of job seekers re-entering the labour market, while the corresponding figure for 2002 was 5.2%.⁶⁰ When comparing this data to the Traveller respondents surveyed by the ERRC/Númena in France, not a single person interviewed had re-entered the labour market as a result of measures inherent in the RMI/Insertion process. Only 23 of 42 (54.7%) respondents stated that they had even signed Insertion Contracts (that they knew of).

⁵⁸ In some instances, when asked by researchers about the government social assistance programmes, respondents provided erroneous answers or had no knowledge of the relevant benefit and were informed by the researchers about certain policies and programmes.

⁵⁹ The need for this evaluation, however, was noted by government officials during interviews. ERRC/Númena interview with Mr Marc Garrone and Mr Pierre Larcher of the Ministry for Social Affairs, Labour and Solidarity. Paris, November 2006.

⁶⁰ French National Action Plan for Social Inclusion, p. 6. Available online at: http://ec.europa.eu/employment_social/news/2001/jun/napincl_fr_en.pdf.

A number of issues are also apparent in terms of the quality of the “activation” measures linked to RMI where Travellers are concerned. Only 7 of the 42 (16.7%) RMI recipients interviewed by the ERRC/Númena had been sent for specific training as a condition included in their Insertion Contracts. Ten of the individuals interviewed by the ERRC/Númena stated that their Insertion Contracts did not include specific “insertion” measures because they had registered with the Chamber of Commerce as entrepreneurs. Sixteen of the 25 (64%) remaining RMI recipients who had never been sent for trainings or other work activation measures were women.⁶¹

Those RMI recipients who had registered a small enterprise with the Chamber of Commerce were required to report earnings from employment every three months, at which time their RMI payment would be adjusted accordingly for the coming period. This form of so-called “differentiated RMI”, however, is not an option available across the country and may only be available for a set period of time. It depends on the decision of General Council at the Department level; this being one of the detrimental effects of decentralisation in France.⁶² This creates several problems, as it means that Travellers, when practicing their lifestyle, cannot move smoothly through the system. This has the effect of limiting their options for travelling around the country, as well as promulgates their link to certain areas of the country through domiciliation with associations while they no longer live there in practical terms.

Given the high levels of illiteracy encountered amongst the Traveller respondents interviewed by the ERRC/Númena during the course of research, training initiatives that would effectively lead to employment were unavailable to Travellers. Indeed, most Travellers had not even been offered training opportunities. The training initiatives undertaken by the Traveller respondents addressed basic skills such as reading and writing, while further training that aimed at increasing specific work skills had not been offered. For instance, within the framework of her RMI benefit, Ms M., a Traveller living in Aubervilliers, attended a basic literacy course in order to develop reading and writing skills. Ms M. informed the ERRC/Númena that while she appreciated that a training course had been made available, she was still functionally illiterate because, in her opinion, the teacher did not try to teach the people in the class, who were mostly Travellers and immigrants.⁶³

Programmes that simply provide reading and writing initiatives will not succeed since the many adults receiving RMI feel they cannot complete a

⁶¹ Three individuals did not respond to the question.

⁶² ERRC/Númena interview with Ms Gaëlle Loiseau. Montpellier, November 2006.

⁶³ ERRC/Númena interview with Ms. M. Aubervilliers, November 2006.

process that is sometimes humiliating for them. As evidence from the interviews shows, this experience is further exacerbated by the widely-held perception that the educational programme will not lead to them acquiring full-time work and is, therefore, considered a waste of their time. For instance Mr A. informed the ERRC/Númena that he would never get work as a result of the integration measures because he “did not fit the profile” because the job profiles available required full literacy skills.⁶⁴

In addition, the training programmes offered within the integration framework are very rigid and do not take into account the skills of the beneficiaries. For instance, several Travellers interviewed by the ERRC/Númena noted that they would benefit from formal training in vocational areas such as landscaping in order to get their diploma as these professions are fast requiring certification to work formally. However, as they currently exist, educational programmes tied to RMI do not allow the beneficiary to choose the training they would like; rather, they are forced into a certain set of trainings, which may not take into account the chosen lifestyle or profession of the recipient.⁶⁵

Another Traveller interviewed by the ERRC/Númena stated that he quit attending training initiatives connected with his RMI benefit out of frustration. The young man said that he had been to countless training workshops and internships, but they had never resulted in employment.⁶⁶

While the French government lists many different subsidised employment contracts offered to employers hiring socially excluded persons and RMI beneficiaries, the French NAP does not include any specific measures to combat discrimination as experienced by Travellers and socially excluded groups in accessing the French labour market. Subsidised contracts do not specifically address the effects of employment discrimination as concerns the integration of Travellers in the French labour market.

In addition, while the French government undertook to continuously eliminate obstacles to accessing social benefits, these measures were largely ineffective where Travellers are concerned. Many of the improvements to the social service system relate to improved information flows and accessibility, such as

⁶⁴ ERRC/Númena interview with Mr A. Aubervilliers, November, 2006.

⁶⁵ Many of the available trainings reported relate to computers and office work. None of Travellers interviewed by the ERRC/Númena wanted to abandon their traditional profession, which were vocational in nature. However, there is no option within the current RMI scheme for them to acquire formal certification in their chosen area.

⁶⁶ ERRC/Númena interview with a young man who refused to give his name. Saint Denis, November 2006.

online petitioning. Such improvements do not assist the great many Traveller social aid beneficiaries who are illiterate or with low educational attainment levels, or with limited access to Internet services; computers, for instance, were not present in any of the Traveller dwellings visited by the ERRC/Númena.

Further, certain provisions of French law preclude individuals between the ages of 19 and 25 from accessing social benefits.⁶⁷ This condition constitutes an important deficiency in the RMI legal framework. While this provision clearly affects non-Travellers as well, as a result of the high levels of unemployment amongst French Travellers and discrimination, they are necessarily disproportionately impacted. Traveller families with whom the ERRC/Númena met in France indicated that this ban of young persons from social assistance created considerable financial strains for their families.⁶⁸ This could constitute a form of Indirect Discrimination as defined in the European Directive 2000/43/EC Article 2(b).⁶⁹

There is also a lack of representation of Travellers amongst those working in public service positions, which would likely aid in bridging the barriers listed above with respect to the effective functioning of the social assistance system where Travellers are concerned. None of the measures included in the French NAP effectively address the situation referred to above, as the concerns of particular groups, such as Travellers, are not considered – in line with French practice.

3.2.2.4 Access to Halting Sites and Social Housing

Most of the Traveller communities visited by the ERRC/Númena comprised caravan sites, both legal and illegal.⁷⁰ While many French Travellers continue to live in caravans, some of these no longer travel regularly but rather live a

⁶⁷ Individuals are covered by their parents' benefits until the age of 18. Persons between the ages of 19 and 25 are not entitled to receive RMI, with the exception of pregnant women or persons responsible for the care of 1 or more child. Information available online at: <http://www.legifrance.gouv.fr/WAspad/UnCode?&commun=CACTSO&code=CACTSOCL.rcv>.

⁶⁸ ERRC/Númena interview with Ms M.L. Sainte Prieste, November 2006.

⁶⁹ Article 2(b) of the Directive states, "indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary." Available online at: <http://europa.eu.int/infonet/library/m/200043ce/en.htm>.

⁷⁰ Indeed, the ERRC visited only 2 social housing communities where Travellers lived.

mostly sedentary life within their caravan homes. Many Travellers living in caravans live in highly substandard conditions, without basic infrastructure and sanitary facilities. This is the result of a lack of authorised halting places and the failure of municipal authorities to provide adequate service provision in halting areas, amongst other reasons. During research in 2004, the ERRC found approximately half of the Travellers it visited living temporarily beside garbage dumps or sewage treatment plants.

Various problems related to the provision of social housing were observed during research. Patterns of discrimination and segregation of Travellers affect access to HLM (social housing for those with low income), despite national legislation explicitly forbidding such discrimination. Both of the two social housing areas visited by the ERRC/Númena in the south of France comprised segregated social housing areas for French Travellers. Both areas, in Montpellier, were inhabited by Travellers solely. In addition, both areas were surrounded by large walls. Indeed, one of the areas was surrounded by large industrial buildings, which rendered the community invisible in the town. Both areas were located nearby to other non-segregated social housing areas.

In addition, the conditions for accessing social housing create barriers for Travellers in France. Amongst the required documentation to be presented when seeking social housing is proof of employment (pay slips) for household members, the most recent rental receipts and tax declarations.⁷¹ Given the disproportionately high levels of unemployment amongst French Travellers indicated earlier in this report, as well as the fact that most live in caravans and would not have rental records, such documentation is extremely difficult to produce.⁷²

Travellers have also reported long waiting periods for accessing social housing. The average wait time noted during ERRC/Númena research was 6 years. During research in 2004, the ERRC met Traveller individuals who had waited for almost a decade for social housing, apparently because there was no housing big enough available, and were living in squalid conditions.⁷³ At the same time, the director of ASNIT, Bouches du Rhône, informed the ERRC that the normal waiting time for qualified persons in the region was generally three years.⁷⁴

⁷¹ See www.union-hlm.org.

⁷² In 2004, Dr Jean-Claude Giraud, President of the NGO Coordination Committee for the Promotion and in Solidarity with Communities in Difficulty: Migrants and Gypsies (C.C.P.S.), confirmed for the ERRC that those persons who are “sedentarised” or in the process of “becoming sedentarised” have difficulty accessing social housing, in part due to difficulties of proving the amount of their financial resources.

⁷³ ERRC interview with Ms Flore Crystal. Pertuis, May 2004.

⁷⁴ ERRC interview with Ms Karine Moreau. Marseille. May 2004.

Travellers choosing to live on government provided halting sites (rather than live their chosen lifestyle illegally) are also subjected to discrimination and regulation that residents of regular social housing programmes are not. All official halting sites visited by the ERRC/Númena in southern France were surrounded by large fences with a front gate through which caravans could be moved in and out. A security guard was employed at almost all sites and the sites were only open during business hours throughout the week and on Saturdays; they were closed on Sundays. This meant that the rental inhabitants of these sites could not move freely to and from these sites but were regulated by public order as to when they could and could not move. Residents of official sites were further required to deposit the ownership papers for their caravans with the site manager and pay a cash deposit upon arrival.⁷⁵

In addition to difficulties in accessing social housing which are unaddressed in the French NAP, and despite the NAPs stated objectives to provide discrimination free access to housing and to promote habitat diversity, numerous legislative measures implemented during the period illustrate the hollowness of these statements. It rather appears from the following that French law seeks to eradicate the preferred habitat of many French Travellers.

