

Romania

**ASSESSMENT OF THE ROMA STRATEGY  
IMPLEMENTATION MECHANISM**

**EVALUATION REPORT**



**FOCUS** CONSULTANCY

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## LIST OF MAIN ABBREVIATIONS

BJR	County Office on Roma
CASPIS	Anti-Poverty and Social Inclusion Commission
CoE	Council of Europe
DIR	Department for Inter-Ethnic Relations
EC	European Commission
JCIM	Joint Committee of Implementation and Monitoring
JIM	Joint Inclusion Memorandum
JWG	Joint Working Group
LRE	Local Expert on Roma affairs
MCR	Ministerial Commission on Roma
NAR	National Agency for Roma
NACS	National Agency for Civil Servants
NCCD	National Council for Combating Discrimination
NOR	National Office for Roma
NPAA	National Plan for the Adoption of the Acquis
ODIHR	Office for Democratic Institutions and Human Rights - OSCE
ORI	Office for Roma Issues
OCSE	Organisation for Security and Cooperation in Europe
OSI	Open Society Institute
PIU	Programme Implementation Unit
RCRC	Resource Center for Roma Communities
ROF	Regulation for the Organisation and Functioning
RSDP	Roma Social Democratic Party
SGG	Secretariat General of the Government
The Strategy	<i>Strategy of the Government of Romania for improving the condition of the Roma</i>
UNDP	United Nations Development Programme

# EXECUTIVE SUMMARY

## BACKGROUND AND APPROACH

This evaluation project has been initiated by the Delegation of the European Commission in Romania and was contracted to Focus Consultancy Ltd, with the involvement of an independent team of experts to conduct the work. The aim of the project was to assess the administrative and organisational capacity of the structures involved in the implementation of the National Strategy for Improving the Condition of the Roma and the efficiency of the mechanisms for its execution. As a result, this evaluation report presents the key findings of the assessment carried out with regards to the strengths and deficiencies of the Strategy implementation structures and mechanisms. It also includes a range of recommendations and structural options proposed to enhance the capacity of the structures involved and improve the implementation of the National Strategy in the future.

Following the launch of the Strategy in 2001, the framework of implementing structures based on a decentralised approach at national, county and local levels is in place. However, recent reports assessing the level of implementation of the Strategy and its General Plan of Measures, have pointed to various issues and shortcomings in the implementation. These were considered within the framework and context of this evaluation project for the assessment of the Strategy, as well as relevant recent developments in Romania and at international level (in particular the EC funded multi-annual programme for Roma, the Joint Inclusion Memorandum (JIM) and the World Bank Roma Decade).

The team of evaluators (two international experts and five Romanian experts) started work in late January 2005 and the assessment was conducted during the first half of 2005. The scope of the assessment covered the administrative capacity for the implementation of the National Strategy for Improving the Condition of the Roma, but not the results of the Strategy implementation. Therefore, the in-depth analysis conducted as part of the evaluation across four sectors selected for their particular relevance to the Strategy objectives (education, employment, community development/participation and health) and five selected counties (Botosani, Sibiu, Buzau, Brasov and Constanta) has also focused on issues related to institutional capacity, coordination and cooperation mechanisms, complementarities, overlaps or parallelisms between different initiatives relevant for the Roma.

The evaluation approach and methodology comprised the following main components:

- Desk research and review of relevant documentation and literature (e.g. studies or assessment reports on the Roma Strategy implementation carried out by different governmental or non-governmental bodies, internal or public documents relevant to the functioning of various institutional structures in Romania)
- Meetings and interviews with main actors involved in the implementation of the Strategy and civil society representatives at central and county level (February-April 2005)
- Workshop consultations across the five selected counties (April 2005). A final Roundtable consultation was also organised at central level with governmental and civil society representatives (24 May 2005) and presented a draft report of the evaluation for discussion, allowing for useful comments and contributions.

The evaluation process resulted in the identification of key issues and implementation shortcomings affecting the present impact of the Strategy, which are presented in this report alongside recommendations and structural options for the future.

## MAIN FINDINGS AND KEY ISSUES

The Government of Romania and the relevant ministries at central level, as well as authorities at county and local level have taken a number of steps towards implementing the Strategy for Improving the Condition of the Roma. However, effective implementation remains inconsistent between structures involved at central, regional and local levels. The institutional functioning has from the outset been problematic and has had a negative impact on the Strategy's overall effectiveness. Indeed, the assessment (based on selected sectors and counties) indicates that the key structures involved are generally not yet working efficiently and that the operational effectiveness of implementation of the Strategy varies greatly, both at central and local levels. Details of these variations and implementation shortcomings in selected sectors are presented and analysed in the main report.

### *Strategy implementation and structures at national level*

The Joint Committee of Implementation and Monitoring (JCIM) is the primary structure for the coordination of the Strategy, with NAR acting as its executive body. The JCIM composition foreseen by the Strategy comprises a President, Executive Secretary and Members including ministry representatives (State Secretary level) and Roma leaders. The Strategy also defines the JCIM as being in charge of "organisation, planning, coordination and control of carrying through the activities stipulated in the master plan of measures". It recommends the holding of regular meetings to coordinate the implementation of the Strategy and plan of measures. In reality, meetings have been held occasionally and only about half of the Strategy-signatory ministries effectively participated in the meetings. Furthermore, the majority of the meetings were not attended by ministry representatives at State Secretary level, nor were they attended by Roma leaders or civil society representatives, other than Roma Party affiliated NGOs. So far, the JCIM has been a rather ineffective structure for the coordination of the Strategy insofar as it has failed to identify and resolve the disconnection between the Strategy measures and how they could be implemented through the ministries.

Each ministry should have a Ministerial Commission for Roma (MCR) involving Roma participation and meeting regularly, responsible for the coordination and implementation of the activities in the plan of measures relevant to the ministry's field of responsibility. According to the Strategy, each MCR is to be headed by a President (State Secretary level) providing also the link to the JCIM as a Member. However, MCRs are generally not functioning in the manner envisaged by the Strategy. In 2003, there were 16 MCRs established by Ministers' Orders but, with few exceptions of a number of key ministries, these did not meet or produce results related to the implementation of the Strategy in their field of activity, nor do they have regulations for functioning and clear responsibilities. Those few MCRs actively functioning are within the Ministry of Labour, Social Solidarity and Family and the Ministry of Health. At the same time, it should be noted that the Ministry of Education and Research has demonstrated effective implementation of sectoral strategies for Roma without a functioning Ministerial Commission for Roma (MCR) as foreseen by the Strategy.

The National Agency for Roma (NAR) is a young organisation that took over from earlier Strategy organisations. NAR's wide responsibilities as defined under the Strategy and its own establishment Governmental Decision (GD 1703/2004) include the coordination and monitoring of the Strategy through the plan of measures. As the executive body for the JCIM, NAR has been successfully launched but has not yet demonstrated its effectiveness. It has failed to take the lead in developing and proposing strategies for coordinating and monitoring the Strategy and in providing objective reports on Strategy relevant issues and policy impact. It is argued that the responsibility for the failings at NAR largely lies at the doorstep of senior management, which has not demonstrated the strategic management skills required to structure NAR into a coherent and effective organisation. A further issue relates to the preferential treatment the Agency is showing to the RSDP (hereafter called Roma Party) in the framework of consultations with Roma NGOs and the appointment of Roma experts. Strong support and targeted efforts (e.g. staff training, human resources and organisational

development) would be required in order for NAR to be effective across the range of tasks foreseen for the Agency to fulfil its key role in the Strategy implementation and monitoring.

#### *Structures at county level*

The Strategy provided for the establishment of County offices for Roma (BJR) within the Prefectures for planning and coordination of activities relating to the plan of measures and the Strategy. BJR Roma experts are to be appointed based on a process of consultation with and recommendation from Roma NGOs. In practice however, decisions were often influenced by the recommendation of the Roma Party. The effectiveness of the role of BJR county offices for Roma has been limited due to a number of constraints. These include the lack of resources available in the prefecture to perform their duties; the fact that the joint working groups were either poorly or not working at all; low interest of local authorities in the Strategy cooperation; the lack of experience of Roma experts (where the position does exist) or job insecurity. The location for their functions is also too distant from the source of actual decision-making (i.e. county councils) thus making it more difficult for BJRs to be effective and influential.

#### *Structures at local level*

The Strategy calls for the employment of Local Roma Experts (LRE) in towns and communes with high Roma populations. The LREs are to be the chief mediators between the public authorities and the Roma communities, and should report to both the mayor and the BJR. At the city and town hall level, the position is full time whilst at commune level it is a cumulated position including other job responsibilities. The process of appointment is again characterised by the influence of the Roma Party in the local consultative process. The total number of LREs in the municipal and commune halls was estimated to be 146 in 2003. Eight counties out of the 42 counties (including Bucharest) had no LREs appointed and not all LREs are of Roma background. Most LREs are in practice engaged in providing social assistance information and solutions for the Roma communities and lack resources or budget to travel.

#### *Data gaps and collection*

The review confirms that interrelated data gaps are a recurrent issue in the overall Strategy implementation. Reliable basic data is still difficult to obtain, whether the data concerns the number of Roma persons in Romania, appropriate Strategy monitoring and evaluation indicators and benchmarks, data at central and local levels regarding socio-economic status and needs of the disadvantaged groups including Roma, or the discrimination of Roma. In order to demonstrate that dedicated Roma policies and interventions are justified and effective, these need to be documented by data supporting relevant priority areas and needs. In view of the above, it is at present difficult to measure the impact of the Strategy. The policy of ministries and local authorities that tend to pursue socially inclusive rather than Roma-specific measures further contributes to the difficulty in measuring the outcomes and benefits of the Strategy. The plan of measures for the implementation of the Strategy is not helpful and cannot be effective or monitored adequately in the absence of clear indicators.

#### *Funding of Strategy implementation*

The report shows that all ministries, with the exception of the Ministry of Health, have either insufficient or no specific funds at all allocated for Roma Strategy implementation. Those which do benefit from budget lines and appropriate resources (i.e. Ministry of Health) to enable the ministry concerned to implement the Strategy have proven to be effective. Even the NAR funding can so far not be evaluated as being used strategically for the implementation of specific measures related to the Roma Strategy. Since its adoption in 2001, the Strategy has received a very low level of direct governmental funding in view of the needs identified. At the county and local levels, local authorities have generally been ineffective in the Strategy implementation, some claiming that the law prevents them from financing Roma initiatives that may be part of the Roma county plan. This claim appears not

to be justified however since local authorities have discretionary powers to commit funding when there is a willingness to do so. Without appropriate human and financial resources at central, county or local levels, effective Strategy implementation will not happen.

#### *Roma participation*

The equal and active participation of the Roma population and civil society - a core principle to the Strategy – has not been ensured to date. The participation was even more troubled in recent years than at the beginning of the Strategy. The influence of and taking over of relevant structures for the Strategy at the central (NAR, JCIM) and local levels (BJRs and Roma experts) by the Roma party (RSDP) has largely blocked the wide consultation mechanisms foreseen at the central and local levels.

The present evaluation also indicates that even when dedicated structures for Roma interventions were established, they may have been involuntarily counter-productive in recent years by further isolating these specially created structures from other organisational social policy settings.

### **GENERAL RECOMMENDATIONS**

If the Government is to maximise the social and economic benefits of Roma integration and ensure the improvement of the situation, much remains to be done. Creating an adequate capacity of structures involved and allocating sufficient resources for the Strategy implementation should be addressed as key priorities.

#### *Effective structures at central, regional and local level*

It will be important to ensure that each ministry, deconcentrated or local governmental institution operates through effectively functioning structures for the Strategy implementation. These structures must be capable of developing, implementing and monitoring social inclusion measures granting sufficient recognition to Roma issues, with clear targets, objectives and indicators. An essential element of this would be the creation of a network of experts on Roma issues in each ministry's and local public institution's relevant departments (cf. option 2 below for future action). Employment and involvement of Roma experts in policy design and implementation is key to increasing the capacity of public institutions to respond to the needs of the Roma population. This should ensure the development of community-based initiatives that include the Roma population, as well as specific Roma targeted initiatives. Each ministry should be reporting annually on the level and extent of integration of Roma issues within their policies and processes, and monitor the performance of their sectoral strategy including identifying remedial measures where necessary.

#### *Local experts*

At the local level, the position of BJR expert should be transferred from the Prefecture to the County Council where the decision-making role currently lies for the county development plans and budget allocations. This proposed approach (cf. option 2 below for future action) should allow the expert to have greater influence with the county council and its decision-making process, while facilitating greater access to socio-economic data that would strengthen Roma participation in social inclusion initiatives and support NAR in its monitoring role. In all cases, the Roma experts should be closely involved in developments decision-making processes at local, county and regional level.

#### *Monitoring and data collection*

In view of the overall benefits of the social inclusion approach, the challenge will be how to adapt the Strategy structures and measurement indicators to best reflect this approach whilst initiating additional Roma-specific measures. Monitoring of the Roma Strategy implementation should be lead by NAR and should be based on the same set of socio-economic data and indicators as those used in the monitoring of the social inclusion

measures envisaged under the Joint Inclusion Memorandum (JIM). It should therefore be developed and conducted as a joint effort with the responsible structures for JIM monitoring. Consistent and improved socio-economic data on Roma, which fully respects data collection principles and personal data protection, should be collected in order to monitor and assess the impact of different measures implemented, as well as measurable benefits to Roma communities. The current lack of precise data, whilst it ought to be remedied and improved, cannot however be an excuse for not taking action and addressing the most urgent socio-economic needs using available data and indicators. The Roma population figures of the last census might be far below the real number of Roma households but existing data can already serve as an acceptable basis or starting point for implementing the Strategy and measuring its impact. Current plans in the framework of the Roma Inclusion Decade include a needs and data assessment in Romania. This also supports the need to ensure the full synergy between the two programmes, whereby the implementation and monitoring of the Strategy and Decade objectives should be closely related.

#### *Synergy and linkages between initiatives and partners*

Those ministries and organisations, which have received support from Phare, other EU or World Bank initiatives have proven to be more effective in improving the condition of Roma. A primary coordination at policy level and further strengthening of linkages and synergy between programmes and initiatives are crucial. In particular the approach to Strategy implementation should take into consideration the likely impact of the Joint Inclusion Memorandum (JIM) on Roma communities and address how this will fit within the Strategy. The Roma Inclusion Decade also provides an additional opportunity to ensure effective and coherent collaboration between all partners at government, EU, international and civil society / Roma organisations levels.

#### *Roma Participation at all levels*

Participation of Roma should be ensured at all levels of the implementation of the Strategy, whether as public servants within central or local institutions, as consultative groups in national or local policy design and monitoring, or as implementers in collaboration with local authorities of community development projects. Roma and civil society representatives have an essential role to play in policy-making, monitoring and implementation of the Strategy. Roma are willing to interact directly with central government structures and the key criterion for the involvement of Roma representative NGOs and individuals should be effectiveness and exclude any privileged links to any specific organisation. In a society with a sizeable Roma population, Roma participation in public services, state administration, police and other spheres of public life should be of significant importance and roughly correspond to the proportion of Roma population.

#### *Proposed options for future development and action*

Three options or scenarios presented in the report examine a range of possible institutional structures and approaches for the Strategy. The first two options keep the original Strategy concept of having dedicated Strategy structures. They maintain NAR's role in monitoring the Strategy, but propose different structures for its monitoring. Option 1 keeps the current Strategy structures and suggests ways of making them more effective. Option 2 recommends a modification in the structures in order to make them more complementary to the social inclusion structures. Option 3 proposes to redefine the role of NAR, giving it together with the Department for Inter-Ethnic Relations, a new language and culture mandate and removing its role in the monitoring of social inclusion measures from which the Roma benefit.

Although options 1 and 2 presented in Section 7 of the report include different proposed structures, there are important issues to be addressed that are common to both options. These include building good human resources competences within NAR and at both central and local levels including Roma experts, and the development of an effective monitoring system and methodology for measuring the Strategy's implementation.

## 1. INTRODUCTION

### 1.1 Aims of the evaluation project

The Delegation of the European Commission in Romania has initiated this project and contracted through a tender procedure Focus Consultancy Ltd to assess the capacity of the structures involved in the implementation of the National Strategy for Improving the Condition of the Roma, in view of the implementation of Phare 2004-2006 multi-annual programmes.

The main objectives of the evaluation were to:

- Assess the administrative and organisational capacity of the structures involved in the Strategy implementation and the efficiency of the mechanisms (split of responsibilities between various institutions at the various levels)
- Make practical recommendations for the improvement of these mechanisms and the strengthening of the capacity of the institutions involved at national, county and community levels in the implementation and monitoring of the Strategy

Therefore, the present assessment and contract has not focused on or attempted to measure the results of the overall Strategy or specific measures implemented.

As the key output of the project, this evaluation report (available in English in July 2005 and shortly also in Romanian) presents an independent assessment focusing on:

- (1) key issues related to the strengths and deficiencies of the Strategy implementation mechanisms and institutions, and
- (2) practical recommendations and structural options to address these key issues.

The present report results from the evaluation work conducted by the project team (during the first half of the year 2005), as well as from a complementary consultation with Romanian Government and civil society representatives during and following a Round-table<sup>1</sup> in May 2005 where a first draft report was presented for discussion and comments.

This evaluation draws upon existing reports and assessments covering the overall Strategy implementation or specific sectors of the Strategy, analyses data collected during meetings with relevant actors at national and local level, and presents key issues and main findings, as well as conclusions and concrete recommendations.

### 1.2 Background and context

The *Strategy for Improving the Condition of the Roma* was adopted by the Government of Romania in April 2001. Its elaboration and implementation received Phare support and enjoyed large participation of Roma civil society. Implementation of the Strategy was initially co-ordinated by the Ministry of Public Information through the National Office for Roma (NOR). Further to various changes over time and following the Government Emergency Ordinance no 78/2004, the newly established National Agency for Roma (NAR - under the Secretariat General of the Government) is in charge of the implementation and monitoring of the Strategy. A Joint Committee for Implementing and Monitoring the Strategy (JCIM), comprising State Secretaries representing the ministries responsible for implementing the Strategy and Roma NGO leaders, was created to ensure coherence between sectors and

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<sup>1</sup> The Round-table discussion 'Assessment of the administrative capacity for the implementation of the National strategy for the improvement of the Roma situation' was held in Bucharest on 24 May 2005. The event was organised and facilitated by the Delegation of the European Commission and the Romanian Government. Annex II includes the list of Roundtable participants as well as of organisations and representatives who submitted written comments to the draft report as part of the consultation.

support in all fields of the Strategy. The Ministerial Commission for Roma (MCR) within each ministry has been made responsible for the implementation of the sector strategies.

The Strategy is based on the principle of decentralisation in the implementation and includes a medium-term master Plan of Measures for the period 2001-2004 (currently in the process of updating) stipulating concrete actions with timeframes and clear responsibilities for the institutions involved. The Plan of Measures covers the following sectors: community development and administration, housing, social security, health care, economy, justice and public order, child welfare, education, culture and denominations, and communication and civic involvement.

A few years into the execution of the Strategy since its launch in 2001, the implementing structures have been put into place, including the decentralised approach on national, county and local levels. Recent reports have assessed the level of implementation of the Strategy and General Plan of Measures<sup>2</sup> and pointed to various existing problems and shortcomings in the implementation (e.g. poor functioning of central level implementation scheme, local authorities involvement, lack of adequate funding and capacity, no control and monitoring mechanism, etc.). Furthermore, collaboration between the Government and NGOs, as well as cooperation among NGOs themselves, has weakened since the Strategy adoption, partially due to concerns that the Government has chosen to work almost exclusively with a single politically active organisation rather than consulting with a broader range of Roma representatives and experts<sup>3</sup>. At the same time, positive results through the Strategy are acknowledged where adequate resources have been committed.

The Ministry of Public Information presented in the public report for 2003 that, out of the 123 measures that had been planned, 60 were completely achieved, 48 were partially accomplished or were being implemented, and only 15 were not achieved, but rescheduled.<sup>4</sup> However, due to the weakness of coordination and monitoring mechanisms, it is difficult to assess the extent to which the Strategy has effectively been implemented and little progress is reported towards a coherent and coordinated implementation of the Strategy so far.

Beyond the execution of individual measures included in the Plan of Measures, an important issue at stake is the sustainability and impact of the Strategy. This is essential to ensure its credibility with the Roma communities and to consolidate its ability to proactively fight the widespread discrimination against the Roma, and promote their inclusion not only in specific sectors but in the Romanian society at large.

The context of this evaluation project to assess the Strategy implementation mechanism should also take account of recent developments at EU and international level, and in particular the EC funded multi-annual programme for Roma<sup>5</sup>. The Minorities Sector Programme has been designed to provide a firm foundation for the process of “accelerating the implementation of the National Strategy for Improving the Condition of the Roma”.

The June 2002 National Plan for the Adoption of the Acquis (NPAA) identified four short and medium term priorities required over the period 2002-2005, which are seen as crucial to the process and directly or indirectly reflected in this programme:

- Promotion of the equality of opportunities in Roma communities
- Leaders/Opinion formers information and training

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<sup>2</sup> Including: ‘*Minority Protection in Romania, An Assessment of the Strategy of the Government of Romania for Improving the condition of Roma*’ (2002) and ‘*Monitoring Local Implementation of the Government Strategy for the Improvement of the Condition of Roma*’ (2004) by Open Society Institute Budapest and Resource Center for Roma Communities, Cluj. ‘*Report on the implementation of the Romanian Government’s Strategy for the Improvement of the Roma Situation*’ (June 2004) by the Ethnocultural Diversity Resource Center in Cluj.

<sup>3</sup> Similar concerns were expressed in the *EC Regular Reports* in 2003 and 2004.

<sup>4</sup> *Report on the progress made in the implementation of the Government’s Strategy for the Improvement of the Roma Situation*, Ministry of Public Information, April 2003

<sup>5</sup> *Standard sector programme fiche RO Phare 2004/016-772.01.01 Accelerating the Implementation of the National Strategy for Improving Roma Condition, as part of the Programme for MINORITIES*

- Evaluation and monitoring of the programmes developed within the framework of the National Strategy for Improving the Condition of the Roma
- Facilitating the active participation of the Roma in economic, social, cultural and political Romanian life, improvement of their access to health services.

The programme is an integral part of the (implementation of the) Strategy for Improving the Condition of the Roma adopted by Government Decision (GD) 430/2001 and also addresses the National Plan for Fighting Poverty and Promoting Social Inclusion.

In view of preparing full participation of Romania in the open method of coordination on social inclusion upon accession, the Government of Romania has drawn up a Joint Inclusion Memorandum (JIM), with support from the European Commission (DG Employment, Social Affairs and Equal Opportunities). The Memorandum outlines the principal challenges in relation to tackling poverty and social exclusion, presents the major policy measures taken by Romania and identifies the key policy issues for future monitoring and policy review. Progress in implementing such policies will be assessed in the context of the EU social inclusion process, the aim of which being to make a significant impact on the eradication of poverty in Europe by 2010.<sup>6</sup> Specifically, the priority to finalise the implementation of the Government Roma Strategy, promote the social inclusion of the Roma community and continue fighting discrimination are included amongst the immediate policy priorities of the Joint Inclusion Memorandum to be adopted by the Government and the EC in relation to tackling poverty and social exclusion.

At the beginning of 2005, Romania also officially launched the Decade of Roma Inclusion (2005-2015), a joint initiative of eight countries in Central and South Eastern Europe and focused on closing the gap between Roma and non-Roma in a limited number of key sectors over a ten-year period. The Decade (supported by OSI, the World Bank, UNDP, OSCE and CoE) brings together representatives from the participating countries with significant Roma populations, who are in the process of establishing national goals, targets and indicators in four key areas (education, employment, health and housing - with discrimination, gender and income poverty as cross-cutting issues). The Decade for Roma Inclusion was launched in Romania in February 2005 and enjoyed large participation of institutions involved and Roma civil society. On this occasion, main issues of concern under the main four areas of focus of the Decade were raised and discussed.

## 2. METHODOLOGY

### 2.1 Evaluation approach and focus

The project team has concentrated on collecting information to allow for the identification of operational recommendations to improve the capacity of the Romanian institutions to implement the national Roma Strategy and to integrate the relevant activities in the larger framework of the JIM or Decade for the Roma.

The survey covered four sectors identified and selected for their particular relevance to the Strategy objectives and the discrimination of the most vulnerable Roma communities in the country: education, employment, community development/participation and health. The team of evaluators (two international experts and five Romanian experts) started work in late January 2005, with joint missions and visits in Romania in February, March, April and May 2005. Throughout the exercise, the support of the EC Delegation (Team Leader

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<sup>6</sup> *Joint Memorandum on Social Inclusion of Romania*, Draft, Brussels, 2004

responsible) in Bucharest in helping to identify first hand contacts to provide background information, documents or comments, as well as to organise and contribute to the county consultation workshops, has been of significant assistance.

Further to an initial desk study and review of relevant documentation and reports, and preliminary discussions with key government officials, independent experts, representatives of Roma organisations and EC representatives, several sets of issues and problems were identified. These were further investigated during interviews at national and local level in March 2005, and workshop consultations were conducted in April 2005 in the five counties selected (Botosani, Sibiu, Buzau, Brasov and Constanta). The range of interviews and workshops provided a useful indication and snapshot of the Strategy implementation status and structures in place, particularly at the local levels across the five counties. It should be noted however that, within the timeframe and limitations of the project, the workshops and interviews did not aim at being exhaustive. These sought to be strategically selected and targeted to identifying key issues or weaknesses in terms of institutions' capacities to implement the measures foreseen in the Strategy.

The key issues and findings emerging from the following main components of the project methodology (implemented and conducted between February and May 2005) are presented in this evaluation report.

## 2.2 Desk research

Relevant background documents and existing reports were reviewed and analysed as part of the evaluation's preliminary research in order to build upon existing information, findings and evidence available. Materials included documentation from international donors or institutions, from the Romanian government and state institutions, NGOs and agencies. A list of the main background reports and documents consulted and reviewed as part of the evaluation desk research is provided in Annex IV attached to this report.

Evaluation reports, monitoring studies, case studies and other information produced in the framework of projects financed by various international donors and EU institutions (e.g. results of Phare projects) in support of the implementation of the Government Strategy for Roma, were for example a very useful base for the analysis conducted by the Focus project team. Similarly, extensive legislation pieces establishing the structures for the implementation of the Strategy as of 2001, or dealing with local public finances, social assistance, anti-discrimination, etc. were essential sources and references consulted.

Particular attention has been given to recent evaluations of the Government Strategy for Improving the Roma Situation<sup>7</sup>, as well as to previous ORI reports, other relevant evaluations and monitoring, as well as legislation stating the various organizational movements in the structures dealing with Roma. Useful documents were also provided by NGOs and individuals dealing with Roma issues.

More 'informal' documents (e.g. organizational charts, internal regulations, memos, meeting minutes or decisions) were also sought and thoroughly reviewed whenever made available to assess the factual work and capacity for the implementation of the Strategy, especially at local level. It should be noted that access to such informal documents was however difficult or impossible on numerous occasions due to reluctance of the person responsible in providing such information for various reasons claimed (e.g. "secret de serviciu" /classified for work purposes, not yet approved by various commissions, needing approval of a hierarchy official, etc).

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<sup>7</sup> Reports presented in 2004 by the European Union Monitoring and Advocacy Program and the Roma Participation Program of the Open Society Institute; with support from the Resource Center for Roma Communities and the Ethnocultural Resource Centre for Diversity in Cluj.

## 2.3 Meetings and interviews

### ***At central level***

The team of experts had a range of meetings and interviews with main actors involved in the implementation of the Strategy at central level, particularly across the main ministries and agencies with responsibilities established by the General Plan of Measures.

Main points of interest during the discussions included:

- General awareness and implementation of Strategy relevant activities by the ministry/agency, according to the General Plan of Measures,
- Comments on Strategy structures and mixed representation as well as on Roma representation, specially with regards to the JCIM and the MCRs,
- Needs assessed and addressed in the Strategy context and relevant data requirements,
- Comments on Strategy general level of implementation, with recommendations for improvement,
- Funding needs and budgets made available directed to Roma issues.

The evaluation experts met with representatives from ministries (Education and Research, Labour, Social Solidarity and Family, Health, Administration and Interior) and national agencies (Employment, Civil Servants) most involved in the implementation of the Strategy and regularly participating in the JCIM meetings and other Roma initiatives.

Special attention was dedicated to the National Agency for Roma (NAR), through extensive meetings with the head of the Agency, the head of the PIU, and where all staff members were interviewed on their work. Meetings also took place with individuals previously involved or in former key position with regards to the preparation and implementation of the Strategy, in order to have a broad overview of all aspects and inputs. Interviews with a number of NGO representatives with significant experience in supporting public institutions to implement specific measures addressing Roma communities' needs, were also key contributions, as was the case with implementers of foreign funded projects for Roma (Phare, World Bank, UNDP).

A list of all contacts consulted at central and local levels can be found in Annex II (List of contacts – consultation and interviews)

### ***At local level***

Interviews were conducted in the five counties according to a common and detailed questionnaire comprising some 58 questions addressing Strategy implementation relevant issues, including:

- General awareness and implementation of Strategy relevant activities in the counties,
- Strategy structures and mixed representation as well as Roma representation,
- Needs assessed and addressed and relevant data requirements,
- Social segregation and direct/indirect discrimination as well as media coverage,
- Legal issues of relevance to the Strategy implementation, and complaints mechanisms,
- Job profiles of Strategy structure related posts as well as actual activities implemented,
- Funding needs and budgets made available to these structures in the past year (2004),
- Reporting, monitoring and evaluation channels and processes,
- Police projects and trainings of relevance to the Strategy or Roma issues.

More than 100 persons in total were interviewed across the five counties and more than 70 questionnaires were completed. Persons interviewed included: county Roma office experts (BJRs) at prefectures, local Roma experts (LREs), county council employees, representatives of Roma and non Roma NGOs, Roma leaders and representatives, local politicians or personalities, health mediators and health personnel, school mediators, Roma

teachers and education inspectors, employees of local employment agencies, project officers of Strategy related Roma projects, police officers, journalists.

Outcomes and findings of the interviews survey are used and incorporated into the present report, and detailed interview results were compiled into a summary overview (see Annex I – Compilation Statistics of Questionnaires).

## **2.4 Workshop Consultations**

Five one-day workshop events were organised at county level in the context of this evaluation (Constanta, 1 April – Botosani, 5 April – Buzau, 6 April – Brasov, 12 April – Sibiu, 14 April 2005). Local stakeholders together with representatives from the prefectures, the EC Delegation and experts from the Focus team were invited to participate in the workshop consultations.

The workshop discussions were in essence based on the ‘Open Space’ technology allowing participants to define the precise agenda and workshop issues as well as to vote on priorities and jointly established local action plans for each county.

The workshop discussions and working groups encouraged participants to debate in detail specific issues and aspects relevant to the evaluation and clearly illustrated local power settings and interactions among Strategy implementation stakeholders at the county level.

Participants welcomed the opportunity provided by the workshops to consult, mediate existing conflicts and formulate plans and practical recommendations for the future Strategy implementation in the respective counties.

Main outcomes and findings resulting from the workshops are incorporated into this report, and detailed reports of the workshop consultations, including the lists of participants, are provided in Annex III.

## **2.5 Data Gaps**

Interrelated data gaps are a recurrent issue in the overall Strategy implementation, as reliable basic data is still difficult to obtain regarding:

- established number of Roma persons living in Romania or in particular counties,
- appropriate Strategy monitoring and evaluation plans with defined verifiable indicators and benchmarks for the measurement of programme implementation and impact,
- generally recognised and applicable figures at the country’s central and local levels regarding socio-economic status and needs of the disadvantaged Romanian population including the Roma.