Building upon the foundation of Law no 2000-614 (hereafter “Besson Law”), which positively obliged all municipalities of more than 5,000 inhabitants to establish a “halting area” for Travellers to temporarily reside but then provided the legal impetus for said municipalities to forcibly evict Travellers who stop with caravans anywhere outside the designated areas, the national government introduced a series of repressive laws which directly impact Travellers negatively at about the same time the 2003-2005 NAP was introduced.

Law of 18 March 2003 for Interior Security (hereinafter “Security Law”) considerably extended the restrictive aspects of the Besson Law. Included in its Chapter 10 are a number of articles specifically aimed at French Travellers that criminalize halting on most of French territory outside of designated sites. In addition, the mayor of municipalities can apply to the courts for an order of forced eviction of mobile homes halted on private land when this halting is deemed to threaten public health, security or peace, even where no site provision has been provided or planned in the department.⁷⁶ Penalties for the above criminal actions are severe: 6 months imprisonment, a fine of 3,750 EUR, the suspension of a person’s driving license for a period up to three years, and any

⁷⁵ With the exception of one new site in Sainte Prieste, near Lyon.

⁷⁶ Meaning that even the owner of private land, living in a mobile home, can be forcibly evicted from his or her own land on the grounds of threatening public health, security or peace.

vehicles used to carry out the act of illegal halting (Roma generally tow their mobile homes with vehicles) can be seized and confiscated, unless the vehicles themselves constitute the person's home.

Law 2003-710 (hereafter called the Borloo law), passed on 1 August 2003, made a list of 28 French cities with less than 20,000 inhabitants completely off-limits for French Travellers to halt. The law frees listed cities from their obligations under the Besson Law, regardless of the prevalence of Travellers in the area; indeed, French Travellers have resided in many of the listed cities for generations. In addition, the affected municipalities were immediately able to apply all of the penal provisions of the Security Law.

At the same time as Travellers experience difficulties in accessing social housing, municipalities have not applied the provisions of the Besson law that require them to create halting areas. Official estimates from March 2005 revealed that only 20% of the required number of halting sites in existence; approximately 7,000 of the minimum 35,000 required.⁷⁷ Various extensions have additionally been given to municipalities required to approve Departmental Plans. Whilst the original deadline was January 2002, various extensions had moved the deadline to January 2007 as of the time of research.⁷⁸

Travellers further reported experiencing problems in parking their caravans on privately-owned land without the proper zoning permission.⁷⁹ This is often refused, or is unaffordable, because it would require a zoning change and the installation of expensive services. After three months, the owner of the caravan and the land must get authorisation from the mayor of the municipality where the land is situated. If granted, said permission must be renewed every three years. The caravan must therefore retain its mobile devices, otherwise it loses its legal qualification and becomes an illegally-built construction, exposing the owner to legal actions.

In addition, the French NAP 2003-2005 noted the rise of evictions in France and included provisions to provide improved support to tenants during all phases of the eviction procedure. However, many of the evictions conducted within the framework of the above mentioned laws of which the ERRC/Númena is aware were conducted without due process, with the affected individuals being forced to immediately move on. Indeed, most of the Travellers interviewed by the ERRC/Númena noted that,

⁷⁷ ERRC telephone interview with Ms Sylvette Saint-Julien. Paris, March 2005.

⁷⁸ Law no 2004-809 of 13 August 2004.

⁷⁹ The only land affordable to Travellers is often not zoned for residential purposes.

when unable to stop on official sites (most of the time given how few exist) police often force them to move more than 3 times per day.

Other problems in the area of housing where Travellers are concerned, and which are not addressed in the French NAP, relates to accessing housing allowances. French law dating back to 1952 states that caravans that retain their mobile devices are not regarded as houses because they are not subjected to building permits.⁸⁰ Legislation on construction and urban planning qualifies caravans as “habitats.” This distinction has a discriminatory impact on persons residing in caravans. Due to the classification of caravans under current French legislation, caravan owners are ineligible for various housing allowances available to the general population in France. Amongst the housing allowances Travellers are unable to access are Family Housing Allowances (ALF),⁸¹ Social Housing Allowances (ALS),⁸² Housing Personalised Aids (APL)⁸³ and various electricity and heating allowances.

Therefore, persons choosing to live in housing that does not conform to the traditional concept of a house in France are penalised when trying to access housing assistance, which has a disproportionate impact on French Travellers. Further, during field research conducted by the ERRC/Númena in France in the Autumn of 2006, the French government was in the process of adopting legislative amendments which would require caravan dwellers to pay “habitation tax”, similar to housing tax. A proposal was put forward that, once required to pay habitation tax, caravan dwellers should be eligible to access the full range of housing allowances available to French citizens, regardless of their housing type. This proposal, however, was rejected.⁸⁴

This series of legislative changes call into question the French government’s level of commitment to actually achieving the social inclusion of Travellers given that all of the laws indicated above, adopted during the NAP period, contribute to their further exclusion.

At the same time, the CAF, which administers social benefits in France, provides some subsidised interest-free loans for the purchase of caravans. However, ERRC/Númena research indicates that these loans are not accessible by many

⁸⁰ Circular of 15 April 1952.

⁸¹ An allowance for persons responsible for the care of others.

⁸² An allowance for housing expenditures for any person whose resources do not exceed a set amount which varies according to the geographical location of the housing.

⁸³ An allowance for tenants of officially agreed housing.

⁸⁴ ERRC/Númena interview with Ms Alice Januel (ANGVC). La Plan Trevous Malcouvert, November 2006.

Travellers as some conditionality is tied to their attribution. For example, the loans are reserved for social benefit recipients and persons must have at least 2 dependent children to be eligible for such loans. In addition, because the local CAF decides on the allocation of these loans, a certain amount of discretion was afforded local authorities in the allocation of this benefit, and there are differences in the eligibility criteria from location to location. The National CAF is unable to intervene as a result of decentralisation. Indeed, most of the Travellers interviewed by the ERRC/Númena were unaware of the existence of this loan possibility. This was very problematic given the reported refusal of banks to grant loans to Travellers to purchase caravans and their subsequent reliance on alternative loan schemes with extremely high interest rates.

3.2.2.5 Access to State-Sponsored Health Insurance

The French health system has operated by giving priority to people with low incomes. Since 2000, Universal Health Insurance (CMU) has existed in France. In addition, Supplementary Health Insurance (CMUc), a 115 EUR flat-rate assistance, has been available to persons whose income is within 10% of the 562 EUR monthly limit. These benefits are automatically available to RMI beneficiaries.

Most of the Travellers interviewed by the ERRC/Númena noted that access to health insurance and health services was the least problematic area for them. The measures in the French NAP 2003-2005 are aimed at improving access to information; improving access to preventative care and the establishment of health centres in disadvantaged neighbourhoods. The French government does not address the exclusion of young persons from full health coverage. ERRC/Númena research indicates that a portion of France's young Traveller population does not have full health coverage. As with social benefits, persons between the ages of 19 and 25 years who are no longer enrolled in school and are not employed do not have access to health insurance. These individuals are also no longer covered by through their parent. The ERRC/Númena met with 3 individuals falling within this age category during field research in November 2006. Although receiving basic coverage offered through social security, this was noted to provide very minimal coverage and the individuals interviewed had purchased private health insurance in order to achieve normal health coverage. This, however, was noted to be very expensive considering their limited resources: two were unemployed, one of whom was pregnant, and one was working part-time.⁸⁵

⁸⁵ ERRC/Númena interviews with Mr A.C. (L'Île sur la Sorgue), Ms C.M. (Cavallion) and Ms S.H. (Cavallion). November 2006.

Young Travellers in France appear to be disproportionately affected by this situation considering information related to early school leaving and high unemployment rates. Their disadvantaged economic position also precludes many of them from accessing private health insurance schemes, because they cannot afford the premiums.

In addition to the total exclusion of young persons from the CMU framework, the ERRC/Númena also met 3 Travellers who did not benefit from CMU for various reasons although they were entitled to CMU coverage. Administrative errors were noted in each case as the reason for the lack of coverage, with one individual stating that he had been waiting more than one year for the problem to be solved.⁸⁶

As RMI recipients, many of the Travellers interviewed during ERRC/Númena research received the CMUc and were not required to pay supplemental or user fees for health services or medication. However, 11 out of 60 (18.3%) of those interviewed were still required to pay small fees for medication and health services, which they felt were unaffordable considering their income from social benefits.

Another concern with the implementation of the French NAP relates to the location of official halting sites for Travellers and their proximity to services, including health services. The official sites visited by the ERRC/Númena were all located on the periphery of towns and cities, or even outside the official town plan altogether. Persons living in these sites are therefore located far away from the nearest health centres, while those living on illegal sites outside towns and cities are even further away from health services.

3.2.2.6 *Access to State-Sponsored Pensions*

The French NAP does not deal with the issue of pensions and, therefore, does not include any measures with regard to improving social inclusion in this area. According to the Commission of European Communities' "Synthesis Report on Adequate and Sustainable Pensions: France Country Summary", the minimum gross pension for one person in 2005 was 599 EUR per month; 45% of the national median equivalised income at the time. As of 2003, approximately 5% of those over the age of 65 benefited from the minimum pension.⁸⁷

⁸⁶ ERRC/Númena interviews with Mr D.E. (Clermont L'Herault), Ms C. M. (Courtine) and Mr C. M. (L'île sur la Sorgue). November 2006.

⁸⁷ Commission of European Communities. 2006. Synthesis Report on Adequate and Sustainable Pensions: France Country Summary. P. 1. Available online at: http://ec.europa.eu/employment_social/social_protection/docs/2006/france_en.pdf.

Three of the 6 French Travellers that reported receiving pensions to the ERRC/Númena reportedly received pensions lower than the social pension amount, two of whom were women. The ERRC/Númena also interviewed one Traveller who did not receive any form of a pension; he and his wife survived on her small pension payment each month.⁸⁸ In addition, all 6 of the Traveller pension recipients interviewed by the ERRC/Númena felt that their pension was not adequate to cover their costs of living in France.

All 6 Traveller pensioners interviewed by the ERRC/Númena stated that they could not afford to pay the required contributions for health coverage and medications, which increases their risk of health problems in old age. Nor could they afford the rental costs associated with living on official sites from their small monthly pensions.

3.2.3 Portugal

3.2.3.1 Measures in the Area of Access to Social Services in Portugal

The stated goals of Portugal's 2003-2005 National Action Plan on Social Inclusion include:

1. Promote the participation in employment and universal access to resources, rights, goods and services;
 - 1.1 Promote participation in employment: Support access to long-term and quality employment to all women and men by:
 - a) Providing persons belonging to the most vulnerable groups with professional counselling and training offices
 - b) Seizing opportunities for inclusion and employment of the social economy
 - 1.2 Promote the access of all to resources, rights, goods and services by:
 - i. Organising the welfare system
 - ii. Creating policies that allow decent housing and the necessary essential services to maintain that house (electricity, water, heating...) for each person
 - iii. Creating policies with the aim of promoting the access of all to healthcare services, including for those who lack autonomy.