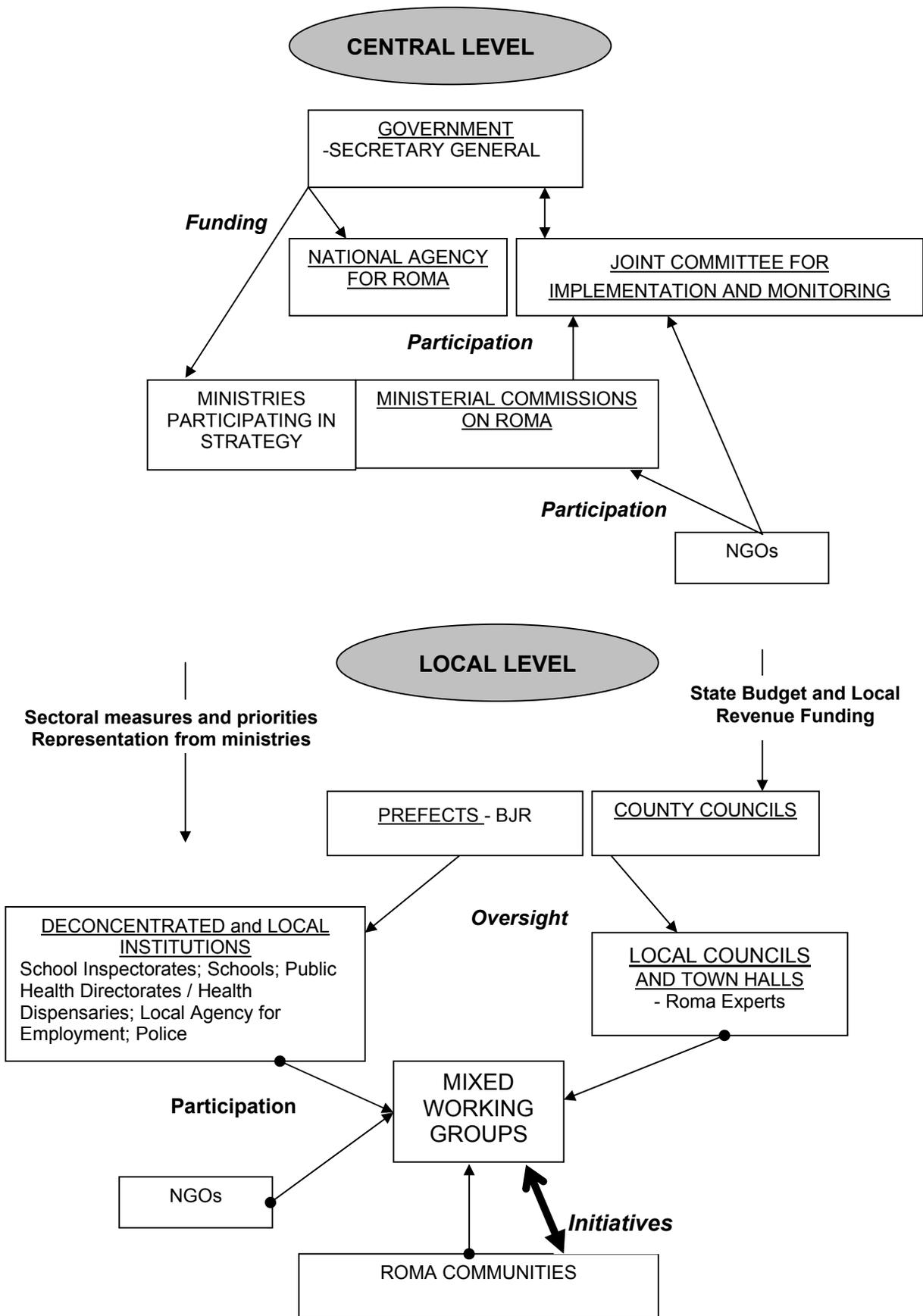
These data issues are of crucial importance for any evaluation and programming activity, and have been raised by most experts and interviewees with regards to existing limitations in quantifying needs and achievements. The specific issue of ethnic data is still considered sensitive by many experts in the country whilst the Roma civil society also seems divided with regards to its absolute need or not. It should be noted that this debate on the collection of data based on ethnic origin is not limited to Romania but stretches European wide.

These data gaps affect a majority of the evaluation issues and are therefore a continued methodological concern and challenge. The present report will address data issues in further detail in section 5.1 below.

# **3. THE STRATEGY’S INSTITUTIONAL STRUCTURES AND THEIR FUNCTIONING**

## **3.1 Overview**

**Table 1: Present Strategy Structures**



The overall institutional setting created by the National Strategy for Improving the Condition of the Roma (the Strategy) in 2001<sup>8</sup>, envisaged the establishment of a central coordinating body with linkages to the ministries, county offices on Roma, key expert positions at the local level and a network of mixed committees (commissions / working groups) linking the various Strategy stakeholders. With the exception of various changes to the central coordination body (now the National Agency for Roma), this institutional setting (illustrated in Table 1) has remained largely intact up to the present.

Four years after the adoption of the Strategy, the majority of implementing structures have been put into place at national, county and local levels, as follows: Joint Committee for Monitoring and Implementation (JCIM), Ministerial Commissions for Roma (MCR), County Offices for Roma (BJR), Local Experts on Roma affairs (LRE). These structures will be examined in this chapter while other Strategy relevant positions such as health mediators and education mediators are addressed in section 4.1 of the report.

## 3.2 National Agency for Roma (NAR)

### 3.2.1 Evolution

The evolution of the Strategy's overall coordination body is somewhat complex as it has been reorganised on several occasions since the Strategy's inception in 2001.

The institution originally mandated to organise and coordinate the master Plan of Measures defined in the Strategy was the National Office for Roma (NOR), which was established under the Department of Inter-Ethnic Relations (DIR) of the Ministry of Public Information. In 2003, both the DIR and NOR were moved from the Ministry of Public Information to the Secretariat General of the Government (SGG)<sup>9</sup>. In this process, NOR was renamed the Office for Roma Issues (ORI). Initially ORI and DIR functioned separately, but in March 2004 a further reorganisation took place and ORI was subordinated to DIR in the SGG<sup>10</sup>. This status remained only for a short period when, in October 2004, ORI was abolished and replaced by a National Agency for Roma (NAR), directly under the SGG<sup>11</sup> while taking over the structure, resources and responsibilities of ORI. The responsibilities allocated to NAR<sup>12</sup> are wide in their scope and correspond to the main priorities outlined in the Strategy's plan of measures. The change in governmental organisational status from Office to the present Agency was notable insofar as NAR became a separate legal entity with its own separate annual budget provision funded through the SGG. This legal and budgetary status allows for NAR, at least in principle, to be less dependent on the uncertainties of the budgetary process than were it operating, for example, under a Directorate or Department. The status of Agency also confers on NAR the right to be headed by a Secretary of State, with as a result a potential greater influence within Government and, equally, towards the Strategy's stakeholders.

### 3.2.2 Organisational structure

The government decision establishing NAR<sup>13</sup> in November 2004 defined its organisational structure, within the scope of a maximum of 52 staff<sup>14</sup>. At the present time (April 2005), NAR does not have an organisational structure corresponding to this nor, it is understood, is NAR planning such a structure. It was indicated that a variant structure was being considered by

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<sup>8</sup> GD 430/2001

<sup>9</sup> GO 64/2003, GD 747/2003 and GD 749/2003

<sup>10</sup> GEO 11/23.03.2004 and GD 407/23.3.2004

<sup>11</sup> GEO 78/2004 and GD 1703/2004

<sup>12</sup> GD 1703/2004 listed 30 main responsibilities

<sup>13</sup> GEO 78/2004

<sup>14</sup> GD 1703/2004

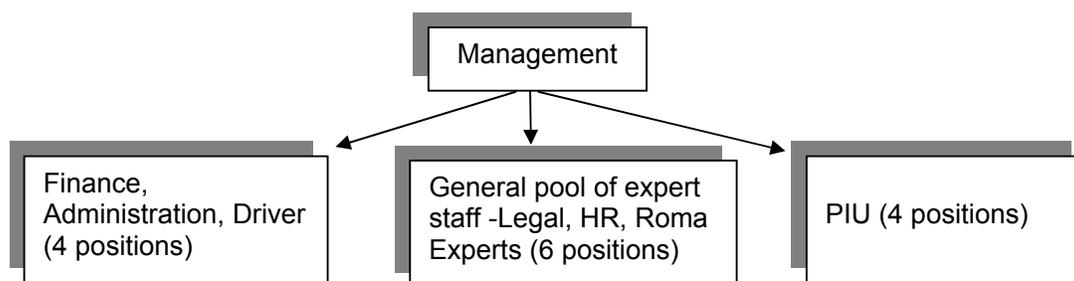
NAR to be presented to the SGG shortly<sup>15</sup>. Thus, the structure defined by GD 1703/2004 exists only as a reference point and it is not intended to evaluate this structure except within the context of the proposed options and recommendations for the future role of NAR (section 7).

The placing of NAR as an Agency within the SGG has strategic benefits for the Strategy. SGG is a powerful institution at the centre of government, thereby providing greater visibility for NAR and for the Strategy. It should also enhance the capacity of NAR, with a State Secretary as its head, to better fulfil its mandate through more effective coordination of the Strategy through the Joint Committee of Implementation and Coordination (JCIM) with the principal stakeholders.

NAR currently has a staff of 14, plus the President<sup>16</sup>. It was reported to the evaluation team that in fact only 11 of these were paid by the currently approved NAR budget<sup>17</sup>.

NAR currently has no organisation chart or operations manual (or equivalent detailing working procedures for information and documents flow, reporting principles, etc), nor written job descriptions for any of the staff. The President, with support from the human resources (HR) and legal staff, is currently working on a Regulation for the Organisation and Functioning (ROF) of NAR, which is to be approved by the SGG to make effective the new structure. The evaluation team was unable to obtain a final version of this proposed NAR structure.

The team interviewed NAR staff in order to assess its current organisational structure and capacity. In broad terms, very little structure appears to exist and what does exist can be roughly characterised as follows.



It is not intended here to comment on this existing temporary structure except to state that, it has as a structure limited usefulness as a guide for any future institution responsible for the Strategy. NAR is presently a young organisation, barely 6 months old, and any formal structure for it still requires approval of the ROF regulation by the SGG. However, in the context of assessing its existing competences and preparedness as an organisation to guide the Strategy in the future, the evaluation examined the overall human resource capacity within NAR and the extent to which it is fulfilling its organisational mandate.

### 3.2.3 Human resource capacity

Interviews were held with the President and 13 of the 14 NAR staff. The following is an overview of this assessment.

#### The NAR Management

<sup>15</sup> Interview with the President of NAR, April 2005

<sup>16</sup> NAR is also supported by a small unit from the Ministry of European Integration.

<sup>17</sup> According to the NAR President, the remaining 3 positions are being paid from "personal" resources while Agency staff stated that these positions were covered by a different State budget line and/or exercise.

The President is a political appointment with State Secretary status. He is a Vice President of the Roma Social Democratic Party<sup>18</sup> (RSDP - Roma Party) and was appointed State Secretary at the same time as the creation of NAR in November 2004.

#### The Programme Implementation Unit (PIU) - 4 positions

PIU is a unit within NAR<sup>19</sup> dedicated to the implementation and monitoring of the Phare projects supporting the Strategy. Although none of the staff have written job descriptions, there is a clear division of duties and responsibilities based on the descriptions given at the interviews. Projects are monitored financially and technically and site visits are regularly made, in spite of the scarce resources available for PIU current work. The PIU has implemented already 2 Phare national programmes for Roma<sup>20</sup> to date and is currently managing the Phare 2002 project<sup>21</sup>. Under the grants scheme, 65 projects were approved in 3 sectors: health, vocational training and income generating activities, and small infrastructure and housing. The grants were allocated to local authorities supported by a local Roma group initiative. The PIU monitors project implementation, working in consultation with the technical assistance teams and participating in monitoring visits for local projects. The current monitoring capacity of the PIU is strictly limited by the financial and staffing resources available.

The PIU has a staff of four, two of whom have been employed since the inception of the Strategy in 2001. The current staffing is below the requirements set in the conditionality of the Phare multiannual programme. Formally, the staff should report to the head of PIU but report directly to the President upon his request. Communication difficulties were reported in this context in the relations with other institutions involved in Phare projects implementation, as correspondence did not always reach the PIU responsible in due time, staying with the secretariat of NAR<sup>22</sup>.

#### General pool of expert staff – 6 positions

Of the 6 positions in the general pool of expert staff, 4 are experts on Roma issues (2 of whom have been employed since the inception of the Strategy), 1 is a HR expert and 1 is a Legal expert. Both the HR and Legal experts are young and relatively inexperienced. At the time of interview, both were working on a draft ROF, ultimately to be presented to the SGG for approval of a new NAR structure. The HR expert was also drafting job descriptions based on the ROF.

The 4 Roma expert staff are reasonably experienced, 3 of them worked previously within ORI. None however had job descriptions. Their areas of main responsibility (as described by them) corresponded broadly to some of the organisational structures envisaged in the government decision establishing NAR in 2004. These are: Relations with foreign institutions; Consultations with civil society, NGOs and local public administration; Public relations, representation (e.g. in mixed committees) and speech writing; Programme development and projects.

### **3.2.4 Main NAR issues identified**

Whilst the institutional setting (illustrated in Table 1 above) has remained largely intact up to the present, the institutional functioning has however, from the outset, been problematic and this has clearly had a negative impact on the Strategy's overall effectiveness.

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<sup>18</sup> This party is in fact an NGO but has political party status as provided by the elections legislation.

<sup>19</sup> The PIU had also earlier existed within ORI.

<sup>20</sup> RO 9803.01 Improvement of Roma situation (supported the drafting of the strategy) and RO 0004.02.02 Improvement of the situation of Roma (RO 01.04.02 Access to education for disadvantaged groups with a special focus on Roma was administered by the Ministry of education)

<sup>21</sup> RO.2002/000-586.01.02 Support to the Strategy for improving Roma conditions (€ 6million +1.6 million co-financing). PIU is assisted by the CRCR in Cluj and Human Dynamics & co consultancy.

<sup>22</sup> Also, the head of the PIU has, for instance, rarely been invited to participate in the JCIM Committee.

NAR is a young organisation, which took over previous structures (i.e. NOR and ORI) and appears to be poorly organised and ill-prepared to undertake the considerable tasks and challenges it currently faces. The Agency has a wide range and scope of responsibilities assigned to it (GD 1704/2004) aimed at ensuring NAR's effective coordination and monitoring of the Strategy through the plan of measures. Whilst most of the measures are implemented by the relevant ministries, it was incumbent on NAR (and earlier ORI) to develop the organisational and monitoring tools and competences, with appropriate resources allocated, that would enable it to oversee the Strategy. It is far from evident that this has occurred or that NAR has the capacity at present to coordinate any relevant governmental policy. Individual skills and competences certainly exist within NAR but, organisationally, these have not been coherently structured. Any future NAR reorganisation would need to include a thorough assessment of the human resource skills and competences required to meet the organisation's needs and tasks.

From the perspective of developing its coordination and monitoring competences, NAR has not benefited from the decision to spend the 2004 government funding of the Strategy through the UNDP<sup>23</sup>.

As the executive body for the Joint Committee of Implementation and Monitoring (JCIM), NAR has not yet demonstrated its effectiveness. It has failed to take the lead in developing and proposing strategies for coordinating and monitoring the Strategy or in providing objective reports on Strategy relevant issues and policy impact. It is the view of the evaluation team that the responsibility for the failings at NAR lies at the doorstep of senior management, which has not demonstrated the strategic management skills required to structure NAR into a coherent and effective organisation.

#### The Management

The President's commitment to his job is unquestioned but the style of leadership and management, both internally with his staff and externally with his relations with other Roma NGOs, leaves serious questions as to whether it optimally serves the best interests of NAR and the Strategy. The President has fostered a style of leadership that, in the short life of NAR to date, has already left it a fractious and ineffective organisation<sup>24</sup>. Many staff, some of whom are quite experienced, were reluctant to make any comments on how their jobs were organised, whilst others expressed great frustration at the slow pace of organisational development and what was being achieved in NAR.

In management terms, the President has not delegated authority in any transparent way, as is evidenced by the absence of an organisational structure. The responsibilities of staff, with the exception of the PIU, are unclear due to the lack of job descriptions and they are expected to remain constantly in readiness for a new duty to be assigned to them by the President. Although some of this could be attributed to the newness of the organisation and the lack of an approved ROF, this overall absence of organisational focus and management competence is a major concern for the substantial challenges that lie ahead. Even in the temporary absence of the ROF, NAR could have been structured, albeit unofficially, in a more coherent manner to develop more effectively its organisational competences.

#### The Programme Implementation Unit (PIU)

The PIU considers itself quite isolated from the rest of NAR and there appears to be minimal contact between the two, in spite of them being part of the same organisation. In addition, the management does not have a good working relationship with the head of the PIU. During the period of this evaluation several requests were made to the President for a meeting that would include the head of the PIU but these were declined. The PIU represents an important management competence within NAR and the perceived tensions between the two thereby restrict the ability of NAR to more effectively develop an integrated in-house coordination and monitoring competence of the Strategy. Further evidence of this can be seen from the

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<sup>23</sup> This decision was criticised by a large number of Roma and non-Roma organisations in Romania (cf. open letter to the then Prime Minister).