⁸⁸ ERRC/Númena interview with Mr G. G. Carpentras, November 2006.

2. Prevent the risk of exclusion;
3. Work on the interest of the most vulnerable;
 - a) Facilitate the social integration of men and women who may be prone to poverty and exclusion; and
4. Mobilise all stakeholders.

Specific measures included in the Portuguese NAP of relevance to this assessment follow:

Social Assistance:

- Social Integration Income (RSI): Guarantee access to all who have the right;
- Inclusion contractualisation: Ensure the signing of a social inclusion contract with 10% of families that receive some welfare transfers, by 2003, 30% by 2004, 50% by 2005, guaranteeing, in a case particular analysis, measures in education and training, work, residence, health, social protection, monetary transfers, and access to services;
- Guarantee access of all RSI beneficiaries who have signed the inclusion contract to the various support measures;
- Guarantee the social differentiation principle by the attribution of special benefits to the beneficiaries in greater social and familiar disadvantage: pregnant women, responsible for children less than one year of age, with disabled or chronically ill relatives, with relatives in situation of extreme dependency and to compensate housing costs; and
- Reduce, to one month, the time between the application and the granting of the social benefits.

Housing:

- New Urban Rehabilitation package: Refurbishing of dilapidated houses to gradually increase the number of residences;
- Support of the construction of low cost housing: Promote 3,200 controlled rent residences every year;
- Re-lodging Programme: Rehouse families who live in slums, building 3,500 residences per year.

Health:

- Bill of rights of the inpatient: Publish 5000 copies of the Bill of rights of the inpatient.

Pensions:

- Familiar complement to minimum retirement pensions: A complement to minimum retirement pensions to ensure that all beneficiaries receive at least the equivalent to the minimum national wage.

Further, the Roma Social Promotion Programme included in the NAP seeks to promote the social inclusion of the Romani minority through an information assistance service at the local level.

3.2.3.2 The General Situation of Roma in Portugal

The employment rate in Portugal in 2003 was 68.1%. At the same time, the unemployment rate has been increasing in recent years: 5% in 2002, 6.3% in 2003, for example. According to the results of interviews with 90 Romani individuals in Portugal by the ERRC and Númena:

- 13 reported receiving pension and 3 were attending school;
- 12 persons (15.6% of those not on pension or attending school) reported being formally employed; and
- 31 persons (40.3% of those not on pension or attending school) reported being engaged in informal employment.

Therefore, of 77 potentially employable Romani respondents, 65 (84.4%) were reportedly formally unemployed, whilst 34 (44.2%) reported having no form of remunerated employment whatsoever.

The levels of formal educational attainment in Portugal remain low; the situation of Roma is comparatively worse. Official data from 1998 indicates very low levels of participation in pre-school education by Roma, high levels of failure and early drop-out rates. In 1998, only 55.4% of Romani pupils completed primary education compared to the national average of 87.7%.⁸⁹ A study carried out by Númena in 2005 indicated even more worrying results: Of 401 Roma surveyed nationwide, 29% of the

⁸⁹ Entreculturas DataBase, Gabinete de Educação e Formação do ACIME/Secretariado Entreculturas, Portugal.

respondents had not completed even 4 years of schooling. Forty-two percent reported completing at least 4 years of school, 5% reportedly completed 6 years of schooling, 3% reportedly completed 9 years of schooling, while just 1% had concluded secondary education.⁹⁰ None of the respondents had completed tertiary level schooling. The impact of such on literacy levels and employment opportunity is obvious, and as such, contributes to a greater reliance on social benefits.

3.2.3.3 Access to Social Assistance

In Portugal, 52 out of 77 (67.5%) potentially employable respondents (not retired or in school) reported receiving the Social Integration Income (RSI); RSI recipients comprised 80% of those not formally working, retired or in school.

Of those persons receiving the RSI in Portugal, many of them appear to be long-term dependent on social benefits as a source of income. There does not appear to be any difference according to gender. Out of 7 beneficiaries who responded:

- 4 had received the benefit for more than 4 years;
- 2 had received the benefit for more than 3 years; and
- 1 had received the benefit for more than 2 years.

Most of the other respondents were periodically on and off the benefit and therefore did not declare that they have been consecutively receiving RSI for many years. However, ERRC/Númena reveals a de facto situation of long-term dependency on RSI.

The RSI has been very important in providing income for those earning less than the social pension of households in similar circumstances;⁹¹ this is indeed the case for Roma. Most of the Romani RSI beneficiaries noted the importance of the RSI in their lives. However, upon deeper examination, the RSI is not without problems and, indeed, hardly promotes the social inclusion of its Romani beneficiaries, which is not addressed in the Portuguese NAP.

In terms of the administrative functioning of the RSI system, several concerns were raised. In response to the question “have you ever had your RSI cut off”, 8 persons responded positively. Several others had had their transfers reduced

⁹⁰ Númena, 2005. Research survey on migrants’ experiences of racism and discrimination in Portugal.

⁹¹ In 2005, the monthly social pension corresponded to 179.36 EUR; about 50% of the National Minimum Wage.

without notice. Amongst the reasons noted were arbitrary and unsubstantiated decisions about undeclared income by social service workers, missed deadlines, administrative [computer] problems, failure to register change of address and failure to attend meetings with the social service though the individuals stated that they had not been notified about the meeting. Four of the 8 individuals noted that their benefits had been cut or reduced with prior notice.

Another major problem related to the functioning of the RSI system noted by Roma interviewed by the ERRC/Númena was the amount of time between applying for and receiving a decision about allocation. Nine respondents claimed to be waiting for responses, while 5 stated that they have never received an answer. The waiting times ranged from two months to over one year; the average wait time being six months. Although this situation does not exclusively affect Roma, it has an evident disproportionate impact on Roma who are proportionately more dependent on social benefits. One social worker stated that, “In Lisbon, the measure [RSI] is more than a year late, and for persons without other sources of income and social competences, it creates a very complicated situation.”⁹² This was confirmed to be a problem by members of civil society with whom the ERRC/Númena met.

In its 2003-2005 NAP, the Portuguese government undertook to develop and consolidate a Single National Welfare Information System, and to progressively reduce to one month the time period between requests for the benefit and decisions/access to benefits. These measures could aid in this area, however they have yet to be implemented in practice.

The major change to the Portuguese welfare system with the introduction of the RSI was the involvement of the beneficiary in a larger inclusion process through so-called Integration Contracts. Under an Integration Contract, RSI beneficiaries can, depending on their situation, undergo professional training, with a view to eventual employment and school attendance is compulsory for their children.⁹³ However, research conducted by the ERRC/Númena reveal that progress in the area of insertion in the labour market where Roma are concerned is less than satisfactory.

To start, the Inclusion Contracts are not flexible as to the types of activities RSI recipients are able to pursue. Ms Olga Mariano of the non-governmental organisation AMUCIP provided details about the case of a young Romani man who was using his RSI benefits to pay for biblical studies to become a preacher. How-

⁹² ERRC/Númena interview with Ms Filomena Patrícia, Social Assistant. Lisbon, May 2006.

⁹³ Other aspects covered by Integration Contracts are related to housing, health, social protection and access to services. See 2005-2006 NAP Actualization Report, p.30.

ever, the young man's social worker threatened to cut off his RSI if he did not attend a vocational training programme, provided by a certified entity, in which the youth had no interest. As a result, the young man was forced to abandon biblical studies, which would likely have guaranteed him a job and regular income, which the other programmes referred to by the social worker could not, Ms Mariano reported.⁹⁴ Scholars have also noted that vocational training and employment policies have not contributed to the successful occupational integration of Roma in Portugal because they fail to adapt to the specificities of Romani culture.⁹⁵

These difficulties are not exclusively related to the inflexibility of the measures to adapt to individual situations. At a more general level, although the function of the RSI programme is to facilitate the re-insertion of excluded persons into the labour market, many persons responsible for its success reportedly do not hold this view. One social worker told the ERRC/Númena, "The RSI was understood by the majority of the partners as a sponsorship to poverty."⁹⁶ Many of the social workers interviewed by the ERRC/Númena put forth ideas of the laziness of RSI recipients and held that most Roma stay at home all day doing nothing. At the same time, social service workers, who are responsible for aiding in the re-integration of RSI recipients into the labour market, seem not to understand the general problem of social exclusion as they failed to acknowledge the barriers that social exclusion and economic deprivation posed for many people in not only applying for jobs but to actually getting them. Nor did they acknowledge that very low monetary payments do not allow RSI recipients to engage in many activities outside the home.

This has several results that affect Romani RSI recipients. Indeed, interviews conducted by the ERRC and Númena in this regard point to institutional discrimination and a general mistrust of Roma by social service workers. To begin with, a considerable amount of the social service workers discourse during discussions with the ERRC/Númena focused on the issue of false claims to the benefit and the need for tighter controls in its allocation. This was particularly noteworthy in Porto, and generally in all areas of the country. Social assistants seemingly made it their personal responsibility to "discover" false claims for RSI through their subjective interpretation of "exterior signs of wealth". Almost all social workers and all of the social security workers made reference to Romani RSI beneficiaries who collect their payments in Mercedes Benz motorcars. The idea that Roma exploit social benefits when they actually don't need them corresponds to a widely held prejudice amongst the

⁹⁴ ERRC/Númena interview with Ms Olga Mariano, Chairwoman of AUMCIP. Lisbon, May 2006.

⁹⁵ Silva, Luísa Ferreira da. 2005. Saúde/Doença, é questão de cultura – Atitudes e comportamentos de saúde materna nas mulheres ciganas em Portugal. Lisboa: ACIME, Colecção Olhares, com o apoio da FCT. P. 17.

⁹⁶ ERRC/Númena interview with Ms Maria Avelina Chaves. Loures, April 2006.

Portuguese population further contributing to the negative image of Romani populations. Despite lacking of formal proof of income, because some Roma in Portugal make a living out of visible public activities such as street vending, social service workers appear to believe this is true for *all* Roma and this impacts the manner in which they administer social services, as noted above in terms of exercising stricter controls on Roma and in their interpretation of “exterior signs of wealth”. The visible manner in which certain Roma in Portugal earn money appears to place Romani RSI recipients in a more difficult situation than those non-Romani beneficiaries who may also have other, less visible, sources of income, which do not result in such “over-control” by the administrators of their benefits.

At the same time, several social service workers noted the sometimes aggressive approach of Romani individuals. By contrast, several of the Roma interviewed by the ERRC/Númena noted that they feel forced to act in such ways in order to receive service as Reception workers in social service institutions often treat Romani individuals badly and at times seek to prevent Roma from accessing services.⁹⁷

Co-operation between social security, which administers RSI payments, and the employment office, which is responsible for associated training programmes, is problematic. Many employment workers express the belief that Roma only go to the employment centre to get their certificate so they can continue to benefit from the RSI, since they really don’t want a job.⁹⁸ However, in the case of Roma, the employment agency is, in many cases, not able to offer adequate training programmes that would actually facilitate the inclusion of Roma in the labour market. The large majority of the training programmes offered are for persons who have concluded mandatory schooling. As many Roma in Portugal have not completed mandatory schooling, they are therefore ineligible for said training initiatives. They are therefore included in basic training programmes intended to, for example, increase literacy, which, whilst important, does not meaningfully increase the employability of the affected individuals. In addition, the ERRC/Númena met several Romani RSI recipients who were waiting for programmes, for instance computer training, to increase their employability, for long periods of time.⁹⁹ Others had already taken such courses but had

⁹⁷ A trainee social worker in Porto told the ERRC/Númena that when the families she worked with went to the Citizen store [*Loja do Cidadão*] in her company they were usually better served in comparison to the way they were usually served when going alone. The Citizen Store is a facility where all State services are concentrated in a single building. Here, citizens can deal with matters of Social Insurance, Finances, Identification Documents (passports, identity cards, drivers licenses) or pay water, electricity, gas and phone bills, for example. ERRC/Númena interview in Porto, June 2006. Ms Filipa Gonçalves, a Romani woman, told the ERRC/Númena that, “It is necessary that we show that we are becoming nervous so they pay attention to us”.

⁹⁸ ERRC/Nuména interviews at the Loures Employment Centre with Ms Virginia Amorim, Head of Services; Ms Paula Alforia, Head of Public Service; and Mr Jorge Francisco, RSI Coordinator. Loures, May 2006.

⁹⁹ ERRC/Númena interview with Mr Paulo Montes Silva. Lisbon, April 2006.

not been successful in finding employment.¹⁰⁰ Mr Luísa Ferreira da Silva of the Universidade Aberta in Porto expressed the view that “RSI has been unable to articulate itself with other institutions, especially with school and employment.”

In addition to these problems with the RSI system, social security workers with whom the ERRC/Númena met stated the employment centre isn’t able to place any Roma in the labour market and alluded to possible discrimination in the process: “Does the employment centre not get them jobs because there are no jobs or because they are Roma?”¹⁰¹ In addition to reported discrimination within the system, employment office workers expressed that, whilst Roma are now accessing employment offices as a result of RSI requirements, they are generally unable to place Romani individuals in jobs due, in part, to employer reluctance. According to various interviewees, employers, under similar conditions, always give preference to non-Romani candidates, as the employer is the one that ultimately chooses future employees from a number of candidates presented to them by the labour office.¹⁰² At the same time, the Portuguese NAP does not adequately address discriminatory practices in the labour market.

The Portuguese NAP does not include any measures to address these institutional forms of discrimination against Roma in the social service sector.

3.2.3.4 Access to Social Housing

It is estimated that roughly 31% of all Roma in Portugal live in precarious housing conditions, which are particularly severe in the districts of Viana do Castelo, Castelo Branco, Coimbra and Évora.¹⁰³ This is not limited to shantytowns,¹⁰⁴ but extends also to council housing estates constructed within the framework of the Special Re-housing Programme (PER). Of the Romani individuals interviewed by the ERRC/Númena:

- 31 lived in informal, substandard houses;

¹⁰⁰ ERRC/Númena interview with Ms Maria Rodrigues. Porto, April 2006.

¹⁰¹ ERRC/Númena interview with Ms Maria da Graça, Social Worker. Beja, June 2006

¹⁰² ERRC/Númena interview with Mr António Borges da Silva, Director of the Benfica Employment Centre. Lisbon, June 2006. ERRC/Númena interview with Mr Nélson Galvão, Councillor for Social Action. Coruche, May 2006.

¹⁰³ SOS Racismo, 2001. *Sastipen ta li, Saúde e Liberdade. Ciganos – números, abordagens e realidades.* Lisbon, p.22.

¹⁰⁴ Usually illegal buildings made with scrap materials, with packed earth floors, no windows, no rooms, no chimney and no sanitary facilities.

- Of those, 5 were waiting to be re-housed, 7 expected to be evicted to the street and 14 did not have any expectations of being either evicted or re-housed;
- 62 were living in re-housing areas.

The PER¹⁰⁵ is an important part of the National Housing Institute (NIH)'s function and central to the Portuguese NAP in the area of housing. The NIH creates the overall legal framework for and co-finances re-housing projects developed by municipalities, which provide low-cost housing for people in need. Government interventions in the area of housing are not planned exclusively for members of the Romani community but encompasses all groups that live in substandard housing conditions.

While these social housing programmes are often the only avenue available to Roma to improve their housing situation and therefore represent amongst the most important social benefits for the Romani community in Portugal, the re-housing process in Portugal has been the subject of fierce debate. There are a series of problems with the re-housing process and, as the PER is included in the NAP in its current form, the NAP does not address these problems at all.

Most importantly, Portuguese re-housing policies have resulted in the proliferation of segregated slums in major cities where many Roma live, and extremely substandard living conditions in these neighbourhoods, which many see as a locus of social exclusion and criminality. Substandard housing quality and maintenance were amongst the greatest problems noted by Romani respondents in this study. Amongst the problems listed with the houses provided by the Portuguese government to Romani individuals were poor heating and insulation,¹⁰⁶ long waiting periods for repairs,¹⁰⁷ too many stairs and rooms that were too small given family size.¹⁰⁸

Re-housing often does not take into account the cultural specificities of different ethnic groups¹⁰⁹ and does not promote intercultural coexistence; rather it

¹⁰⁵ The Special Re-housing Programme, started in 1993, aims to eliminate shantytowns and to transfer their populations to council estates. Although there is no exact data, it is known that many Romani families have benefited from this programme.

¹⁰⁶ ERRC/Númena interview with Mr Joaquim Santos. Lisbon, March 2006.

¹⁰⁷ For instance, Ms Tânia Sofia in Ameixoeira stated that she had been waiting for 2 years for some repairs to her home while others, including the elderly who are more in need of assistance in this area, reported waiting substantially longer.

¹⁰⁸ ERRC/Númena interviews with Mr Armando do Carmo Maia Cabreiras, Ms Claudina Maria Gracias Montoio and Mr Nelson Maia. Braga, 2006.

¹⁰⁹ In order to solve this situation the Decree-Law no. 73/96 was created, which allowed greater flexibility and speed in the construction of cost controlled housing and government supported re-housing schemes in all situations in which different habits of the populations call for designs different from the traditional ones.

reinforces the segregation of already marginalised groups, such as Roma. These housing settlements are inadequately integrated into the urban fabric; they are often relegated to areas far from the urban centre and promote ghettoisation.¹¹⁰ Additionally, some estates to which Roma have been re-housed have suffered rapid degradation without being rehabilitated; there are also problems with accessibility of educational, employment and other types of services in these areas.

Another problem identified with PER programmes is the fact that after the original census of families living in informal settlements was conducted in 1993, no new population counts have taken place. In the intervening 13-14 years, PER housing plans were drawn up by various municipalities for support by the NHI accounting for only those people included in the original census. Many of these plans have not yet been implemented. In the meantime, new people have moved into the areas, sometimes as long as 10 years ago, and they are not eligible for re-housing when the plans of the municipality actually comes into effect. This is confirmed by Portuguese authorities: “[...] one should also be aware that many persons came to the neighbourhoods after the PER, and municipalities had to deny all requests since they only had the means to carry out PER. The new requests for housing, that have been coming in are being refused immediately, in order not to create false hopes in the people.”¹¹¹

In addition to being excluded from access to the new municipality housing being made available, these individuals also face forced eviction. In the run up to and at the time of resettlement to the new housing areas, local authorities destroy the shacks of people living in the informal settlement, including those not resettled.

Some of the Romani individuals interviewed by the ERRC/Númena faced forced eviction as a result of the above process. The ERRC also met with many Romani individuals during research in Portugal in 2005 whose homes had been destroyed or who were facing forced eviction as the authorities were evicting all people not included in the re-housing plan. For instance, 23-year-old Ms Vanda Cristina Romão testified to the ERRC that she and her husband had built their home in Lisbon’s informal 1st de Decembre Romani settlement in 1995. In the summer of 2004, the police destroyed their home and, at the time of the interview, they were

¹¹⁰ Bairro do Picoto, in Braga, where the ERRC and Númena interviewed some Romani individuals, and Bairro da Cucena, in Seixal, south of Lisbon, are exemplary in this respect. For instance, the Cucena neighbourhood does not have any support infrastructure, such as a supermarket or a chemist shop, nearby: The closest services can be found at a radius of 3 kilometres from the neighbourhood. Schools are the same distance away and public transportation is scarce.

¹¹¹ ERRC/Númena interview with Ms Sónia Paixão, Assitant to the Social Action Councillor. Loures, June 2006.

living on the site in a van with their 7-year-old son. Ms Romão stated that they had not been given any notice and had been away when it happened. The house had not been registered for resettlement. The family reportedly asked the City Council to ask for a new home but was refused.¹¹²

Another problem noted with the re-housing process is that while several Romani families may live together, the families were not being permitted to move together during re-housing. Nor is housing being made available to the separate families if all were not living in the area at the time of the census.

As an example, Ms Tania Rosa da Silva Maia testified to the ERRC/Númena that she lived at her mother-in-law's house with her husband and their daughters in one room. Ms Maia's mother-in-law is reportedly entitled to re-housing, but local authorities will only permit Ms Maia's husband to move with his mother as he is part of the household. She and their daughters were told to return to her mother's house.

ERRC interview with Ms Tania Rosa da Silva Maia. Porto, April 2006.

As with most other socially-oriented initiatives, designing and implementing re-housing programmes within the PER framework is not mandatory, but rather is left to the will of autonomous municipal authorities.¹¹³ The NIH lacks a legal framework via which to compel municipal authorities to undertake re-housing programmes. It is also not within the power of the NIH to impose good practices upon municipalities in the design and implementation re-housing programmes, which paves the way for the further segregation of already marginalised groups. Although the NIH has some power to control the quality of municipal housing projects, this is very limited, particularly in cases where the NIH is not subsidising the programme.

While the NIH has made some efforts to create stricter rules concerning the quality of public housing projects and their insertion into the urban fabric, socially uniform quarters are still the trend, resulting in the maintenance of large numbers of socially deprived families in some areas, a fact that does not favour social inclusion. Furthermore, the patterns of construction, detached from the

¹¹² ERRC interview with Ms Vanda Cristina Romão. Lisbon, March 2005.