<sup>24</sup> The President was also sub-State Secretary in ORI

manner in which the 2004 Government funds were utilised, although in-house capacity for their administration existed.

#### NAR Staff

Few of the staff were able to describe, except in general term, the way their jobs in NAR functions or what is specifically achieved to support the Strategy. Each had regular consultations with the President and took instructions from him on tasks to be performed. There was little sense, however, of staff empowerment or real delegation of responsibilities to them. It also meant that they expressed little strategic overview as to how they were achieving the objectives of the Strategy within NAR. Although some of this lack of clarity can be explained by the absence of an approved ROF for NAR, the leadership in NAR has clearly invested little in developing the strategic human resource capacity needed for the Strategy.

#### The influence of the Roma Social Democrat Party

A further issue relates to the preferential treatment the Agency is showing to the RSDP (referred to as Roma Party<sup>25</sup>) in the framework of consultations with Roma NGOs and the appointment of Roma experts (whereby appointments have been made favouring Roma Party candidates). Non- Roma Party related NGOs have been effectively excluded from participation in JCIM meetings and the consultative process with them, in general, has been minimal. It was argued by the President that these NGOs have in reality excluded themselves from the consultative process. However, given the consultative process, particularly with NGOs, is a key part of the Strategy, it is incumbent on NAR and its leadership to promote a wider and more inclusive process of consultation. There is, however, little evidence of this and, for example, there was also little real consultation with NGOs on the Decade Plan<sup>26</sup>. NGOs were reportedly invited at short notice, with no advance documentation provided, and then asked to comment on the document presented to them only in English. While it is appreciated that there are wider political forces at play, the fact remains that such preferential treatment acts contrary to the best interests of the Strategy as it does not ensure a plurality of views on Roma needs, nor how they are best accommodated within the scope of the Strategy. Key management failings have left NAR inadequately prepared for its responsibilities under the Strategy.

### **3.3 Joint Committee of Implementation and Monitoring (JCIM)**

#### **3.3.1 The JCIM as coordinating mechanism of the Strategy implementation**

The JCIM is the primary structure for the coordination of the Strategy, with NAR acting as its executive body. The Strategy defines the JCIM as the structure responsible for the “organisation, planning, coordination and control of carrying through the activities stipulated in the master plan of measures.” The JCIM at inception was composed of a President (with the status of State Secretary), an Executive Secretary (with the status of Under-Secretary of State), members from the 16 ministries signing the Strategy (with the status of State Secretary) and Roma leaders.

The original nomination of both a State Secretary and an Under-Secretary of State to oversee the JCIM can be attributed to the institutional structures at the Strategy’s inception (i.e. NOR), which was responsible for Roma issues under DIR, which in turn had responsibility for inter-ethnic relations. By simplifying the earlier complex structure through the creation of NAR in 2004, with its own State Secretary to head the JCIM, this clearly

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<sup>25</sup> Reference term used by almost all interlocutors independent from their actual support or not for this NGO and the appropriateness of the terminology “party”.

<sup>26</sup> Interviews with NGOs “Impreuna” (Community Development Agency “Together”) and Romani CRISS

represented a major institutional step forward, from the point of view of promoting dedicated structures for the Roma Strategy.

### 3.3.2 Composition of the JCIM

In terms of JCIM membership, the Strategy states that the JCIM should be composed of all ministries participating in the Strategy – at State Secretary level – as well as Roma NGOs. However, for the ministries, most State Secretaries either did not attend or, in their place, nominated less senior staff. This had the effect of making the JCIM less effective, where few decisions were made or followed up.

Concerning NGOs, the Strategy does not specify which NGOs should be invited to participate in the JCIM<sup>27</sup> but the obvious implication is that there should be a broad cross-section of NGOs which are representative of, and working with the Roma community. JCIM appointments are made by order of the governing authority in charge of the Strategy (i.e. 2001- mid-2003: Ministry of Public Information, and mid-2003 onwards: the SGG).

The record of NGO participation in the JCIM appears though to be very low. Because of the privileged position of the Roma Party, the participation of non Roma Party affiliated NGOs was very difficult and raised both internal and external criticism. In 2003, the Roma Party created an umbrella organisation (For Romenqo 2003) comprising 78 Roma NGOs, whose presidents are in many cases also presidents of the local branches of the Roma Party. For Romenqo 2003 was subsequently invited to participate in the JCIM together with another 3 Roma organizations (Roma Christian Centre Sibiu, the Alliance for the Unity of Roma AUR, and Romani CRISS)<sup>28</sup>. In spite of this official SGG-JCIM nomination, it appears however that neither the Roma Christian Centre Sibiu nor the Alliance for the Unity of Roma (AUR), both organisations of a political character, were actually invited to participate in the JCIM. As for Romani CRISS, they asked to be excluded after publicly complaining against these changes and developments infringing on the broad and effective Roma NGOs participation in the JCIM<sup>29</sup>. This fractious situation has not improved since then and, in fact it seems that no Roma NGO participated in recent JCIM meetings as late as April 2005. The JCIM President has proposed the establishment of a Roma umbrella group, to be named the Roma Consultative Board, comprising 3 NGOs (For Romenqo 2003, Civic Alliance of Roma and Roma Women's Forum) who would nominate representatives to the JCIM and ministerial commissions for Roma<sup>30</sup>. While this may be a welcome development, it remains unclear how the proposed selection of the umbrella group took place and whether it has the broad support of the wider community of Roma NGOs.

Other notable non-ministry participants of JCIM meetings were the National Agency for the Protection of Children, the National Council for Combating Discrimination (NCCD) and the Anti-Poverty and Social Inclusion Commission (CASPIIS)<sup>31</sup>.

### 3.3.3 Main JCIM issues identified

The Strategy document recommended the holding of regular JCIM meetings to coordinate the Strategy implementation and the plan of measures<sup>32</sup>. In reality, meetings have been held occasionally and were not very effective in their outcomes. In view of the minutes of the most

<sup>27</sup> Strategy of the Government of Romania for Improving the Condition of the Roma (2001), section VIII 1. :“(…)it will include the state secretaries in the ministries responsible for the application of the strategy” as leaders of Roma organizations.”

<sup>28</sup> Order 346/2004 of SGG regarding the change in the membership of the JCIM

<sup>29</sup> ORI report May 2003-May 2004 prepared by Head of PIU

<sup>30</sup> Minutes of JCIM meeting of 22 April 2005

<sup>31</sup> Did not attend all meetings reviewed.

<sup>32</sup> Strategy (2001), section VIII, 1. : “The Joint Committee of Implementation and Monitoring will meet once a month to analyze the progress of the activities envisaged in monthly meetings.”

recent JCIM meetings<sup>33</sup>, on average about half the Strategy-signatory ministries participated in the meetings and most attending were not represented at State Secretary level. Furthermore, the majority of the meetings were not attended by non Roma Party affiliated NGOs. The ministries most active in JCIM meetings were those also actively participating in the Strategy at the level of their own ministry, notably the ministries of Education, Health, and Labour, Social Solidarity and Family.

Although not providing much detail concerning the JCIM deliberations, the minutes indicate a number of issues relevant to this evaluation, namely:

- Little evidence of any systematic approach to the coordination of the Strategy and plan of measures
- Minimal attention was paid to the Strategy at the local level
- Efforts made to review and revise the plan of measures have achieved minimal progress, although this is currently being addressed. A revised plan of measures was developed in mid-2004 but was never discussed or adopted by the JCIM. This revised plan of measures also failed to take into account the Roma Decade Plan which was under preparation at the time<sup>34</sup>
- Calls made to establish monitoring indicators have made little progress
- Meetings spent considerable time on the presentation of information not of key relevance to the JCIM, restricting the time for substantive discussions related to the Strategy implementation and the plan of measures
- Efforts to resolve the representation of Roma NGOs in the JCIM have had little result

At the JCIM meeting of 22 April 2005, proposals were adopted for a working group (comprising representatives of ministries and NGOs) to review the Strategy's plan of measures for the period 2005-2007 and ensure coherence with the Decade Plan. It is unclear whether this will result in two separate plans or one overall joint plan. Also, the proposal to involve NGOs representatives in the working group remains speculative as no NGOs were present at the JCIM meeting, nor has the proposed Roma Consultative Board been established or joined the JCIM at this stage.

The JCIM has overall been an ineffective structure for the coordination of the Strategy insofar as, due to the weak links with the key stakeholders, it failed to identify and resolve the disconnection between the Strategy measures and how they could be implemented through the ministries. Until this situation is clarified, it would be unrealistic to expect ministries to be willing participants in the JCIM.

### 3.4 County Offices for Roma

The Strategy provided for the establishment of county offices for Roma (Birourile Judetene pentru Romi - BJR) within the prefectures. Each office should include 3-4 experts, one of whom should be of Roma origin. The main responsibilities of the BJR are the organisation, planning and coordination of activities relating to the plan of measures and the Strategy at the respective county level.

The actual establishment of the BJR in 2001 depended on both a Ministerial Order<sup>35</sup> and a Prefect's Order. Both of these complied with the general provisions of the Strategy but differed in their scope. The Ministerial Order established the main responsibilities as the identification and submission of proposals and establishing a list of activities according to the provisions of the plan of measures. These were suited to a single person rather than an office.

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<sup>33</sup> Minutes of 6 meetings between December 2003-April 2005 were provided to the evaluation team.

<sup>34</sup> The Decade of Roma Inclusion (2005–2015) focuses on closing the gap between Roma and non-Roma in a limited number of key sectors: education, employment, health and housing.

<sup>35</sup> Per Framework regulation, MPA Order no.584/27.11.2001 for the organisation and functioning of the County Offices for Roma

The Prefect's Order, which contains no financial provision except for salaries, conferred a wider set of responsibilities better suited to an office of 2-4 persons, namely:

- evaluation of the situation of Roma in their area of responsibility
- identification of solutions to the needs of the local communities
- mobilisation of community resources in order to accomplish the objectives of the Strategy
- ensuring continuous communication with local administration authorities
- highlighting problems falling in the scope of responsibility of the local authorities in order to resolve them
- initiation of partnerships between members of Roma communities and local authorities
- collaboration with decentralised and deconcentrated institutions
- mediation on any inter-ethnic or inter-community conflicts
- reporting to the General Directorate for Relations with Prefectures

The number of BJR Roma expert positions created is 42<sup>36</sup>. However, County Offices on Roma have been established within the prefectures where, in addition to the Roma expert, other experts are employed but who either do not work on Roma issues or only do so partly<sup>37</sup>. Other instances were reported where Roma "volunteers" also worked in the BJR<sup>38</sup>, or where the BJR was part of a wider "Commission" within the prefect's cabinet that included other experts as well as Roma Party experts.

In general, the BJR experts' selection process appears to lack a transparent procedure based on professional background and experience or/and on a local consensus in the Roma communities. It seems currently to be the difficult fruit of a political bargaining between Roma Party interferences (through its local representatives or/and through the NAR) and the prefects<sup>39</sup>.

The BJR Roma expert position under the prefecture is not that of a civil servant but of a counsellor, which implies that the position does not have security of job tenure and can be subject to changes of the prefect. In April 2005, 36 of the 42 BJR Roma expert positions were fulfilled (of which 26 are remaining from the last administration and 10 have recently been re-appointed) and negotiations were proceeding on the appointment of the remaining 6 positions<sup>40</sup>. The large majority of BJR Roma experts are believed to be of Roma background<sup>41</sup>. The BJR Roma expert provides reports to the prefect and NAR on the development of the Strategy's activities, which should be a basis and input for the prefect's report in line with his/her obligation<sup>42</sup> to report on a biannual basis to the Ministry of Administration and Interior on the Strategy's implementation.

### **Main BJR issues identified**

Discrepancies exist between the Strategy, the legal provisions and the actual practices. The Strategy envisaged several Roma experts within the BJR, whereas only one is actually in place. Other "experts" exist within the BJR, some of which are Roma Party "volunteers", and others appear to have very little connection with the Strategy.

BJR Roma experts are to be appointed based on a process of consultation with and recommendation from Roma NGOs. However in practice, this has often meant the recommendation of the Roma Party, although this also depends on the relative strength and

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<sup>36</sup> Order no.584/2001

<sup>37</sup> Interviews with BJR Roma experts in the 5 selected counties. The other experts were for (1) EU integration and (2) Programmes and Strategies.

<sup>38</sup> OSI report, 2004. Also in Botosani BJR.

<sup>39</sup> Cf. RSDP comments received 14 June 2005 stating that RSDP itself had "recommended" all BJRs.

<sup>40</sup> Report to project evaluation team by Ministry of Administration and Interior on activities developed by the County Offices for Roma, April 2005

<sup>41</sup> Discussions with BJRs in 5 counties and with NAR.

<sup>42</sup> Measure 18 of the Strategy

influence of the NGOs in each county. The prefect also has a part to play in the appointment process, insofar as he can question the recommendation/appointment made based on the need for suitably qualified candidates for the position.

Constraints have limited the effectiveness of the role of BJR county offices for Roma, including:

- Lack of resources available in the prefecture to perform their duties. Offices were minimally equipped and there was usually no means of transportation to communities ensured. It was reported in interviews that the Roma Party has provided transport in selected cases.
- The joint working groups were either not working at all or not working very well
- Lack of real interest of local authorities in the Strategy implementation and cooperation with the BJRs
- Their relationship with NAR was largely limited to the provision of reports and some training courses delivered by or through NAR
- Perceived absence of a legal framework for enforcing the Strategy and the funding of it
- Insufficient number of Roma experts in local authorities to cooperate with BJRs
- Lack of experience of Roma experts (where the position does exist)
- Job insecurity
- Involvement in a wide range of activities with few effective outcomes. This is largely due to the fact that the Strategy is not functioning very efficiently at local level and the BJR Roma experts often take on additional tasks that should be within the remit of other local institutions. For example, there is no single process for ensuring IDs for the Roma population and the BJR Roma experts become involved in this, as do other institutions such as the town halls, police, NGOs or even health mediators<sup>43</sup>
- Lack of sufficient information on the county budgeting process and the scope for financing the Strategy. Although most BJR Roma experts believed that the Roma county action plans had been approved and incorporated in the overall county social and economic development plan, there is no evidence that this has actually occurred.
- The location for their functions is too distant from the source of real (including financial) decision-making, i.e. county councils, thus making it more difficult for BJRs to be effective and influential.

These factors have significantly undermined the optimal effectiveness of the position of BJR expert, whilst it has a key role in the Strategy at the local level. As further detailed in Section 7 of the Report presenting conclusions and recommendations, serious consideration should be given and appropriate measures taken to address these important constraints and obstacles listed above.

### 3.5 Local Experts on Roma affairs

The Strategy calls for the employment of Local Roma Experts (LRE) in town and commune halls with high Roma populations. The LREs are to be the chief mediators between the public authorities and the Roma communities, and should report to both the mayor and the BJR. At the city and town hall level, the position is full time whilst it is a cumulated position including other job responsibilities at commune level.

LREs become local public government employees (either public servants or contractual staff) upon their appointment. The process of appointment is however similar to that of BJR appointments insofar as decisions are made by the mayors in consultation with the NGOs, which often results in the Roma Party wanting to take a leading role in this consultative

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<sup>43</sup> Interview with health mediator in Sibiu, and of Romani CRISS health mediator guide.

process<sup>44</sup>. Whilst the total number of LREs in the municipal and commune halls is not clearly established, it was estimated by ORI (NAR) to be 146 in 2003<sup>45</sup>. Eight counties out of the 42 counties (including Bucharest) had no LREs appointment<sup>46</sup> and not all LREs are of Roma background<sup>47</sup>. Most LREs are engaged in providing social assistance information and solutions (e.g. minimum income support, utility services) for the Roma communities.

### **Main LRE issues identified**

According to the latest data available to the evaluators (which was sometimes contradictory and difficult to obtain), the number of Roma experts employed at the local level is very limited, compared to the actual needs, and there are still counties with large Roma population where there is no available data on Roma experts being employed.