¹¹³ The PER was originally designed for the Lisbon and Porto metropolitan areas, in agreement with all municipalities in those Metropolitan areas. In these two regions the slums that have not been destroyed will be in the near future. All other Municipalities may also present re-housing projects, but on a voluntary basis.

mainstream urban fabric and easily identified as social housing, contribute to the stigmatisation of which the re-housed populations are victims.¹¹⁴

In many cases, municipal authorities lack the desire to undertake such programmes, as the people in charge may hold racist attitudes towards Roma who may be the target group. On the other hand, local authorities also face pressure at times from the local non-Romani population not to implement measures that would benefit Roma or possibly attract more Roma to the area.¹¹⁵

Returning to the national/local divide, another problematic feature of the PER is the fact that the re-housing programmes are only partially financed by the central authorities. According to ERRC/Númena research, a significant portion of the finances must come from the municipal budget; approximately 50%. Local authorities often claim a dearth of funds or available land, in explaining the failure to implement re-housing programmes.¹¹⁶

A final problem experienced by Roma in accessing social housing is that they are largely ineligible for regular social housing programmes such as Family PER and Prohabita programmes. Access to these social housing programmes would contribute more successfully to social integration since they allow the beneficiaries to choose their own house outside public estates. Access to these programmes is, however, dependent on integration into the formal economy and the provision of a tax declaration. With only 15.5% of the Romani respondents engaged in formal employment, it would appear that very few of the Roma who would be in need of such programmes would actually be able to access them.

The Portuguese government failed to address any of the problems above in its National Action Plan on Social Inclusion. Indeed, the inclusion of the PER in the NAP without having addressed the issues above will have the effect of continuing social exclusion for Romani and other marginalised communities re-housed within this programme rather than facilitating their social inclusion.

¹¹⁴ ERRC/Númena interviews with Mr Joaquim Abreu de Sá, Filadélfia Church. Lisbon, June, 2006; Mr Francisco Monteiro, Executive Director of 'Obra Católica Pastoral dos Ciganos'. Lisbon, April 2006; and Mr Mamadou Ba, Board of SOS Racismo. Lisbon, May 2006.

¹¹⁵ ERRC/Númena research revealed this to be the case in Beja and Coruche, for example.

¹¹⁶ ERRC/Númena interview with Ms Sónia Paixão, Assitant to the Social Action Councillor. Loures, May 2006.

3.2.3.5 Access to State-Sponsored Health Insurance

The Portuguese health system is based on the principle of universality. However, despite this principle, there were indications during research conducted by the ERRC/Númena that some Romani individuals experience difficulties in registering with local health centres. For instance, according to one authority¹¹⁷ involved in the re-housing of Lisbon's Vale de Forno Romani community, upon arrival in Lumiar, the area to which they were moved, some of the Romani individuals experienced difficulties registering at the new health centre. Despite a coordinated transfer of files between the former and the new health centres, apparently articulated by the directors of both health centres, reception workers kept asking the affected Romani families for further required documentation thereby delaying their registration. The situation was resolved only by the intervention of the responsible authorities that made the situation clear to the receptionists. This was confirmed by a social worker from the area.

Generally speaking, Roma encounter these types of situations in accessing all social services in Portugal, and these situations are never considered the result of discrimination or prejudice. This fact, as well as the incumbent difficulties in achieving equal access to social services, was highlighted by many civil society actors and political representatives during the course of research for this assessment.

Another problem area for Roma in accessing the health system in Portugal relates to participation fees. Although the National Health System (NHS) is “largely free of charge”, users must still contribute in some areas; namely, patient contribution and medicine costs.¹¹⁸ Various persons are, however, excused from paying: “women who are pregnant or have recently given birth, children up to the age of twelve, the disabled, those suffering from chronic illness, voluntary blood donors, those registered as unemployed with a job centre and their families, pensioners receiving a pension equal to or less than the national minimum wage and their families and workers earning no more than the national minimum wage and their families”, and RSI beneficiaries.¹¹⁹ Medicine may be totally, partially or not financed at all, depending on their status in a differentiated scale.

¹¹⁷ Requested anonymity.

¹¹⁸ Consultation fees vary between 1.50 and 4.99 EUR. Diagnostic and therapeutic charges range from 0.75 and 149.63 EUR, as specified by Decree nº219/2006. Decree nº173/2003 regulates who should pay participation charges and who is exempted from payment.

¹¹⁹ Portugal: The basic principles of the healthcare system. P.4. Available online at: http://ec.europa.eu/employment_social/missoc/2002/03/portugal_en.pdf.

During the course of research, 3 Roma interviewed by the ERRC/Númena indicated that the participation fees, and particularly those related to medication, was unaffordable for them. In addition, 4 of the 13 (30.1%) unemployed Roma interviewed by the ERRC/Númena did not have access to RSI; at the same time as these individuals have no form of income whatsoever, they would also be expected to pay participation fees for health services and medication in accordance with Portuguese law.

Existing NAP measures in Portugal do not address either of the above situations. Nor do they address the territorial segregation of Roma and its impact on their equal access to health services, although this is also a problem in Portugal.

A major problem with the Portuguese health system, whilst not specific to Roma but which may affect poor communities in a disproportionate manner, relates to long waiting period for appointments and treatment that can easily reach two years; this includes both regular appointments with family doctors as well as surgical interventions. Within this perspective, Roma often resort to patronage of hospital emergency services, as do many others who can't afford to wait for long periods of time or resort to private medical services. This "reckless" use of emergency services is touted by National Health Service (NHS) workers to be the result of Romani culture rather than a coping strategy for socially excluded members of Portuguese society.

On the issue of health, many studies point to a relationship of mutual distrust between Roma and the health technicians, often due to the lack of information and to different representations of health and illness. A study focused solely on Romani health concluded that Roma are gravely excluded in health matters, which is explained primarily by the absence of basic living conditions.¹²⁰

Included in the Portuguese NAP is the dissemination of the Bill of Rights of the In-patient, which is intended to improve the overall health situation of the Portuguese population through the promotion of the health and physical well being of the population and by assuring humanised, quality health services. Despite the fact that a greater understanding of the in-patient's rights can prove to be essential to an improvement of healthcare, even this measure is likely to be ineffective for the Romani community given the low educational attainment levels and literacy it exhibits.

¹²⁰ See, for example, Silva, Luísa Ferreira da. 2005. *Saúde/Doença, é questão de cultura – Atitudes e comportamentos de saúde materna nas mulheres ciganas em Portugal*. Lisboa: ACIME, Coleção Olhares, com o apoio da FCT. Duarte, Isabel et al. 2005. *Coexistência Inter-Etnica, Espaços e Representações Sociais – Os Ciganos Vistos pelos Outros*. Lisboa: ACIME, Coleção Olhares, com o apoio da FCT.

Further, the Portuguese NAP does not include measures to redress the systemic elements noted above which perpetuate exclusion from the health system and social exclusion, generally. For instance, missing are measures to combat discriminatory attitudes of health service professionals with a view to fostering social inclusion; missing are measures to build confidence amongst socially excluded groups with health services and there are no measures to reduce the unbearable waiting periods in the Portuguese health system.

Indeed, the measure included in the Portuguese NAP in the area of health seems to point to the fact that political decision makers believe that the responsibility for problems in accessing health services lies with the socially excluded communities themselves rather than with those working within the system who are responsible for ensuring the service is available to all.

3.2.3.6 Access to State-Sponsored Pensions

The Portuguese NAP does not specifically address the issue of pensions or propose measures to foster social inclusion in this area. According to the Commission of European Communities' "Synthesis Report on Adequate and Sustainable Pensions: Portugal Country Summary", social security beneficiaries must have completed a minimum qualifying period of 15-years insurance, with a minimum of 120 days of registered earnings, to be entitled to an old-age pension. Changes introduced in 2002 allowed for earnings over the whole insurance career being taken into consideration in calculating the level of pension awarded.¹²¹

Due to high levels of unemployment and widespread reliance on the social benefits reported amongst Romani communities in Portugal, access to contributory pensions schemes is not widespread. For persons living in this situation, a tax-financed non-contributory scheme provides means-tested benefits to persons aged 65 and over. This benefit, the Old-Age Social Pension, is available to persons earning below 30% of the national minimum wage (50% for a couple).¹²² This means that an individual earning just over 103.20 EUR per month is ineligible for a social pension, while the corresponding figure

¹²¹ Commission of European Communities. 2006. Synthesis Report on Adequate and Sustainable Pensions: Portugal Country Summary. P. 1. Available online at: http://ec.europa.eu/employment_social/social_protection/docs/2006/portugal_en.pdf.

¹²² Commission of European Communities. 2006. Synthesis Report on Adequate and Sustainable Pensions: Portugal Country Summary. P. 2. Available online at: http://ec.europa.eu/employment_social/social_protection/docs/2006/portugal_en.pdf.

for a couple is 179.36 EUR. These figures are very low when taking into account the cost of living in the Portugal.¹²³

The very low amount of pension payments is an inherent problem with the pension system in Portugal.¹²⁴ The Old-Age Social Pension corresponds to 171.70 EUR per month; the equivalent of 50% of the national minimum subsistence level. While this problem affects all social pensioners in Portugal, because the pension amount is conditioned upon employment during ones lifetime in Portugal, the legacy of widespread and long-term unemployment amongst the Romani community has obvious negative impacts and will lead to greater numbers of impoverished Romani compared to non-Romani pensioners.

As with access to the RSI in Portugal, persons seeking the social pension must prove that they do not have earnings above those stipulated by law; this holds true for close family members as well. This opens the door for decisions made on subjective basis' by social security workers, which may be influenced by racism and prejudice and a lack of understanding of Romani culture, as the ERRC and Númena, noted in the administration of other social services.

While the Synthesis Report on Adequate and Sustainable Pensions notes that “recent reforms will translate into strengthened incentives to work longer and also contribute to a more equitable treatment of members of different schemes”,¹²⁵ ERRC/Númena research on Roma and social benefits with an activating intent indicates there may be problems here as well given the presence of discrimination against Roma in the labour market in Portugal. Furthermore, whilst the receipt of the RSI facilitates access to Old-Age Social Pensions, the problems outlined above with regard to frequent deregistration, often due to administrative errors, may also negatively influence the ability of elderly Roma to access social pensions. As in Czech Republic, it appears that part of Portugal’s Romani community, and particularly Romani women, may be at risk of social exclusion in old age as a result of their inability to access pension.

¹²³ For a comparative cost of living analysis, namely by the correlation between the National Minimum Wage and Purchasing Power Parities check: http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-NK-04-010/EN/KS-NK-04-010-EN.PDF.

¹²⁴ In 1996, 54% of the old age pensions of the general regime were minimum pensions. Considering minimum and social pensions, 93% of the old age pensioners were receiving pensions below the minimum salary (Santos *et al.*, 1998b: 158).