The employment of LREs has been problematic from the Strategy's inception and the main obstacle for this is financial. Mayors have an obligation to employ LREs but claim not to have a legal basis that supports the financial obligation. To overcome this perceived dilemma, many LREs are appointed through existing local town hall positions. Given that the LRE position can at commune level be a cumulated function, the positions are often created merging different job responsibilities (thus an LRE can also be a doorman for instance). However, legal provisions allowing for LRE positions to be funded on a non-cumulated basis do appear to exist. Indeed, provisions in the Law on Public Administration allow for the employment of a Roma expert where the minority Roma population represents over 20%. Such a threshold is based on Roma ethnic declarations at the last census<sup>48</sup>. Thus, this allows a local commune to establish a position of Roma expert and confers on the local council the legal obligation to allocate additional budget support for such a post. The lack of specific job responsibilities defined for the LREs in the Strategy leaves the mayors' offices with the discretion and a wide scope of determining the extent of the LRE activities.

Based on interviews with LREs in the five counties, it appears that the LREs are engaged in relatively low-level tasks. The following observations relevant to the Strategy can also be made:

- If Roma experts are appointed, they lack in most cases resources or budget to travel
- Most LREs are engaged in providing social assistance information and solutions (e.g. minimum income support, utility services) for the Roma communities
- LREs at the commune level have cumulated job functions and are unable to devote sufficient time to Roma issues
- LREs have little awareness of the Roma county strategies and are not involved in their development or implementation
- LREs have minimal knowledge of the local authority budget system and its application for Roma issues
- The employment of LREs who are not of Roma background has created some discontent within the Roma communities. It was claimed that the employment of non-Roma experts occurs because Roma candidates often do not have the general qualifications required for the position.

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<sup>44</sup> also mentioned in *'Monitoring Local Implementation of the Government Strategy for the Improvement of the Condition of Roma' (2004)* by Open Society Institute Budapest and Resource Center for Roma Communities, Cluj.

<sup>45</sup> ORI report May 2003-May 2004 prepared by Head of PIU

<sup>46</sup> NAR / PIU sources and evaluation team consultations and sources

<sup>47</sup> Interviews with LREs in the five selected counties and ORI report May 2003-May 2004.

<sup>48</sup> The under-declaration of Roma ethnics in the last census gives rise to possibilities for mayors, if they choose, to avoid creating LRE positions.

- LRE job functions may overlap with social assistance functions provided by other city, town and commune hall employees. Such social assistance positions exist<sup>49</sup> and provide services largely similar to those of the LRE.
- Many LREs do not have an education level above the 8th grade and have a limited knowledge of the legal framework relating to their jobs.
- LREs have received some training but with limited benefits. Most training did not include issues specific to Roma rights or discrimination for example.

The role of the local Roma experts is key to the Strategy at the local level, both as facilitators for Roma communities and development initiatives involving grassroots and local authorities levels, and as providers of key social data on Roma communities. Issues above affecting their optimal and effective fulfilment of this role would therefore need to be addressed.

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<sup>49</sup> Law 705/2001, Art.41, on social assistance specifies that (1) local councils of cities and towns will organise departments for social assistance and (2) local commune councils will employ a special person with responsibilities in social assistance.

## 4. MINISTERIAL STRUCTURES AND STRATEGIES IN THE FRAMEWORK OF THE NATIONAL STRATEGY FOR THE ROMA

### 4.1 Capacity of public institutions to develop and implement sectoral strategies in the four focus sectors

The Strategy specifies that each Ministerial Commission for Roma (MCR) should have 4-5 members comprising heads of Directorates and experts, in charge of the coordination and implementation of the activities in the plan of measures relevant to the ministry's field of responsibility. Each MCR is to be headed by a President (at State Secretary level), who is also a member of the JCIM.

With the exception of a number of key ministries, MCRs are not functioning as envisaged by the Strategy. In 2003, 16 MCRs were established by Ministers' Orders. But, with few exceptions, MCRs did not meet or produce results related to the implementation of the Strategy in their field of activity<sup>50</sup>, nor do they have regulations for their functioning or clearly defined responsibilities<sup>51</sup>. Those MCRs actively functioning are within the ministries of Labour, Social Solidarity and Family and the Ministry of Health.

#### 4.1.1 Education

Since the adoption of the Strategy, several positive developments and results have been achieved, including initiatives through substantial Phare programmes and some governmental contribution.

The strategy for pre-university education includes measures to promote equity in education and a strategy for the improvement of Roma education was developed by the Ministry of Education and Research and the Institute of Educational Science with the involvement of stakeholders. The Ministry of Education and Research, whilst performing the most satisfactorily with regard to the Strategy implementation, had no functioning Ministerial Commission for Roma (MCR) as foreseen by the Strategy.

Within the Phare "Access"<sup>52</sup> programme's newly created Steering Committee, however, several Roma activists and other professionals support the Ministry of Education and Research. As a result of positive work correlation, the issues of discrimination in education, and especially the problem of school segregation, are regularly and consistently on the agenda of the committee and the ministry. A notification regarding the school segregation situation has been issued by the Ministry of Education and Research, creating the environment for better access of the Roma children to quality education and inclusive schooling<sup>53</sup>. This is, however, a very complex process whereby substantial involvement from different actors and resources are needed to ensure successful outcomes and avoid any counter effects.

There is expertise within the ministry regarding Roma education issues across several ministry departments, such as in the Department for Minorities Education as well as in the Department for Pre-university Education (pre-school, primary, vocational education)

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<sup>50</sup> Many MCRs are known to exist on paper -established by Ministerial Order- but have not functioned in practice. For example, it was reported that the MCR in the Ministry of Education and Research may have met twice since it was established in 2001.

<sup>51</sup> ORI report May 2003-May 2004 quoting the Ministry of Public Information report for 2003

<sup>52</sup> "Access to education for disadvantaged groups with special focus on Roma"

<sup>53</sup> Cf. September 2004 Strategy monitoring report by RCRC, EUMAP, RPP

responsible also for the implementation of the Phare programmes for improving access and quality education for Roma students.

#### *Roma inspectors*

Roma inspectors were appointed in almost each county, with direct responsibility for Roma history, culture and language education. Inspectors should preferably be of Roma background, but this was not always possible due to the qualifications and education requirements. The Roma school inspector is often only working part-time on Roma issues. Although Inspectors are to be recruited upon open competitions, their selection seems to have been politically influenced in some cases<sup>54</sup>.

#### *School mediators*

School mediators have the task to facilitate participation in education of Roma children. There should be one school mediator in each school being confronted with low school participation or attainment of Roma children. Where there are many schools though, mediators often deal with two or more schools in the same vicinity without having a clear and stable position. There are also many schools where the position of school mediator is needed<sup>55</sup> but no clear indicators developed within the education system can support their employment. In addition, the hiring of mediators depends to a large degree on the interest and commitment of the schools and local authorities. Even with commitment, further obstacles for their employment lie with the limited resources available at the public administration level.

#### *Roma teachers*

According to the Education Law, Roma students can take Romani language and Roma history and culture courses upon request, in addition to the general school curriculum. The interest for education in the Romani language has increased significantly in the last years, in parallel to a similar increase in the number of Roma teachers in Romani language, history and culture. In the 2002-2003 school year, there were 135 schools with 15,708 Roma pupils studying their mother tongue, who were assisted by 257 teachers.

The Ministry of Education and Research has a clear policy supporting the participation of Roma children in education. In the framework of inclusive education, national and local structures in the educational system are becoming increasingly involved in the implementation of specific measures involving Roma students, but more efforts are required to ensure adequate level of competence at the county and local community level to meet the educational needs of Roma children. The allocation of sufficient funds also remains an important obstacle for dealing effectively with very serious problems, such as access to quality education (including desegregation). There is a need for regular and sustained financial allocations and staffing to improve teaching conditions, school facilities and to support additional measures to encourage Roma students' participation in education (e.g. pre-schooling, school mediators, after school programmes, etc).

### **4.1.2 Health**

For this area, there is no specific sectoral strategy or implementation plan in the measures included in the national Strategy. The Ministry of Health is nevertheless one of the ministries most actively involved in Roma affairs and it is the only one with a specific budget line for Roma.

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<sup>54</sup> According to comments received from RCRC (May 2005) and by the Director General for high education in the Ministry of Education (meeting in February 2005).

<sup>55</sup> Interviews and comments from community representatives

The Ministerial Commission for Roma is usually chaired by the Counsellor of the Minister responsible for Roma issues (who is also the ministry's representative in the JCIM) and involves NGO representation<sup>56</sup>, although it does not have its own Roma expert(s). The Counsellor considers the ministry's link with the JCIM to be satisfactory. The MCR convenes whenever there are specific health issues to consider of relevance to the Strategy's plan of measures, such as the appointment of health mediators or budgetary issues. The ministry's principal spending is on Roma health mediators, and it was reported that around 150 health mediators have been employed to date. Although the estimated actual needs would require up to 600<sup>57</sup>, budgetary constraints impact on the hiring of new mediators. Another principal intervention is through the community health vaccination programme. In the context of this programme, the ministry does not effectively measure – and is reluctant to do so – the number of Roma persons vaccinated, as the number is contained in overall community vaccinations. In its widest sense, a dilemma for the ministry lies in how to fulfil its commitments to the Strategy without having specific measurable indicators for each of its interventions.

### *Health mediators*

Order 619/2003 of the Minister of Health approved the occupation of Roma health mediators, including norms for the organisation, functioning and financing of their activities.

The main role and activities of the Roma health mediators include facilitating access of the disadvantaged Roma population to health services and improving communication between Roma communities and medical services. They mostly provide health related information, advising on family planning, identifying and supporting Roma pregnant women and newborn children. They are, however, also involved in supporting Roma people in other issues such as solving IDs problems. The training of the health mediators is supported by the Ministry of Health and executed<sup>58</sup> through Romani CRISS, one of the most experienced Roma NGOs.

It has been reported that the Roma Party approves or recommends the persons to be trained in order to become health mediators. This raises the question of equal access to such training and job opportunities of members of the Roma community who are not formally or informally affiliated to the Roma Party.

Health mediators have a reporting system both to the Health Department and to Romani CRISS. Their reports contain data on specific activities carried out weekly, the number of pregnant women, illness cases, but also number of people without IDs.

According to a recent report on Roma Health Mediators in selected counties<sup>59</sup>, they encountered difficulties in being accepted as a profession by both the family doctors and the Roma community. Health mediators were not provided initially with any office space, given their special task and purpose to work in the field. This however proved to have a negative effect on their work, since they need to be reachable and accessible to the population in need. The need for the costs for transportation and communication of health mediators to be covered (currently paid from own salaries) was also reported, in view of their daily job requirements in the community.

This report and our evaluation indicate the overall need for more health mediators and the provision of adequate resources to allow them to fulfil their tasks effectively (e.g. training, transportation, communication).

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<sup>56</sup> NGO Romani CRISS is permanently represented. Other NGOs are invited according to specific issues.

<sup>57</sup> Meeting with Counsellor of the Minister responsible for Roma issues

<sup>58</sup> Health mediators programme, based on the Agreement between the Ministry of Health, Romani CRISS and the OSCE/ODIHR, signed 12.09.2001).

<sup>59</sup> *Assessment of the implementation of Roma Health Mediators in Bihor and Hunedoara County* (2004), The Academic Community Health, Austria

### 4.1.3 Employment and social affairs

Meetings of the Ministerial Commission on Roma (MCR) in the Ministry of Labour, Social Solidarity and Family are held on a regular basis and involve the Head of Service of the National Agency for Employment as well as Roma NGO experts (from "Impreuna")<sup>60</sup>. The meetings are generally chaired by the State Secretary on Employment and the ministry also has its own Roma councillor to the Minister. The relationship between the ministry and the JCIM/NAR was described as satisfactory by the ministry.

The ministry covers several areas of relevance to the Strategy: employment, social assistance and social inclusion, child protection, equal opportunities between men and women, etc. The coordination between the relevant departments and agencies on Roma issues seems however scarce.

The most active "division" in relation to the Roma Strategy has been the National Agency for Employment<sup>61</sup>. The Agency has 42 county level offices, around 150 local offices mostly in towns, and over 100 commune offices. The local offices and commune offices are to be set up based on the local needs (e.g. population, level of unemployment, etc.).

The National Agency for Employment operates two types of programmes: measures indicated by the law and programmes for the deprived social groups. There are no specific provisions for active labour measures for Roma, with the exception of "Roma job fairs" (with limited impact) and there is no budget line for Roma.

When tackling unemployment of the Roma population, the ministry does not specifically target Roma but addresses deprived categories of population, on the assumption that Roma population will fit in each category in large numbers (namely young graduates, people over 45, single family supporters, people with disabilities and people requiring temporary employment with low or no qualifications).

The Agency has had occasional consultations with the Roma Agency or BJRs, and there is a protocol for local cooperation between the Employment Agency's decentralised structures and the BJRs at the local level. The last meeting of the Agency consultation body was, however and according to our information, held in October 2002. Each year there should be a Coordination Committee meeting at national level, with representatives of the Office for Roma (now NAR) and the Roma NGOs. The objectives of the Coordination Committee meeting are to identify problems and to facilitate collaboration at the local level.

The ministry considers the example of the Roma Job Fairs as an illustration and evidence of their successful involvement in the Strategy. In 2003, there were 8 250 jobs offered, 10 400 Roma participants and 830 employed<sup>62</sup>. In 2004, 11 300 jobs were offered, 9 845 Roma participated and 2 257 were employed. The latest Job Fair took place on 13 May 2005. However, except for the Roma Job Fair, it has proved difficult for the ministry to quantify the benefits of its interventions towards the Roma community and, by definition, the Strategy itself. There is a general reluctance to address and target the Roma separately from the wider community on issues of labour and social services. In addition, there is the practical difficulty of identification of people of Roma background. Interviewees also indicated that the job offered often require qualifications above the education level of average Roma job seekers.

For illustration purposes, a good practice cited by the European Roma Information Office (ERIO) in this area is the Spanish ACCEDER programme (2000-2006) for labour market

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<sup>60</sup> Based on interviews with Mrs Muga (State Secretary) and Mr Tomescu (Head of Service)

<sup>61</sup> Law 76/2002 of the Budget for Unemployment and the study of the labour force governs the establishment and functions of the Agency

<sup>62</sup> The number increased to 1523 one month after the Job Fair

insertion<sup>63</sup>, which is implemented throughout 34 municipalities in 13 different autonomous communities in Spain and is organised around the priorities of (a) facilitating individualised employment access itineraries and (b) fostering active policies concerning the Roma/Gypsy population.

It should be noted that, in the other areas covered by the Ministry of Labour, Social Solidarity and Family, there is little evidence of any specific attention given or of measures being implemented so far in relation to the implementation of the Roma Strategy (in spite of the high relevance of areas like child protection, gender equality and social services to Roma issues).

In the wider perspective, the ministry has elaborated with EC support a Joint Inclusion Memorandum (JIM) that seeks to establish a common approach in relation to tackling poverty and social exclusion<sup>64</sup>. This covers a number of key areas included in the Strategy's plan of measures (namely employment, health, education, child protection and housing) and identifies Roma as one of the most vulnerable groups. The existing approach of the ministry to the Roma Strategy is consistent with the objectives of the Joint Inclusion Memorandum.

In practice however, Roma needs are still to be consistently considered and integrated in policy development across relevant fields and social programmes (e.g. child protection, gender equality). The current employment initiatives and Roma job fairs need to be continued and strengthened to achieve a sustainable impact.

#### **4.1.4 Public administration and internal affairs / local community development**

##### *The General Directorate for Relations with Local Authorities*

The Ministry of Public Administration and Interior oversees the relationship between the government and the local decentralised entities in the 42 counties. Under Romanian law, these entities finance themselves from two principal sources: (1) central finances – according to a wealth/size/location formula and (2) from local taxation. They are autonomous from central government but are overseen through the prefects. Four national associations (The National Union of County Councils, Association of Towns, Association of Municipalities and the Association of Communes) have been formed to represent the concerted interests of the various local entities and the last three are brought under one umbrella, namely the Federation of Local Authorities in Romania. These associations form the principal basis of the relationship with the government. The ministry also has responsibility for the coordination of government/local administration involvement in regional development.

The General Director commented that very few Roma issues were ever brought to the ministry's attention and that there was no strong communication with the Roma NGOs. No specific and concrete perspective could be envisaged in his view to enhance the Department's involvement, as long as the Roma Strategy does not feature as a priority issue on the agenda of the NGOs or various Associations.