¹²⁵ Commission of European Communities. 2006. Synthesis Report on Adequate and Sustainable Pensions: Portugal Country Summary. P. 2. Available online at: http://ec.europa.eu/employment_social/social_protection/docs/2006/portugal_en.pdf.

Four of the 13 Romani pensioners indicated to the ERRRC/Númena that their pension payments were less than the minimum wage. Two of the interviewed Romani pensioners stated specifically that the extremely small pensions they received were too small to pay the required contributions for health coverage and medications, which increases their risk of health problems in old age. For example, Ms Ceasltina Reis from Sobral da Adiça, Alentejo, stated, “I have received a retirement pension for two years now and it does not even pay for medication.”

Indeed, the Portuguese government has recognised problems related to the very low pension amount in the country and, in a welcome move, is taking action in this area. At the time of writing this report, the government was expected to introduce the Solidarity Supplement for the Elderly in the near term so that no pensioner in Portugal earns less than 300 EUR per month.¹²⁶

¹²⁶ Ibid, pp. 4-5.

4. GOOD PRACTICES

One of the main purposes of the ERRC/Númena study was to identify good practices in the implementation of the National Action Plans for Social Inclusion in the target countries. The following list of good practices is extracted from interviews made with Romani and Traveller individuals, civil society organisations, academic researchers, social workers and government authorities.

Good practices will consequently be presented according to two different criteria. On the one hand good practices are reported on the specific issues covered by this study: Housing, social assistance, pensions and health. On the other hand, a number of programmes in the area of employment are also included as these are related to the provision of social assistance and its link to “work activation”.

Research undertaken by the ERRC and Númena in the course of this study indicated that most of the practices noted below are very localised and that there is a need to systematise them throughout the target countries. However, numerous actors interviewed, including Romani and Traveller organisations, social service workers and government representatives, linked improvement of accessibility and quality of social services provided to Roma and Travellers to the implementation of the programmes and practices below.

4.1 Social Assistance

Despite the difficulties noted earlier in this assessment, France’s Minimum Insertion Revenue and Portugal’s Social Integration Income must be considered good practices in the provision of social assistance. These programmes represent the institutionalisation of legally demandable social support, as opposed to discretionary and/or erratic one-off forms of social support. The shift in the Czech system of social support towards this type of benefit can be viewed as a positive development, but the absence of a comprehensive plan for assisting social benefit recipients to adjust to the new system and levels of support is worrying.

In both France and Portugal, these programmes have constituted an important source of income for marginalised and impoverished Romani and Traveller communities. Moreover, the multidimensional insertion programmes, regardless of their insufficiencies, can be seen as positive, at least in the case of Portugal, where some success has reportedly occurred in the areas of education and access to health.

Community participation: These programmes would benefit from the implementation of an associated programme similar to the Czech programme for Field Social Work in Excluded Roma Communities. In Czech Republic, this programme can be seen as the most valuable of all programmes in the area of social service provision. The programme enables the provision of field social work by NGOs, as well as by local governments in different locations in Czech Republic. The programme, funded by the national and local governments and NGOs, is described in the Czech NAP as follows:

“[...] Its objective is to make a contribution towards the transition from granting social benefits towards provision of social assistance with the emphasis on fieldwork with clients in their communities. The programme is implemented by trained social workers working directly in Roma communities that are most at risk. The social worker has to analyse the social situation in Roma families, apply suitable means and to take advantage of modern social work methods in order to eliminate adverse factors impeding the social integration.”¹²⁷

The Ostrava-based civil society organisation Life Together established a network of community centres in districts such as Liščina, Hrušov and Zárubek, where field social workers are employed. Through these centres, field social workers are able to work with Romani clients in their home environments. In Prague, the civil society organisation Velká Ohrada employs individuals who accompany Romani clients to meetings with social workers, public officials and other civil servants. They also maintain contacts with Housing Departments. According to the Prague City Council’s Romani coordinator, this has had very positive results in facilitating the effective access of Romani individuals to the various public institutions involved in social assistance provision.¹²⁸

Such a programme may help address the existing gaps in effective social assistance provision in the French and Portuguese contexts. Such a programme should, however, be nationwide and mandatory. In Czech Republic, it is currently left to the discretion of the local government to decide whether or not to hire field social workers. Problems arise in cities like Plzeň, where there would be a need for such but the local government does not have the will to create such positions.

ERRC research on the role of mediators and access to health care indicated that the most successful of such initiatives were ones in which the social worker

¹²⁷ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 55.

¹²⁸ ERRC/Númena interview with Ms Božena Filová. Roma Coordinator. Prague, April 2006.

or mediator was employed directly within the public structure, rather than through an NGO.¹²⁹ The credibility of mediators and their subsequent ability to effectively perform work within public institutions proved to be strongest when they were actually a part of the system within which they were working.

Currently, most field social workers in Czech Republic are employed through NGOs, and their functioning is thus contingent upon the ability of the NGO to secure funding for their position. In Czech Republic, it was also noted that subsidies available from the national government are allocated irregularly, meaning that where there is political will to employ field social workers there may not have been enough financial resources.

Differentiated social benefits: Several areas in France have allowed for the administration of social assistance in a manner so as to permit Traveller RMI recipients to continue their work in markets. In some administrative areas, authorities have allowed for the provision of so-called “differentiated RMI”, whereby the RMI recipient registers with the Chamber of Commerce as an entrepreneur engaging in, for instance, market vending. The person is thereafter responsible for reporting any income earned in the markets every 3 months and a certain amount of money is then reduced from the RMI payments made to the individual in the coming period. This has allowed many Travellers to engage in formal employment, while still assisting with costs of living where employment activities do not yield enough. This form of social allowance is, however, not available nation-wide. Differentiated social assistance should be made available nationally in all three target countries as an important measure for the integration of Roma and Travellers in the formal labour market.

4.2 Housing

Several examples of good practices could be observed in the area of housing provision in Czech Republic, France and Portugal.

Cooperation between government and civil society: It is noted that in all instances of good practice in this area, good cooperation was evident between the relevant government institutions and civil society organisations, especially in the planning and design phases of the programmes.

¹²⁹ European Roma Rights Centre, September 2006. Ambulance Not On The Way: The Disgrace of Health Care for Roma in Europe, p. 75. Available online at: <http://www.errc.org/db/01/E6/m000001E6.pdf>.

The re-housing process for Roma in Matosinhos, Portugal, is a good example of the results such cooperation can achieve. According to ERRC/Númena research, local Romani associations have been successful in establishing good relations with the local council in the town. As a result of their participation in the re-housing planning process, the new housing area provided to Roma in the area was of good quality and was situated well, near basic infrastructure and services, with easy access to the rest of the town.¹³⁰

In France, civil society representatives noted that there are some examples of good cooperation with communal authorities responsible for housing. For example, in the southern French town of Clermont l'Hérault, local authorities, civil society organisations and Traveller representatives have been cooperating in the planning of a site for Travellers currently under construction in the town. Civil society representatives informed the ERRC/Númena that they had been working with local authorities to ensure that the site is well situated compared to services in the town, that social services are available to people living on the site and that the site is properly maintained. The site will be built on agricultural land just outside the town because of the lack of availability of land in the town, but it is expected that the town will eventually grow out and around the site. Bus services are expected to be provided for children attending school once the site is completed. Local authorities reportedly actively sought consultation with Traveller representatives to avoid the mistakes being made in so many other locations in France. Indeed, modifications were actually made to the plans as a result of their interventions: For example, individual sanitary facilities were planned for each halting site, rather than the provision of communal facilities.¹³¹ Furthermore, while the official site is under construction, local authorities established a temporary site for those Travellers already living in the town.¹³² This practice would be especially important in the implementation of similar actions in the future in all countries concerned. Civil society representatives were very pleased with their cooperation with local authorities on the project and felt that they exhibited very good will to improve the situation of Travellers in the area.

The social housing programme in Ostrava-Vítkovice, Czech Republic, reveals similar results. At the time research for this assessment was being conducted, new

¹³⁰ ERRC/Númena interview with Mr Manolo. Matosinhos, May 2006.

¹³¹ ERRC/Númena interview with Ms Gaëlle Loisseau, Cesam Migration. Montpellier, November 2006.

¹³² The ERRC/Númena visited this site during field research in November 2006. While the conditions were not ideal (i.e. the dirt ground had not been covered with stone so large mud puddles formed in rain which may pose public health risks and some rats were seen running through the site), sanitary facilities were provided and the fact that the authorities established the temporary site was in and of itself a step forward from the current and widespread practice of simply evicting such persons from towns and cities in France.

social housing was being constructed as a result of co-operation between the local government and civil society organisations.

Integrated approach to housing taking into consideration income and debt issues: In Czech Republic, the Community Housing Project in Brno-Střed district is presented by the government as an example of good practice. The project is designed to improve housing conditions through the gradual settlement of outstanding debt on rent and services and legalisation of leases. Within the project, two buildings were renovated and tenants were able to work off their debts and establish a legal basis for their housing tenure.¹³³ In Braga, Portugal, Roma living in the Vila Verde Council were, some years ago, given terrains and financial support to build their houses and, according to reports by social workers in Braga, they are now perfectly integrated in the community. The initiative was reportedly started following the persecution of Roma living in tents in the area by popular militias. Elsewhere, in Amadora, the city council undertook the construction of new housing for local Roma, which is noted to be of good quality in terms of construction and infrastructure, and well situated. Indeed, during the planning stages of this rehousing programme, local Roma were reportedly consulted, so the housing reflects the needs and wishes of the community.

Adapted housing: During research in France, the ERRC/Númena also received information of several so-called “adapted housing” schemes that were noted to be quite successful. In Arles, for example, government authorities working in partnership with civil organisations and Traveller representatives designed a project and built adapted housing for Travellers. The adapted housing reportedly comprised a small housing unit, containing hygienic and cooking facilities, and in some cases a small living and sleeping area, while attached to a large parking area for the family’s caravan. This expanded the family’s living space considerably and met the needs and wishes of the Travellers living in the adapted housing area.

4.3 Health

Medical assistants: While not specifically listed as a measure in Portugal’s NAP, some hospitals, such as Lisbon’s Estefânia hospital, employ Romani socio-cultural mediators directly within the hospital structures. The role of the mediators is to increase the trust and communication between hospital staff and Romani patients. Previous ERRC research on health mediators in Spain and other countries found that mediators employed directly within the institution, rather than being outsourced through a civil society organisation, were most effective in their work.

¹³³ Ministry of Labour and Social Affairs. National Action Plan on Social Inclusion 2004-2006, p. 15.

The Medical-Social Assistant Programme in Czech Republic, developed based upon 1999 research mapping out the health of Roma, is currently being implemented by the Brno-based Romani organisation DROM. Indeed, medical-social assistants have been employed in some towns as early as 2002 (for instance, Ostrava in the Vítkovice hospital). In February 2005, a proposal concerning the position of the medical-social assistant was approved by the national government and, as a result, a recommendation to establish medical-social assistant positions was sent to the 14 regional authorities in Czech Republic. At the time of research for this assessment, the programme was being implemented in seven regions in Czech Republic with a total number of 19 assistants employed. Public funding was being made available for these positions in some areas through local departments of Social Affairs and Health Care (a tender for this position was announced by the Ostrava City Council, for example). DROM also developed a training programme for Romani medical assistants that was being implemented in the 14 regions. At the time of the study, however, the programme was only in its initial phases and could not be evaluated.

Training for medical professionals: One programming area that is noted to be of considerable value in facilitating the social inclusion of marginalised communities and their improved access to health care is anti-discrimination or cultural awareness training for medical professionals. In Portugal, for instance, Hospital de Santa Marta has carried out, in cooperation with the High Commission for Immigration and Ethnic Minorities (ACIME), training seminars on Romani culture.

Proactive approach to health: In Portugal (for example, Braga, Porto, Lisbon, Loures, Seixal and Beja), successful health programmes included those where local health centres sent medical professionals into marginalised communities to administer domiciliary vaccination programmes. In some cases, such as Porto, the programme was oriented towards excluded populations generally, with Romani communities being included in the programme. In other areas, such as Loures (namely the São João da Talha Health Centre), in-community vaccination programmes were developed exclusively for local Romani communities. In this programme, a local health centre sent teams of medical professionals to excluded Romani (and, at times, other) communities to administer vaccinations to children from the community. These programmes proved to be beneficial for several reasons. First, they allowed for the approximation of Romani, and other socially excluded, families to local health centres. As a result of this, Romani families reportedly started using local health facilities with more ease and regularity.¹³⁴ In Lisbon, the Lumiar health

¹³⁴ However, not all of the health centre's extensions, 9, implemented this programme, though it would have been needed in all.

centre, in addition to regular community visits for the vaccination of Romani children in the local community, also sends a nurse to the offices of a local civil society organisation working with Roma where vaccinations are also conducted. This approach, where the health professional goes through a local representative organisation, reportedly facilitated increased access to Romani families in the area.

Past research on health issues by the ERRC in Spain found that such programmes are also beneficial because they provide the opportunity for medical professionals to improve their knowledge and understanding of Romani culture, community and living conditions, which impact the health situation of Roma. Reportedly, this also facilitated confidence building amongst Roma towards medical practitioners and enabled them to perceive doctors or medical professionals as caring/wanting to help.¹³⁵

It is, however, noted that while the benefits of such programmes are obvious, they cannot and should not substitute the mainstreaming of health care for Roma. Mainstreaming is key to equal access of Roma to health services.

4.4 Employment

Given the labour market activation focus of minimum income schemes in France and Portugal (as well as Czech Republic from 1 January 2007), assistance in the area of securing employment is crucial to the effective provision of social assistance.

Employment assistance programmes: Employment assistance programmes have been implemented in various locations. It should, however, be noted that these programmes are not widespread despite their evident importance within the work activation social assistance schemes. In Portugal, the Faina Programme – Fundo de Apoio à Inserção em Novas Actividades (Support Fund for Integration into New Activities) and the Programme Inserção/Emprego (Integration/Employment Programme) are two programmes related to the RSI. The goal of these programmes is to help beneficiaries create their own jobs or to support the development of activities for those with integration agreements in the areas of employment and vocational training. One social worker pointed to the example of one Romani family that was able to stop informal street vending and open its own shop. One of the female children in the family also successfully completed secondary education, which is quite rare amongst Portuguese Roma, and especially girls. Unfortunately, the programme was discontinued, reportedly because of irregularities in the behaviour of

¹³⁵ European Roma Rights Centre, September 2006. Ambulance Not On The Way: The Disgrace of Health Care for Roma in Europe, p. 79. Available online at: <http://www.errc.org/db/01/E6/m000001E6.pdf>.

the beneficiaries. The Integration/Employment Programme aims to provide training required by employers based upon previous agreements and with the end result of employment with the employer that had agreed to the training. There was, however, no information available on the number of Roma involved in this programme. However, considering the prevalence of discrimination against Roma in the labour market, positive action measures for the reservation of placements for unemployed Roma in programmes of this sort would certainly be useful.

In Czech Republic, in the south Moravian city of Brno, the civil society organisation I.Q. Roma Service is implementing a Roma employment programme, in cooperation with the Brno City Council. Within the framework of this programme, Romani job-seekers are provided with employment counselling in the offices of I.Q. Roma Service. Romani individuals who have been invited to job interviews are also given further assistance in preparation for the interview. In Prague, the civil society organisations Slovo 21, R-mosty and Romea, in cooperation with the City Council are implementing a programme entitled Employment (*Zaměstnanost*). According to Prague's Romani Coordinator, a number of Romani individuals have increased their employability through acquiring basic knowledge of PC work (30 individuals), obtaining a driving licence (15 individuals) and receiving a welding certification (6 individuals).¹³⁶ These programmes will be of increased value given the impending shift in the Czech social service regime to a work activation centred scheme.

4.5 Difficulties in Identifying Good Practices

While the identification of good practices was one of the main foci of this impact assessment, it should be noted that this turned out to be somewhat difficult for the research team. The reasons for the difficulty point to serious weaknesses in the effective implementation of the NAPs in the target countries.

First, many of the interviewees noted a general failure to implement measures included in the NAPs. To date, it is noted that the NAPs have had very little practical impact in terms of specific programmes. This may be the result of the lack of any legislative measures that make it mandatory to implement existing policies where such exist.

Second, many of the public officials responsible for implementing measures in the area of social assistance at the national, regional and local levels of government are, themselves, unable to point to good practices.

¹³⁶ ERRC/Númena interview with Ms Božena Fílová, Roma Coordinator, Prague, April 2006.

5. RECOMMENDATIONS

On the basis of the research conducted in Czech Republic, France and Portugal in 2006, the ERRC and Númena propose the following recommendations for inclusion in each country's National Action Plan for Social Inclusion. The recommendations are provided in order to increase the effectiveness of each country's National Action Plan on Social Inclusion with regard to measures aiming to improve access to social services for Romani and Traveller communities. The recommendations that follow are divided into two sections: Those that are general and are needed across the target countries and those that are specific to a given country.

5.1 General

Shift Current Approach to NAPs from Simply Synthesising Relevant Policy into One Document to Drafting NAPs to Account for Gaps in Existing Programmes: The current approach to NAPs exhibited in the target countries does not adequately address the phenomenological forces of social exclusion, as highlighted throughout this report. The ERRC and Númena recommend that the target governments, and indeed all governments, view and approach the NAPs as an opportunity to address the gaps in existing social policy which lead to and promulgate social exclusion, by elaborating the necessary changes to these policies and programmes. Specific actions to ensure equal opportunities for Roma and Travellers in accessing social services should be part of mainstream policy in this area. Government policies should recognise and reflect the inequalities Roma and Travellers experience in these areas and take into account the socio-economic and cultural context that influences the opportunities and actions of Romani and Traveller individuals.

In order to achieve this, each government should review all relevant policy in the area of social services, assess the impact of existing policies and programmes on Roma and Travellers and make amendments as necessary.

Adopt/Implement Anti-Discrimination Legislation and Other Measures: First and foremost, considering that discrimination is an important factor determining both the extent of reliance of social services by Romani and Traveller communities in the target countries, as well as the quality of services accessed by members of these groups, government authorities must more actively and effectively enforce anti-discrimination law (which bans discrimination in the areas of employment and social services). In Czech Republic, the government should,

without delay, adopt comprehensive anti-discrimination law in line with European Council Directive 2000/43/EC on “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.”

Gather Disaggregated Data: In order to fully comprehend the impact of social policy and programmes in the area of social services for Roma and Travellers, governments of the target countries should gather statistics, disaggregated by ethnicity and make this information available to the public. The collection of statistical data on Roma and Travellers is a necessary and indispensable tool to better position the target governments to develop and implement more effective policy and programming in this area.

Educate More Adequately Social Service Recipients: Government officials in the target countries should undertake nation-wide information campaigns aimed at clarifying complicated social assistance systems for social assistance recipients. Information should be provided on what benefits are available, what the procedures for accessing such are and what the criteria to be met are/what documentation is required. This information should be available in various formats and languages to account for the different situations of social assistance recipients (Internet, in paper at social service officers, verbally from social workers, to name a few). This will also help to combat the present of “social worker bias” in the administration of one-off benefits.

Implement Special Measures to Recruit Roma and Travellers into the Social Service Sector: In order to achieve the social inclusion of Romani and Traveller communities, members of these groups must be enabled to re-enter the labour market, beginning with the public sphere. The employment of Roma and Travellers in the social service sector would be a major step towards ensuring that these services are fully available to members of these communities. This should include, but by no means be limited to, the employment of Roma and Travellers as mediators within the social service framework. The employment of Roma and Travellers in the public service sector should be facilitated throughout the system, and not only in those positions specifically dealing with the situation of persons from these groups.

Facilitate Effective Participation of All Relevant Stakeholders in the NAP Process: The participation of Roma and Travellers in the planning, design and implementation of policies and programmes included in the NAPs is necessary for their successful implementation and the reduction of social exclusion of members of these communities. While the lack of know-how and resources may be cited as the primary reason for the low participation of Romani and Traveller representatives in these processes and programmes, governments must accept responsibility for addressing this. Where these deficiencies exist, governments

committed to the social inclusion of these groups must contribute to their capacitation while at the same time enabling them to access resources in order to build their capacities. While Romani and Traveller representatives are not fully involved in policy and programmatic processes in areas of importance to their social inclusion, their social inclusion will never be achieved.

In addition, it is paramount to the success of the NAP approach to involve social service workers more effectively in the process of designing and implementing the NAPs. People in these positions are closest to individuals and groups experiencing social exclusion and are therefore best placed to inform policy and practice in combating the issue. Effective participation should include liaising with beneficiary communities and government officials of all levels during the design and planning phase, as well as regular education and updating on the aims of social policy and their contribution to such as well as evaluation of successes and failures, good practices any and needs for amendment.

Conduct Anti-Discrimination Training Activities for Social Service Workers/Government Representatives: The ERRC and Númena recommend that regular training on anti-discrimination, anti-racism and cross-cultural communication be provided to all members of the public service, included elected representatives. While some such initiatives have been conducted in the target countries, this practice has generally been very localised and trainings have been conducted in only a handful of cases.