The General Director believed that the principal failing of the Strategy was the lack of support by the local authorities on account of the low administrative and management competence. This was less of an issue in the large cities, but was a major concern in the smaller towns and communes. Furthermore, the long-term added value of staff training in relation to the

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<sup>63</sup> Cf. <http://www.fsgg.org/acceder/folleto01-EN.htm> (27-06-05). Implementation of the programme has resulted in the design of a number of integrated labour market insertion itineraries including orientation, information, professional social counselling, background training and vocational training as well as specific formula for labour mediation. Special efforts are also undertaken to develop and foster new types of occupations and employment in the Neighbourhood Services sector alongside other social awareness raising actions while specifically focusing on players involved in the labour market.

<sup>64</sup> Joint Inclusion Memorandum, draft (2004)

Roma Strategy and issues was questioned in view of the large fluctuation and turnover of personnel (due to low salaries and poor career prospects).

#### *The Directorate General for Relations with Prefects*

The Directorate General has responsibility for the prefects at county level. Prefects are usually replaced when there is a change of government, and the BJR experts operate under the prefects in an advisory role. The BJR expert is officially to be appointed through a process of consultation with local Roma leaders/NGOs but it was reported through interviews that in practice, the Roma Party is influencing the process of BJR appointments significantly. The prefect cannot directly hire or dismiss the BJR but can be very influential in this process. The BRJ is expected to have certain competences and if the prefect chooses to question these competences then the BJR will not automatically be appointed. According to the Directorate General, about half of BJRs were replaced after the last elections following prefect's decision.

Data collection with the support of the BJRs, subordinated to this Ministry, seemed too limited so far. By the provisions of the Strategy (chapter IX) and general plan of measures (measure 18), the prefects were to prepare six-months reports regarding their involvement, through the BJR under supervision of the structures responsible for the implementation of the Strategy, and the development of the activities. They were to present information regarding all 10 sectors of the plan of measures on the accomplishment of the objectives of the Strategy by reporting to the General Directorate for Relationships with Prefectures in the Ministry of Administration and Internal Affairs. Such reports might have been prepared but are not publicly available, nor were they provided to the evaluation team in spite of requests made. The only report made available to the evaluators is a rather meagre internal compilation report document, which does not provide much information on the Strategy implementation capacities or activities created locally<sup>65</sup>.

#### *Local community development*

As part of the Strategy objectives, several concrete institutional achievements were reached in the last four years including:

- The representation of Roma at some levels of the local administration.
- Appointments of Roma experts in some local administrations.
- Elaboration of local plans of measures and actions in education, healthcare, labour, and housing in some areas.
- Development of partnerships between the Government, local authorities and non-governmental institutions (three Phare programmes were implemented out of which one was for the elaboration of the Strategy, and the fourth was launched in 2004; the Government launched out of its own funds "Partnership for the Support of the Roma 2003"). Some of these partnerships led to the increase of accessibility and simplification of the means by which the Roma communities can participate in the Romanian economic, political, social, educational, cultural and political life.

In reality, while the cooperation and awareness between local authorities and Roma communities can be described as exemplary in some counties (as illustrated for instance by the situation in Botosani, details below), such cooperation never took place in other counties. In certain towns or cities, local authorities continued to act against some Roma communities and there were even attempts made by some local authorities to expel Roma communities from their living areas<sup>66</sup>.

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<sup>65</sup> cf. DG Relations with Prefectures, May 2005, Memo regarding the activity developed by the County Offices for Roma for the achievement of the objectives of the Strategy for the improvement of the situation of Roma

<sup>66</sup> Policy Paper – Social housing and Roma residents in Romania, C. Rughinis, International Policy Fellowship – Centre for Policy Studies, Budapest, April 2004.

### *Roma grassroots organisations*

Many professional and competitive Roma organisations operate at national level, but at local level, the Roma civil society appears to be fragile or not genuinely organised. Many Roma NGOs have been set up in the country in recent years and the creation of Roma initiative groups at community level was stimulated by the possibility of accessing external funds. In some cases, this has been a result of implementation of specific projects to the benefit of the Roma communities and the need to ensure sustainability of the actions.

At the same time, a large number of Roma NGOs were reported to have been established by local Roma Party leaders, allegedly in order to provide legitimacy to various decisions taken by the Roma Party (the only Roma party/NGO represented in Parliament) and to counterbalance the voice of the independent Roma NGOs.

In some cases the creation of Roma initiative groups was a purely formal exercise and the initiative groups only included the family of local leaders. In other cases, the local initiative group development was genuine, resulting in mobilisation for solving specific problems at the community level.

### *Police*

Although the Strategy provides for the hiring of citizens of Roma origin in the public order services and the police force, it does not clearly indicate the ways and means to be pursued to this aim. Consequently, little progress has been achieved in this direction.

No affirmative incentive measures were reported in order to recruit Roma officers. The representation of Roma in the police remains an important issue. Only 1% of the Romanian police represent ethnic minorities while 10% of the population of Romania is estimated to be of a minority ethnic background<sup>67</sup>.

Within the activities of a programme on "Conflict prevention and management in multicultural communities" implemented by the Romanian General Police Inspectorate<sup>68</sup>, 465 policemen working in multicultural communities were trained to identify and efficiently handle conflicts arising in the communities.

Interlocutors in the Ethnocultural Diversity Resource Center mentioned that the police are, in principle, open to initiatives but in a passive rather than proactive way. Responsible police officers cooperate when requested, through initiatives emanating from the civil society, but do not have a systemic/systematic way of approaching Roma issues.

## **4.2. Functioning of the Strategy structures at local level**

The selection of counties for the present evaluation was meant to complement a recent evaluation published in 2004<sup>69</sup> and conducted by teams of Roma activists in five counties (Cluj, Iasi, Timis, Dolj, Braila).

The general findings of the report conclude that an initial surge of activity and support that followed the adoption of the Strategy has led to the establishment of County Offices for Roma (BJR) and the appointment of experts at the local level. The creation of a network of specialised offices throughout the country responsible for addressing issues related to Roma has the potential to greatly enhance the efficiency of local government efforts to improve the situation of Roma. Yet, as these structures were not invested with the authority nor were the resources to take effective action in their areas of responsibility, confidence in the Strategy has subsequently dwindled. The limited coordination with Roma organisations apart from the Roma Party has also discredited official practice related to Roma issues at the local level.

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<sup>67</sup> According to interview with the Director of EDRC (Ethnocultural Diversity Resource Center, Cluj) held on 8 February 2005.

<sup>68</sup> Programme "Conflict Prevention and Management in multicultural communities", implemented by the Romanian General Police Inspectorate in partnership with the Ethnocultural Diversity Resource Center, the Institute for Crime Research and Prevention and the Police School in Campina, funded by the European Union.

<sup>69</sup> Cf. Strategy monitoring report by RCRC, EUMAP, RPP (September 2004)

Too little has been done at the national level to ensure that local authorities understand, accept, and implement the Strategy's aims. The Strategy itself lacks specific definitions and sets out only very limited guidelines as to the responsibilities of local authorities. More detailed instructions should have been issued and would be needed to ensure that tasks are carried out and goals are met.

### *BJR*

In the counties visited by the team in the context of the present evaluation, BJRs expressed the need for more resources of all kinds (office space, financial, equipment, in kind) in order to be able to effectively perform their roles and implement tasks and specific activities. All BJRs admit that their position in the prefecture as a Councillor to the Prefect, whilst ensuring a certain status, is a political appointment and is not an optimal solution. In addition, BJRs do not have a budget dedicated for Roma issues. BJRs would welcome the position to be moved to the County Councils, as a Civil Servant. The County Council has its own budget and can make decisions on allocating funds. Discussions within the County Council confirmed the interest in this type of shift to the post.

So far, it can be noted for example that the Sibiu County Council did not have any involvement in solving Roma issues. In Botosani, the County Council did not allocate money for the implementation of action plans developed by Roma groups because, according to the Strategy, they did not have "direct" responsibilities.

The appointment of BJR based on the "agreement" of local Roma Party representatives or other Roma organizations is impeding on both BJR performance and the wide recognition of their status. Sometimes the BJR does not have the capacity to perform the job, while having wide support in the Roma communities. In other cases, BJR does not have the support of the numerous Roma organizations and will be criticised by them.

Much efforts and resources have been dedicated to developing the skills and capacities of the BJRs through many training sessions organized by Phare projects or by NAR. Frequent changes of trained BJRs (e.g. when there is a new prefect appointed or a new agreement between the Roma organizations) do not allow for the capacity building and knowledge accumulation transfer for the post.

### *Local Roma experts (towns, communes)*

As mentioned earlier, if Roma experts are appointed, they do not have in most cases any resources or budget to travel and will usually also have other duties beyond Roma issues. In most of the counties visited their level of education is around 8 grades (graduated medium education), which makes sophisticated training programmes (participatory strategic planning, proposal writing, etc.) difficult to assimilate and to apply in practice in the short term. Since the Strategy provides for communes to employ a Roma expert only as a cumulated function, and since commune halls have a limited budget and number of staff, difficulties were reported in assigning the new task to a civil servant who already has enough existing duties to carry out.

Looking at the situation in the selected counties for the evaluation, in Sibiu for example, the BJR advised the mayors, with the support of the county council, to take advantage of the provisions in the Law on Public Administration and to employ a Roma expert where the minority Roma population is over 20%. This was possible where a sufficient representation of Roma people declared as Roma ethnics at the last census and allowed a number of authorities to set up the position of Roma expert, while the local Council has now the legal basis to allocate a larger budget. At this moment, there are 7 local Roma experts employed, for a population of 17,125 Roma (according to latest census). There were situations where a Roma expert position had been approved but for various reasons (e.g. the qualifications/experience criteria were not met, Roma Party did not approve, or the mayor and the Roma leaders did not agree on the candidate), the position was not filled. It should

be noted though that recruitment for the positions had been organised openly with set criteria and requirements, written examination and interviews.

In Botosani, local Roma experts have been employed where large Roma communities live. All have a job description and are paid as experts. Some are Romani teachers as well, or have other responsibilities, all concerning Roma issues. In many cases, they are members of the Roma Party. There are 13 local Roma experts appointed in Botosani, for a registered population of 3 390 Roma (real figures being estimated three times higher), and efforts of the BJR appear to have been very successful. In addition, the BJR expert provides constant support and coaching to the local experts.

In Brasov County, the declared Roma population is 18,313 and there are 5 towns where Roma experts have been appointed in the town hall, with full allocation of time to Roma duties, and were recruited based on the Strategy provisions. There are also local Roma experts appointed in seven communes.

In Buzau (Roma population is 14,446 according to the 2002 census), there are 3 full time Roma experts appointed, while others have been appointed by “cumul de functii”, as provided by the Strategy. In Constanta, for a registered 6,023 Roma population, 8 local Roma experts have been appointed. Since 2003, half of them have already been replaced.

Overall, a commonly mentioned reason for discontent and dispute is the appointment of non-Roma ethnics for positions focusing on activities with the Roma population. Appropriate measures were requested in order to encourage the fulfilment of these positions by candidates of Roma background, in spite of the obstacle encountered at times based on the level of education requirements set for the post.

#### *Mixed Roma working groups*

The Strategy's General Plan of Measures (item no.10) provides for “Organizing at local/county level joint working groups with representatives of the County Office for Roma or Roma councillor, NGOs and elected Roma representatives, in order to evaluate the needs of the Roma community and apply supporting programmes”. In this regard, Botosani County is probably the only success example, which could serve as a replication model. It benefited from a pilot project “The creation of the Local Working Mixed Committee for Roma” funded by Europe Fund, RrAJE (British NGO) and Romani CRISS<sup>70</sup>. In the county council, there is a County Mixed Commission co-coordinated by a public servant whose job description includes the responsibility to work for and with the Roma people.

In Sibiu, the Mixed working groups did not meet or collaborate. Although there is a legal provision for their establishment, some of the mixed working groups appear only exist on paper so that the local authorities can justify their establishment with the list of membership and a plan of measures, while in reality there are no practical results.

Setting up an effective working group at county level with representation of local authorities and Roma NGOs was seen as a top priority measure by participants during the workshops, as the only means to ensure the “Creation of a unity in the Roma community; Solving as many issues as possible”.

In Brasov County, there were no mixed working groups formed at all in accordance with the Strategy. Roma representation is still controversial since there seems to be no unity or consensus yet amongst the different Roma groups on how to proceed.

In Constanta, different mixed working group meetings did not result in concrete results or changes. Working group meetings were sporadic and lead to no follow-up activities. Roma representatives reported that they were invited on occasions to meet with representatives from the prefecture or city hall, but argued that local authorities may often invite Roma NGOs for discussions either as a mean to comply with law provisions or to legitimise some decisions.

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<sup>70</sup> The RrAJE Programme, Roma Rights and Access to Justice in Europe, is a three-year programme (2001 - 2004), funded by the British Government's Department for International Development, which tackles the social exclusion of Roma in Central and Eastern Europe. It aims to make a contribution to the development of social and economic policy to promote Roma integration.

## 5. RELEVANT FINDINGS AND ISSUES IDENTIFIED

### 5.1 Data gaps

Interrelated data gaps are a recurrent issue in the overall Strategy implementation as reliable basic data seems difficult to obtain regarding:

- established number of Roma persons living in Romania or in particular counties,
- generally recognised and applicable socio-economic figures at the country's central and local levels regarding status and needs of the disadvantaged Romanian population,
- appropriate Strategy monitoring and evaluation plans with defined verifiable indicators and benchmarks for the measurement of programme implementation and impact.

As mentioned previously, these data issues are of crucial importance for any evaluation and programming activity, and were reported by most interviewees as a limitation and obstacle in quantifying needs and achievements related to the Strategy. Data figures seem controversial as methodologies and social inclusion indicators used may vary according to the different programmes undertaken and the issue of ethnic data is still considered as "sensitive" by many experts in the country. Data gaps are a continued methodological concern and challenge for the assessment of issues affecting the Strategy.

#### 5.1.1 Roma communities

The current total Roma population has not been or cannot be accurately measured. The National Institute of Statistics reported in the March 2002 Census a number of 535,250 (self-declared) Roma inhabitants representing 2.5% of the total population and being the third most important ethnic group after Romanians (89.5%), and Hungarians (6.6%).

A decade earlier, the 1992 Census reported the total figure of the (self-declared) Roma population to be smaller with 409,723 Roma people, representing approximately 1.8% of the total population. In the same year, under the auspices of the Institute for the Research of the Quality of Life, a national study was conducted with Roma communities, seeking to obtain an estimate of the real number of the people belonging to this ethnic group. Besides the figure obtained as a result of self-statement of identity, estimates were also used based on hetero-identification (more precisely, based on the statements of other members of the ethnic group) and the resulting figure pointed out to approximately 1,010,000 Roma ethnics (ca. 4.6% of the total population). Six years later, in 1998, a similar study by the same Institute, using identical methods reported 1,580,000 Roma in Romania (6.6% of the total country population), out of which some 63.5% was self-identified. An explanation for the 500,000-person increase in the estimated number of members of the Roma community was however not provided<sup>71</sup>. Another prospective demographic study<sup>72</sup> estimated the Roma population in Romania between 1,500,000 and 2,000,000 persons, which is also in line with the number estimated provided by most NGOs.<sup>73</sup>

In the five counties under survey (Botosani, Buzau, Brasov, Constanta and Sibiu), according to estimates collected at county level, official figures of the total number of Roma ethnics based on the last (2002) census are about three times less than the "real" estimated figures.

For several reasons including discrimination and stigmatisation experienced, it is understandable that not all members of the Roma community are willing to declare and

<sup>71</sup> Ethnocultural Diversity Resource Center, Team of Divers, Report on the implementation of the Romanian Government's Strategy for the Improvement of the Roma Situation - June 2004

<sup>72</sup> Vasile Gheţău (1996)

<sup>73</sup> Other estimations also confirm the 5-6% population figure; see for example the research published by the National Council for Combating Discrimination; also cf estimates of the Ministry of Education and Research on number of Roma children in schools.

record their ethnicity. For instance, during censuses persons may not declare as Roma because of the negative connotation associated with the ethnic group. In addition, misrecording was reported during the census (e.g. the form not being completed by the individual concerned due to levels of illiteracy) and people not speaking the Romani language might as well have been counted as Romanians or Hungarians because of their use of the majority spoken language in a certain area. It is worthwhile to note that in a recent pan-European meeting organised by the EC Commission in Brussels<sup>74</sup>, some Roma NGOs and representatives showed reluctance to the issue of registration of ethnic data, as advocated by donors and many experts alongside other NGO voices in favour.

After almost thousand years of cohabitation, a significant number of Roma citizens belong to ethnically mixed families and/or are of mixed origin, and may not exclusively identify themselves as Roma. Even the self-identification as Roma can take a variety of forms reflecting the particular Roma multiculturalism and the multitude of different life experiences.

Problems affecting concerned communities are often not addressed by local authorities arguing that in the absence of precise data, it is not possible to identify particular priority needs of Roma communities and to substantiate any real budgets at central or county levels dedicated to Roma issues.<sup>75</sup> Yet in many counties and even in the case of available data as mentioned above (last census and estimates), the figures were not used for initiating interventions or localising priorities.

The issue is not always clear for Roma organisations or experts themselves when having to define who should benefit from “special programmes for Roma”. Some would only see it justified to include as Roma those publicly affirming their Roma ethnicity. This argument may seem convincing but neglects that community self-identification must be seen as a process whereby breaking the vicious circle of poverty-exclusion-discrimination will raise the Roma image, identity, self-perception and declaration.

Social inclusion programmes should as a matter of principle include all vulnerable persons. As seen earlier, public social interventions using poverty and social exclusion criteria face a reality showing a systematic overrepresentation of persons belonging to Roma communities. Any serious intervention based on social priority needs, should therefore in principle benefit both self-declared and not declared Roma persons although this is not the case as vulnerable Roma groups are not yet receiving basic public assistance.

In addition to this mainstreaming dimension, specific programmes promoting cultural, political, ethnic and linguistic needs particular to the Roma groups are crucial in order to protect and document their specific identity and contribution to the multicultural Romanian heritage as well as to the contemporary society. Although such affirmative programmes may initially target self-declared Roma persons, their triggering effect can encourage more individuals to recognise their Roma or mixed origin and identity.

Realizing these discrepancies in the basic figures about the Roma population is crucial as this problem of numbers and identity identification will inherently be carried on in all social programmes attempting to target or mainstream specific Roma communities.

As outlined earlier in the report, another approach, consisting of targeting the most vulnerable groups by non-ethnic socio-economic indicators as a mean to reach out to the Roma communities in need, is favoured by most administrations in an attempt to break the vicious circle created by the lack of specific Roma data and targeting. The results generally indicate that the most vulnerable groups include high numbers of Roma persons and that by addressing these groups, social inclusion programmes might be able to “indirectly” target and mainstream measures aimed at Roma communities. This approach could also have the benefit of avoiding a common misperception and negative connotation of Roma specific initiatives by the majority population, whereby Roma communities may be perceived as

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<sup>74</sup> *Seminar on the Situation of Roma in an Enlarged European Union*, 18 April 2005, European Commission (DG EMPL)

<sup>75</sup> This often heard argument is further discussed under subsequent items 5.2., 5.3 and 5.4.

'favoured' at the detriment of other vulnerable groups or persons. This approach might also be helpful in light of the prevailing ethnic data gaps and dilemma. In view of the different indicators used in various social inclusion programmes, this will, however, not solve monitoring difficulties with regard to implementation and impact of social policies on exclusion and segregation of Roma in Romania today or with regard to relevant targeted interventions.

### 5.1.2 Identification of communities at risk of social exclusion

Generally recognised and applicable socio-economic figures at the country's central and local levels regarding status and needs of the disadvantaged Romanian population, including Roma, are difficult to obtain, and often not available or contradictory.<sup>76</sup>

There has not been so far any substantial or organised scientific attempt to map the general and Roma specific needs and problems at national level, although there seems to be new efforts in this direction<sup>77</sup>. Various institutions, school inspectorates, BJRs, Public Health Directorates, Local Employment Agencies and sometimes local NGOs have collected data, mainly in their area of interest, in order to develop and apply own programmes. The result is a fragmentation of data, lacking comparability due to the various methods applied by each research initiative.

In all interviews conducted for the present assessment, respondents referred to data collection in recent years by various programmes, underlining that this data has been correctly assessed and contains useful information but also that additional data and more coordination on information sharing is needed.

In the framework of the Roma Decade, an additional needs and data assessment is currently undertaken in 296 towns and 2500 communes<sup>78</sup>. The outcomes of this study should be used for the Strategy monitoring but should also be made available to all relevant institutions in relation to the JIM implementation. This should reiterate the fundamental need to closely associate the implementation and monitoring of the Strategy and Decade objectives, which are not distinguishable and between which strong linkages are essential.

These arguments are of relevance to ongoing discussions concerning the targeting and mainstreaming of measures designed to respond to Roma community needs.

## 5.2 The targeting versus mainstreaming debates

### *Indicators for the Strategy*

The scope and possible impact of the Roma Strategy is the most important issue to be considered. At present and as commented earlier, there are difficulties in measuring the impact of the Strategy. The plan of measures is not helpful in the absence of established indicators and in view of the fact that the primary interventions from which Roma benefit are in reality more inclusively defined by ministries than ethnicity based. Another difficulty regarding indicators is that a majority of the population and central/local administrations are reluctant to addressing existing Roma specific needs as compared to other disadvantaged social groups. In order to demonstrate that dedicated Roma interventions are not at the cost of excluding other - equally deserving - disadvantaged groups, proactive Roma policies need to be documented by data justifying relevant priority needs. Difficulties related to Roma identification will persist in the near future but it is in the interest of the Roma communities to

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<sup>76</sup> CF. EC Regular Report 2004: "As regards sectoral statistics, Romania has achieved a good level of compliance. However, in demographic and social statistics, statistics on income and living conditions – including poverty – need to be further developed."

<sup>77</sup> The project team was informed in July 2005 of an existing draft report (not yet publicly available) compiled with the support of the World Bank as a result of a questionnaire circulated by NAR to BJRs.

<sup>78</sup> Any Roma community with more than 20 Roma households should be covered by this study, and the relevant questionnaire forms are to be completed by three persons: one representative of the concerned community, the local mayor and one NGO representative or social/health worker.

facilitate the measurement of their particular deprived situation in Romania with appropriate socio-economic and ethnic indicators<sup>79</sup>.

#### *Targeting without data?*

As a matter of fact, the almost complete lack of official, publicly available and reliable Roma-specific data of relevance to national and EU social inclusion and anti-discrimination policy makes the targeting of Roma specific needs extremely difficult to measure to date. There is even a significant misconception among Roma NGOs, policy makers and government officials, to the effect that collecting data on Roma and other ethnic minorities would go against data protection laws and therefore not be legal practice.

In its data protection rules, however, the EU has consistently affirmed that such rules apply to personal data, not to aggregate data about groups, nor data disaggregated by ethnicity or other criteria. A number of international monitoring bodies have both generally called for the provision of data on the situation of disadvantaged ethnic groups as well as repeatedly called on states - including EU Member States - to provide statistical data on the situation of ethnic groups in various sectoral fields. Data protection rules should in principle allow the collection and publication of data disaggregated by ethnicity, provided it cannot be linked to any particular individual. Most countries, and even the EU data frameworks, have however not yet specified indicators of social exclusion impacts on ethnic groups.

A general lack of statistical data on the situation of Roma in key sectoral fields makes the design, monitoring and evaluation of effective policy and programmes, particularly in relation to anti-discrimination and social inclusion, a difficult if not impossible task. The problems associated to the lack of statistical data on Roma are key issues for the Strategy implementation. There is a need to clarify the scope of data protection regulation in Romania and to emphasise the need to provide data disaggregated by ethnicity (always to be specifically inclusive of Roma) in the fields of relevance to the Strategy and social inclusion policy<sup>80</sup>.

#### *Mainstreaming*

The wish to formulate specific programmes or structures for Roma inclusion at the central and local levels may have hampered the mainstreaming of relevant issues in the general public social development initiatives.

The present evaluation indicates that dedicated structures for Roma interventions may involuntarily have been counter-productive in recent years from the point of view of further isolating these specially created structures from other organisational social policy settings and thus indirectly contributing to a further segregation of Roma issues from the rest of the Romanian society. In this context, other approaches to the Strategy implementation and monitoring should be considered and will be proposed in the recommendations.

This is not only valid for policies targeting Roma issues but concerns all especially established structures for priority social interventions. At the central and county council levels, a multitude of “mixed commissions” have been established addressing directly a variety of specific interrelated social issues. There are presently some 123 committees, councils and inter-ministerial commissions in the country as such structures were established in recent years for “solving” every new priority social problem identified. This has led to a lack of coordination, synergy and transparency as well as to various working groups without actual implementation capacity.

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<sup>79</sup> Cf. Analysis by Dirk Westhof, independent consultant and demographer, in UNDP publication, *Avoiding the Dependency Trap*, Bratislava, January 2003: “UNDP/ILO survey data on poverty and income suggest that Roma per capita GDP is roughly one-third of the national average (around \$1,500—measured by a purchasing power parity method—for Romania as a whole)...The uncertainties surrounding this calculation suggest that a range of possible human development indexes should be considered. Use of such a range would place the human development indicator for Roma in Romania between countries like Zimbabwe (0.551) and Swaziland (0.577).”

<sup>80</sup> cf. Report *Roma in an enlarged Europe*, 2004

For this reason, programmes and structures especially elaborated for the promotion of Roma issues have become isolated from the mainstream and various other social inclusion programmes. While social strategies are duplicated and lacking proper resources, the only evocation of Roma Strategy programmes and structures might wrongly be perceived by local authorities and other actors or the population at large, as a kind of legitimacy for not addressing these issues under other settings and might thereby contribute to reverse effects and the further sidelining of actual development needs in the Roma communities.

The new SGG has already started a process of reform and de-bureaucratisation in order to bring together such social activities of inter-ministerial relevance<sup>81</sup>. Roma issues need to be constantly on the agenda of relevant public institutions. But addressing these issues in a large social inclusion agenda creates better premises for mobilisation of all relevant institutions and for the development of joint efforts towards all vulnerable groups. There should also be clear indicators and data collection mechanisms to ensure that Roma benefit from specific or general relevant measures. The Roma civil society in Romania needs to be independent and ambitious. Roma NGOs might consider systematically including as well non Roma NGOs in any consultation, programming and partnership, provided these NGOs bring proven support to Roma relevant concerns and do not implement Roma projects without proper community participation. This approach would be beneficial to Roma NGOs to avoid risk of marginalization and losing possible mainstream support, including that from civil society which may believe that their concern is no more needed.

The targeting/mainstreaming discussion has its own limitations as targeting the living conditions of a group is a way of mainstreaming it in social and other issues, while mainstreaming a community's needs is also a mean of targeting the group's conditions.<sup>82</sup>

### 5.3 Limited governmental funding of the Strategy implementation

As addressed previously and with the exception of the Ministry of Health (which has a dedicated budget for Roma Strategy implementation responding to its priorities), all ministries have insufficient or no specific funds allocated. Even the NAR funding can so far not be evaluated as being strategically used for the implementation of specific measures related to the Roma Strategy.

Since its adoption in 2001, the Strategy has received a very low level of direct governmental funding, in view of the needs identified and according to the Government's estimate<sup>83</sup> of approximately €105 million for the ten-year period covered by the programme. According to this estimate, the Government should contribute 31 per cent and the remaining 69 per cent could be funded from extra budgetary resources, mainly international donors. However, three

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<sup>81</sup> Interviews conducted with Mr. Cosmin Pinte, Adviser to the Secretary General of the Government and comments received from Mr. Dan Oprescu, Inspector in the National Agency for Roma. Cf. as well statement of Press bureau of the Government 4 May 2005 at [www.gov.ro](http://www.gov.ro) it is foreseen for the near future, "to create at most 10-12 inter-ministerial bodies on solving issues in the main area of inter-ministerial cooperation. This means that each issue will be allocated to a committee based on its specificity. Ministers of state, ministers and ministers delegated will form the permanent membership of these bodies. The inter-ministerial Committees will have a working status inside the SGG, which will provide technical support in collaboration with the member institutions".

<sup>82</sup> The targeting versus mainstreaming debate is interesting but should not be an excuse for inaction as described earlier. In the absence of indicators or precise data for mainstreaming and targeting Roma issues, the most urgent socio-economic needs could be addressed using available data and indicators. The Roma population figures of the last census might be far below the real number of Roma households but can already serve for implementing the Strategy and measuring its impact.

<sup>83</sup> Estimate completed by MEDE European Consultancy after consultation with each ministry involved in the implementation of the Strategy.

years after the adoption of the Strategy, the Government has not allocated more than €3 million in total, representing approximately 10% of the proposed share of €32.55 million<sup>84</sup>.

From several sources, it appears that the following Government budget was allocated:

NAR / ORI:

2002 - no budget reported for the Strategy.

2003 - 56.6 Billion ROL allocated, 80% has been implemented by PIU.

2004 - 64.0 Billion ROL allocated have been implemented by UNDP.

2005 - figures not yet available / all Government money will be cost share to Phare funding.

MoH:

The health mediator represents a measure with a separate budget line (personnel expenditure for health mediators).

2003 - allocation amounted to 5.254 Billion ROL.

2004 - allocation of 14.5 Billion ROL for the same type of expenditure.

MoER:

The funds allocated are not all explicit, but cover special places for Roma in higher education and co-financing requested for the Phare programmes in this area.

At the county and local level, experts assert that the scope of their job or Strategy activities is limited because local authorities claim that the law prevents the financing of Roma initiatives that may be part of the Roma county plan (see also section 5.4 below). This claim appears not fully justified since local authorities have considerable discretionary powers to commit funding when there is support and will and initiatives are considered justified.

#### 5.4 Lack of support by local authorities

The implementation of the Strategy and any social inclusion programmes at the local level is principally the responsibility of the local authorities. From the perspective of the interviews and workshops held in the five counties, it can be said that their approach to Roma affairs has generally been ineffective, rather lacking transparency and possibly biased. As for the prefects/sub-prefects, their duty to report on a bi-annual basis on the development of relevant activities at local level - as required according to the Strategy – appears not to be generally met and their commitment can be questioned on many occasions<sup>85</sup>. Their attendance at the workshops, for example, was perfunctory to the point of making brief verbal commitments for better cooperation in the future, making it unclear whether they were sincere and committed or just doing their political job.

As mentioned earlier in the report, the mixed working groups to be established under the Strategy are a legal requirement. Some prefectures have therefore established mixed working groups, which often appear to exist only on paper with a list of membership and a plan of measures, whilst in reality no practical results are achieved.

The situation regarding the funding of Roma initiatives by local authorities is a complex one and discretionary powers appear to be available to the local authorities. The law on Local Public Finances<sup>86</sup> provides the basis by which local authorities derive their public funding. There are three basic sources to this, namely local revenues (e.g. property taxes etc), allocated quotas out of the State budget and other subventions out of the State budget. The breakdown of the state budget allocation is achieved based on the following criteria:

- 70% based on the global income tax/capita (based on past year budgeting)
- 30% based on the geographical area.

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<sup>84</sup> Cf. September 2004 Strategy monitoring report by RCRC, EUMAP, RPP

<sup>85</sup> One sub-prefect mentioned for instance that "the Roma mentality is not good enough" and that "offences are from Roma".

<sup>86</sup> GO 45/2003, with later amendments.

Out of the total amount allocated across the county, 25% goes to the county (council) and the difference is allocated to the localities in the county (towns, communes). The remaining 75% is redistributed according to established criteria (population, area and financial capacity).

For the co-financing of foreign funding, the county council has the right and competence to decide an additional quota of 15% out of the 75%, as well as over the amount of the quota remaining at the county council.

Some local budgets can furthermore have a budgetary reserve at the discretion of the local/county council (up to 5% of the total expenditure). These amounts will be spent based on local/county council decisions, for urgent financing or unforeseen expenditures, natural calamity and various supports for situations of significant difficulty, such as Roma issues.

In spite of these provisions for local public funding and the obvious needs existing across a large number of communities, the budgeting possibilities were rarely used.

### 5.5 Participation of Roma in the Strategy implementation

This assessment (at central and local levels), as well as other evaluations referred to previously, deplore the fact that the most crucial Strategy principles - both implementation means and programme objective - which ensure the equal and active participation of the Roma population and civil society, could not be assured. As stated earlier in the report, the participation of Roma and civil society representatives was even more troubled in recent years than at the beginning of the Strategy.

The two main reasons observed are:

(1) The influence of the Roma Party (RSDP) in all strategy relevant structures at the central (NAR, JCIM) and local levels (BJRs and Roma experts) has restricted the consultation mechanisms foreseen by the Strategy. Interviewees clearly reported abusive hegemonic and authoritarian tendencies, as well as unilateral power behaviours exerted at the national and local level by some representatives of the Roma Party. The systematic interfering in the recruitment process of BJR and local Roma experts and even health mediators, has been reported by most of the interviewees at the central and local levels. Evaluators witnessed political pressures undertaken by local Roma Party representatives, as well as bullying attitudes dispatched during meetings. Reportedly, many Roma persons had to take a party membership before being allowed to consult with Roma experts belonging to the party or before receiving any information or service.