Adequately Staff Social Service Offices: It is generally agreed that understaffing of the social service sector contributes to the many problems experienced by Roma and Travellers in accessing social services. This, in turn, cripples social inclusion efforts. The Czech, French and Portuguese governments should ensure adequate funding for staff needs in the social service sector, and actively recruit more people into positions in these offices. This should include adequately funding civil society organisations involved in the administration of social services. This is particularly important in France where Travellers must currently pay to achieve regular access to social services through civil organisations as a result of the failure of French government to provide a fully resourced system.

Educate and Evaluate All Actors Involved in the Provision of Social Services: The responsible ministries in Czech Republic, France and Portugal should undertake measures to ensure that all persons involved in the administration of social assistance, including social service workers and civil society actors, including Romani and Traveller organisations, are fully informed on the existence and workings of the services they represent.

In addition, these people, as well as government representatives of all levels, should be fully apprised of each country's National Action Plan on Social Inclusion and the measures therein which impact the social inclusion of Romani and Traveller communities. As it currently stands, the process is overly wieldy with an achingly hierarchical character that does not allow much flexibility in facilitating the social inclusion of Roma and Travellers. The responsible ministries should undertake initiatives that fully brief and inform these state officials who can, in turn, provide the information to the people they interact with on a regular basis at ground level.

This should be accompanied by clear performance guidelines and evaluations, that one conducted regularly.

Ensure that All Roma and Travellers Have Access to Adequate Health Insurance and Pensions: The responsible authorities should take all necessary measures to ensure that all Roma and Travellers entitled to such have full access to state-sponsored health insurance and pensions. Further, the responsible governments should ensure that persons from these groups are not placed at risk of further social exclusion because of associated, and often unaffordable, fees for medical services and medication through the provision of supplemental insurance.

Review the Effects of Decentralisation on the Administration of Social Services

5.2 Czech Republic

- **Amend Law and Policy in the Area of Housing:** Without delay, the Czech government should establish a legal definition for social housing and define the role of the Municipality Housing Fund should be clarified. All law and policy should be thoroughly analysed to ensure that their aims and effects actually contribute to social inclusion: Included should be the civil code, the Municipality Act, the Act on Rents, and Act on Materials Needs and all other laws/policies of relevance. All necessary amendments should be conducted in an expeditious manner.
- **Strengthen Cooperation Between Government Departments:** For the social inclusion process to be more efficient, it is also necessary to strengthen cooperation between individual departments of local government. As suggested above, so far there have been very few signals indicating willingness and enough political conviction on behalf of local governments, as well as the relevant departments such as housing, social, educational departments. In the case of larger cities such as Prague, Ostrava, Brno, and Plzen where the field research has been carried out, it is also essential for individual city districts to cooperate in order to avoid the use of different approaches by different city dis-

tricts. This suggests a certain kind of synchronisation of the implementation of social inclusion measures to ensure efficient monitoring, as well as evaluation.

- **Implement Nation-Wide the Community Planning of Social Services in Excluded Roma Communities:** Implementation of this programme should be mandatory in all areas of the country in which Roma reside (to be determined on the basis of self-identification, rather than the judgement of a given government authority). This programme, where already implemented, is noted to be a step forward in the area of social inclusion of Roma and has fostered better cooperation between social service providers and users.
- **Devise and Implement a Graded Process in Shifting to Activation-Oriented Social Assistance:** Without delay, the Czech government should devise and implement a programme that gradually shifts social assistance recipients from the current form of social aid to the employment activation oriented form coming into effect in January 2007. Czech officials can draw examples of the detrimental experiences of socially excluded communities in Slovakia in order to avoid the further exclusion of social assistance recipients.
- **Establish an Agency for the Prevention of Social Exclusion:** While the Office of the Government for Roma Community Affairs put forward a proposal in 2004 for the establishment of an Agency for the Prevention of Social Exclusion, this agency has yet to be actually created. Such an agency, conferred by law with powers to impose action at the municipal level, and monitor and evaluate their actions, should be established as soon as possible in order to facilitate real change in the fight against social exclusion. This agency would also be able to usefully influence the flow of funds between different levels of government in accordance with action records in combating social exclusion.

5.3 France

- **Strengthen Insertion Measures Tied to Social Assistance:** The French government should revise its social insertion programme linked to RMI so that the educational programmes offered to RMI recipients effectively result in re-integration in the labour market. Basic literacy courses are not enough. French policy makers must take into consideration, wherever and whenever possible, the cultural practices of Travellers, as well as their needs and skill sets. RMI recipients should be able to choose the area of training or certificate they want; this would allow Travellers to acquire certification in employment areas of interest and importance to them. This is especially important as the fields of employment traditionally inhabited by Travellers increasingly require certification of the worker, which most Travellers do not

possess as they have learned their trade informally from their family. Particular attention should be paid to ensure that Traveller women are offered the full range of integration services available.

- **Make Available Nationally the Option of Differentiated Social Assistance:** The French government should expand the currently localised option of so-called “differentiated RMI”, which allows Travellers and other citizens to access social benefits on a differentiated basis, while engaging in formal employment activities. This will enable Travellers to formally engage in traditional forms of employment, help to reduce informal employment activities in the country and encourage income reporting.
- **Amend the National Social Assistance Registration and Information System:** The French government needs to amend the current system of user information in the social assistance sector in France so that people moving around in the country do not experience the barriers to accessing their benefits currently associated with registration or domiciliation. Travellers registered in the social assistance system should be able to move freely throughout the country without having to worry about re-registering in a new area each time they move. They should also be empowered to address any social service office throughout the country for issues related to their social assistance. This act would also reduce the level of dependency of Travellers on associations in accessing their social assistance.
- **Amend Law and Policy in the Area of Housing and Halting Sites:** The French government should, without delay, amend current French law and policy related to the housing and halting sites with clearly discriminatory aims and/or effects in order to end discrimination against Travellers and meet the objective of promoting habitat diversity included in the French NAP. The French government should also recognise caravans as a form of housing and enable Travellers to access all state subsidies associated with housing. Review the Effects of Decentralisation on the Administration of Social Services

5.4 Portugal

- **Strengthen Integration Measures Tied to Social Assistance Provision:** The Portuguese government should revise its social integration programmes linked to the RSI so that the educational programmes offered to RSI recipients effectively result in their re-integration in the labour market. Basic literacy courses are not enough. Portuguese policy makers must take into consideration, wherever and whenever possible, Romani cultural practices, the needs and skill sets of members of this group. RSI recipients should be able to

choose the area of training or certificate they want; this would allow Roma to acquire certification in employment areas of interest and importance to them.

- **Make Available Entrepreneurial Support and Small Business Loans:** Initiatives aiming to support self-employment activities for Roma should be more widely available. The creation of public credit lines to individuals who do not have any fixed income is a fundamental measure in this area, since Roma are generally excluded from bank loans. The opening of these credit lines should also contemplate the support to buy houses, to allow Roma families to access PER Familias and buy their own houses in the places they consider more adequate. Since the rules to attribute monetary support in these cases are in themselves very rigid, this should be an area where flexibility should be introduced.
- **Amend Law and Policy in the Area of Housing:** The Portuguese government should, without delay, amend current law and policy relating to the housing sites with discriminatory aims and/or effects in order end the segregation of and discrimination against Roma and foster their social inclusion. The PER programme in particular is in need of revision in order to avoid the further segregation and ghettoisation of Romani communities in Portugal. Re-housing programmes should further be made available to all Roma, and not only those registered up to 10 years ago during local needs assessments. The movement into regular and adequate social housing of those Roma already living in segregated and substandard re-housing areas should be facilitated as soon as possible.
- **Increase Central Oversight of Social Assistance Programmes to Reduce Discrimination:** The Portuguese government should increase the level of review of social service programmes in order to combat discrimination against Roma resulting from various agents/actors at the local level, as detailed above. This is particularly noteworthy with regard to the administration of one-off social benefits and re-housing programmes. The national government should not only elaborate broad standards but to actively ensure access to public goods and ensure that the quality of those goods is undisputed.
- **Increase Cooperation Between Different Government Departments:** The Portuguese government should facilitate better cooperation between the various government departments involved in the provision of social services, to ensure that an integrated approach is effectively developed. Enhanced cooperation is especially important between social service workers and employment offices given the nature of the RSI and the results to date as far as Roma are concerned. The Social Network is a step forward in this direction.

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7. RESEARCHERS PROFILES

Ms Mónica Catarino Ribeiro: Mónica Catarino Ribeiro is a lawyer. She is a member of the Human Rights association SOS Racismo, with whom she has participated actively in numerous initiatives, including the publication of assorted documents on immigration and ethnic minorities, legal training courses, debates, conferences, etc. Mónica has also been working with Númena since 2001 in the national network of the RAXEN project (section: Legislation), promoted by the European Monitoring Centre on Racism and Xenophobia (EUMC). She has also collaborated with the ERRC in the preparation of a study on the Housing Conditions of the Romani Community in Portugal.

Mr José Falcão: José Falcão has been the face of the anti racism movement in Portugal for the past 15 years. Founder of the human rights association SOS Racismo and the network of anti racist associations (RAR), his activities include political lobbying, participation in conferences and debates and publications on immigration and ethnic minorities, amongst others. He has a deep and comprehensive knowledge of the realities of Romani communities in Portugal and has followed very closely the birth and development of all Roma rights associations.

Ms Lucie Fremlova: Lucie Fremlová is a member of the Human Rights Team of the Ostrava-based civic association Life Together. She has worked in the field of human rights and Roma rights in the Czech Republic for the past eight years. She has cooperated with the Association of Roma in Moravia (both as a part-time reporter and the coordinator of a series of workshops for Romani activists), as well as other domestic and international NGOs, including the ERRC. On behalf of ERRC, Ms Fremlova has conducted comprehensive research on the impact of the new Czech school act and discrimination against Roma in employment in Czech Republic.

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Ms Edite Rosário: Edite Rosário has been engaged on both academic social research and NGO activism for the past ten years. Her activity spans through the public and the private sectors and has focused mainly on the subjects of ethnic minorities, racism and xenophobia. She was a key part of the Númena team that in 2001 won the call for the constitution of the Portuguese National Focal Point of the European Racism and Xenophobia Information Network, wherein she has since been the expert on education. Over the years, she has also participated in a number projects related to discrimination and integration of minorities, including two INTI (EU DG Justice, Freedom and Security funded) projects, one of which ongoing, where Númena is working as hired consultant.

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The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The ERRC is a cooperating member of the International Helsinki Federation for Human Rights and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

Established in 2001, Númena is an independent social and human sciences research centre, constituted as a non-profit scientific association. Numena's activities span thematic areas covering a range of social sciences. Since its establishment, Númena has been the National Focal Point of the Racism and Xenophobia Information Network (RAXEN) of the European Monitoring Centre on Racism and Xenophobia (EUMC) in Portugal. It has developed a number of projects in the areas of racism, xenophobia and immigration in partnership with the Portuguese government, European Institutions and NGOs.



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