There are, however, also many Roma party members who were met at the local level and who have excellent attitudes and relations with the rest of the Roma civil society. They expressed, in confidentiality, their disagreement with instructions received from the Party leadership as well as their fear to criticise it publicly. It is also of significance to note that the BJR (originally "recommended" by the RSDP) have recently taken the initiative to meet and form their own association in order to share and produce their point of view in a type of "Manifesto" strongly criticising the functioning of NAR and the Roma Party interference<sup>87</sup>.

(2) Roma have not yet built sufficient trust in their own civic empowerment and the local Roma population is suspicious of institutional representatives. Even the support to informal leaders, Roma (and non-Roma) non-governmental organisations, and Roma political parties is limited. At present, Roma in remote and deprived communities have no reasons to believe that their interests can be properly represented at the national political level through the democratic mechanisms established during the first decade of transition.

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<sup>87</sup> The BJR gatherings were reportedly encouraged by the workshop consultations held in the five counties in April 2005. The BJR would have chosen the Botosani BJR as their spokesperson and informed the Focus evaluation team accordingly.

Although a united Roma movement would need to be encouraged, it would be limiting and dangerous to restrict its expression to one single voice. The establishment of grassroots Roma organisations, NGO networks, pressure groups, media, political parties, Roma mainstreaming within existing political parties, Roma curricula in schools and universities as well as the active Roma participation in local and national elections and in all central and local authorities or public services, must therefore continuously be encouraged in order to reach a better empowerment of the concerned communities.

## 6. STRATEGY STRUCTURES AND IMPLEMENTATION - NEEDS AND PRIORITIES

### 6.1 Main issues relevant to the Strategy that impact on the structures

A number of issues identified in previous sections have impacted on the overall effectiveness of the Strategy. These need to be taken into account when considering the optimal structures and mechanisms for the Strategy at both the central and local levels for the future. In this regard, the following issues are of particular relevance:

- The policy of ministries and local authorities that pursue socially inclusive rather than Roma-specific (exclusive) measures results in the difficulty of measuring the outcomes and benefits of the Strategy. Given the overall benefits of the social inclusion approach, the challenge will be how to adapt the Strategy structures and measurement indicators to best reflect this approach. It should also consider the likely impact of the JIM initiative on Roma communities and how this will fit within the Strategy. In this regard, the development of the role of the Roma experts within the ministries and local authorities should be a key consideration.
- Insufficient budgetary mechanisms for funding the Strategy has resulted in a lack of coherence in the implementation of sectoral and inter-sectoral measures, of sustainability of the measures initiated with Phare funds, as well as in a lack of relevant initiatives at the local level.
- Political interference in the Strategy has resulted in a lack of effective and broad participation by the Roma community.
- Lack of implementation and coordination capacity has resulted in an inability to identify the Strategy's problems and solutions.

### 6.2 Local structures linking with the Strategy

A further issue that needs to be examined in the context of the integration of the Strategy within the social inclusion process is the overall functioning and effectiveness of the structures that link with the Strategy at the local level, the way they interact and agree common intervention and funding approaches.

At the county level there are several structures with responsibilities relevant for the implementation of the Strategy for Roma. In the five counties examined, these structures do not collaborate effectively, nor do they demonstrate effective interaction with the local Roma Strategy structures, which themselves are weak.

At the local level, the Consultative Commission<sup>88</sup> is the body established to debate and approve the draft annual programme for economic and social development of the county. Both local authorities and decentralised ministries base their budgets and social interventions on this programme. Linking into this is the Anti-Poverty and Social Inclusion Commission<sup>89</sup> (CASPI), a consultative organisation that has established the National Anti-Poverty and Social Inclusion Plan<sup>90</sup>, which is the key instrument used to coordinate Government anti-poverty measures. In this regard, CASPI has been an active participant in the development of the Joint Inclusion Memorandum (JIM). It has offices at the county level (CJASPI), which provide an action framework within which other social structures can coordinate the implementation of their anti-poverty measures.

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<sup>88</sup> Art. 147 of Law of Public Administration, 215/2001

<sup>89</sup> GD no. 705/3.06.2002

<sup>90</sup> Adopted by GD no. 829/31.06.2002

The overall aim of the above process is to harmonise the approach to county level anti-poverty measures, although in practice there are individual county approaches to this<sup>91</sup>. Funding, too, is not always derived from a coherent financial forecast attached to the county anti-poverty plan but can come from different sources.

In addition, there has been little evidence to demonstrate the effectiveness of the relationships between CJASPIS and the Consultative Commission in terms of common and agreed approaches. One can point to the issue of poverty indicators which have been developed by CASPIS but which are not nationally recognised. This apparent disparate approach to joint social inclusion anti-poverty measures raises concerns over their overall effectiveness. Both in the wider context and that of ensuring the effective absorption of the Strategy through joint inclusion, it is hoped that the mobilisation of the institutional partnership mechanisms referred to in the JIM<sup>92</sup> will be more effectively streamlined.

The current initiative for joint inclusion (JIM)<sup>93</sup> incorporates the primary measures addressed by the Strategy, namely, poverty reduction, employment initiatives, equal access to healthcare services, school attendance, child protection, and giving particular recognition to the development and inclusion of Roma communities. Although the JIM is still in the preparatory phase, it is consistent with the current practices of the ministries who are active in the Strategy. It is for this reason that there are strong grounds for acknowledging the benefits of this approach.

### 6.3 Discrimination

Reports during the roundtables and interviews with stakeholders confirm discrimination and segregation of persons belonging to Roma communities in nearly each area (health, education, housing, relations with public authorities, media, police, private businesses, etc) while there is yet no systematic recording of abuses or complaints by public bodies. Most data legal cases available relating to discrimination are collected by Roma and other NGOs, as well as international bodies such as the ODIHR-OSCE, ECRI/CPT of the CoE, UN organisations or European Commission<sup>94</sup>. There is a clear need for greater awareness at the level of public institutions about prejudice and stereotypes against Roma, about the anti-discrimination legislation and their responsibility to prevent, combat and report any potential discrimination taking place.

#### *The National Council for Combating Discrimination (NCCD)*

Although in legal terms the NCCD does not entirely fit into the requirements of the Race Equality Directive, it could play a significant role in combating discrimination and promoting equality and equal opportunity policies. However, this remains to be proved by the institution itself<sup>95</sup>. Some positive signs were given to the general public, opinion leaders and public institutions by sanctioning several cases of racist discourse and discrimination of the Roma<sup>96</sup>.

<sup>91</sup> Example, Roma poverty alleviation programmes in Calarasi and Ilfov. Source; CASPIS

<sup>92</sup> Joint Inclusion Memorandum; 2004 (draft), pp 62-63

<sup>93</sup> Joint Memorandum on Social Inclusion, 2004 (draft)

<sup>94</sup> Cf. *EU Regular Report 2004*: "De facto discrimination against the Roma minority continues to be widespread and the social inequalities to which the Roma community is exposed remain considerable. Living conditions are poor and access to social services is limited. "... Despite positive legislative developments, cases have still been reported of ill-treatment in police stations, prisons and psychiatric hospitals. A particular concern is the occasional excessive use of violence by law enforcement officers, including the unlawful use of firearms. Reports of violence have been most common in the case of disadvantaged categories such as Roma. In April 2004, Romania authorised the publication of a report of the *Council of Europe Committee for Prevention of Torture (CPT)*. The report concerns two visits carried out in September 2002 and February 2003 to police stations, prisons and mental hospitals. The CPT finds that efforts have been made to combat ill-treatment by the police, although the authorities must remain vigilant in this area". January 2005 *Amnesty International Report* on Romania at <http://web.amnesty.org/library/Index/ENGEUR390012005?open&of=ENG-ROM> reporting on brutalities against Roma persons by Police officers.

<sup>95</sup> cf. Renate Weber, Report on Measures to Combat Discrimination, Country Report, Romania, May 2003

<sup>96</sup> In April 2005, the NCCD sanctioned and fined the Steaua Bucharest football club 1,100 euros for the racist behaviour of its supporters at the game the team played against local rival Rapid. The decision comes after several civic groups protested against the racist behaviour occurring at Romanian football stadiums, referring specifically to the game that took place at

In April 2003, the NCCD set up the National Alliance Against Discrimination, a forum encompassing NGOs, trade unions and employers' associations, whose aim is to assist the Council in the process of implementing the National Plan for Combating Discrimination. How effective the role actually played by this Alliance may be, remains to be seen.

A National Plan for Combating Discrimination is under discussion, representing a complex approach encompassing national awareness campaigns. The NCCD has started to conclude cooperation agreements with various governmental agencies, ministries such as the Ministry of Labour, Social Solidarity and Family, and with the Economic and Social Council in order to exchange information and expertise regarding the fight against discrimination. It is also seeking advice from NGOs in order to design a national plan for combating discrimination. Future developments will indicate whether the views and opinions of the NGOs were incorporated into this plan. There is no clear outcome to date of the activity of the National Alliance Against Discrimination, nor of the agreements with other ministries.

In 2004 Academia Catavencu (Media Monitoring Agency)<sup>97</sup>, evaluated the initial activities of NCCD and made the following comments:

- Most persons questioned did not have a particular knowledge of the activities of the NCCD (58% of interviewed people)<sup>98</sup>.
- Accordingly, most complaint cases are not addressed to the NCCD.
- Only for a very small number of complaints addressed to the NCCD solutions were found or abuses sanctioned according to existing legislation.
- The main recording of complaints is therefore made by NGOs as victims still prefer to address their complaint to the civil society organisations offering more direct support and guidance.<sup>99</sup>

Interviews and workshops conducted in the five counties for the present review tend to confirm the above evaluation. Some 62,5 % of the answers received indicated that "victims of discrimination generally do not know where to go in order to have their complaint registered" and 43,7 % indicated that there is not "any type of functioning complaints registration system by any institution" and that such a registration place "would be useful or needed" (88% of answers received).

The underlying problems are exacerbated by social exclusion and discrimination against the Roma and therefore by violations of their human rights. But since the roots of Roma problems are also largely socio-economic and poverty-related, improved access to development opportunities is a key precondition for the full realisation of their human rights.

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Bucharest's Ghencea stadium on April 13. Around 15 civic groups, including several organizations dealing with the rights of the Roma community in Romania (e.g. the Roma Center for Social Intervention and Studies - Romani CRISS, the Resource Center for Roma Communities, the Association for Protecting Freedom of Speech and the Communitarian Development Agency "Impreuna,") signed a press release stating that "both before and during the match against Rapid, the Steaua club's board urged fans to commit acts of violence and intolerance." The release also refers to the stadium announcer at the game "who broadcast racist messages, with explicit reference to the ethnic origins of the opposing team and its supporters."

<sup>97</sup> In partnership with Romani CRISS, Accept, AnA and Estuar Foundation under a PHARE funded project (2004).

<sup>98</sup> According to a study made by The Institute for Public Policies (Sept 2003)

<sup>99</sup> This is not limited to Roma victims of discrimination but especially valid for them.

## 7. CONCLUSIONS AND RECOMMENDATIONS

### 7.1 General recommendations on the Strategy implementation

#### **Public structures at the central (ministries) and local level**

As mentioned above, it would be important to ensure that each ministry, deconcentrated or local government institution has effectively functioning structures capable of developing, implementing and monitoring social inclusion measures that give sufficient recognition to Roma issues.

An essential element of this is the creation of a network of experts on Roma issues in each ministry's and local public institution's relevant departments. Employment and involvement of Roma experts in policy design and implementation is key to increasing the capacity of public institutions to respond to the need of the Roma population. The Roma experts would, within the social inclusion process, advise decision-makers on policies, strategies and programmes relevant to Roma specific problems. This should include the development of community-based initiatives that include the Roma population as well as initiatives specifically targeting the Roma population.

Under these circumstances, the employment of Roma experts requires that they should be sufficiently experienced and competent in order to effectively carry out their responsibilities. In the event of difficulties in sourcing such competences, ministries should initiate pro-active measures, such as education or internships and on-the-job training to ensure fast-tracking of Roma expert employment. As part of this process, each ministry should be capable of demonstrating, annually in their reports, how Roma issues have been successfully integrated within their own policies and processes.

#### **Monitoring**

Monitoring of the Roma Strategy implementation should be based on the same set of socio-economic data and indicators as used in the monitoring of the social inclusion measures envisaged under the Joint Inclusion Memorandum (JIM) and should be developed as a joint effort with the responsible structures for JIM monitoring. NAR should assess the suitability of the existing socio-economic data in terms of its comprehensiveness as a tool for the development of Strategy monitoring indicators. The present socio-economic data may, however, need to be supplemented with additional data, as it may not contain sufficient information on Roma communities. In this joint exercise, NAR should develop a methodology for data collection and reporting by the local Roma experts based on effective community mapping in each county. The monitoring outputs should be used to ensure the effectiveness of the social inclusion approach for the Strategy. By extension, it should be capable of identifying deficiencies or failures in the social inclusion approach and of non-compliance of statutory social inclusion obligations. Other specifically targeted Roma initiatives of a political, cultural or social nature, should also be monitored by NAR and/or the NCCD. Both organisations should get accustomed with the methodology used by the European Union Monitoring Centre on Racism and Anti-Semitism (EUMC) based in Vienna in order to systematically collect data of relevance to discrimination in the main sectors in the country.

#### **Collection of ethnic data on Roma**

Consistent data collection fully respecting data collection principles and personal data protection should be conducted in order to monitor and assess the impact achieved of different measures implemented and measurable benefits to Roma communities. The absence of precise data should, however, not serve as pretext for not addressing the most urgent socio-economic needs using available data and indicators. The Roma population figures of the last census might be far below the real number of Roma households but can already serve for implementing the Strategy and measuring its impact.

## Roma Inclusion Decade

Current plans for the Programme Roma Inclusion Decade (Roma Decade) envisage implementation structures expanding the role of the JCIM, in the sense of changing it into a National Committee of the Roma Decade<sup>100</sup>. Whatever the final decisions on the Decade and Strategy structures will be, they should ensure the full synergy of the two programmes in the implementation and monitoring of the Strategy and Decade objectives. Phare/EU and World Bank representatives in Romania have recently pledged to implement only complementary programmes. As Romania will host the international Secretariat for the start of the Decade, it may very likely be located under the same structure and the efficiency of any coordination body will be particularly challenged<sup>101</sup>.

## Participation of Roma

Participation of Roma should be ensured at all levels of the Strategy implementation, whether as public servants within central or local institutions, as consultative groups in national or local policy design and monitoring or as implementers together with local authorities for community development projects.

The survey indicates that, contrary to common perceptions, Roma are willing to interact directly with central government structures, and, if granted the opportunity, are willing to bear the associated responsibilities. In a society with a sizeable Roma population, Roma participation in public services, state administration, police and other spheres of public life should be of roughly similar proportions.

The creation by the Roma Party of its own network of NGOs is welcomed insofar as it is a socio-political process occurring in most democratic countries. In this way, such socio-political movements have competing networks, many being under the guidance of political parties, churches or other pressure groups. However, this development in Romania should not affect, in any way, the participation of other Roma organisations, unrelated to the Roma Party. In the end, the influence and prestige of each individual NGO should depend on their activities and how these respond to the needs of the Roma communities.

## 7.2 Conclusions and proposed options for more effective Strategy structures

In considering the possible options and future approaches for the Strategy and its structures, a number of key challenges and considerations for the future can be highlighted as follows:

- Challenge 1: to ensure that each ministry has effectively functioning structures and human resource competences, capable of implementing social inclusion measures giving sufficient recognition to Roma issues.
- Challenge 2: to ensure that the overall human resource skills and competences required by a reorganised NAR are re-evaluated and matched to its new mandate, as defined by a Government/SGG decision and accompanying ROF. NAR or equivalent future structures should have a competence and performance-based approach to future staffing, one that should not excessively rely on past employment as a necessary guide to future organisational requirements. Its human resource development strategy should be given a high development priority and include, as is already a legal right under the law of Public Servants, active and recurrent staff training measures. In this regard, NAR or/and equivalent structures should make greater use of the National Agency for Civil Servants (NACS) whose role is to assist with human resource development.

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<sup>100</sup> The National Committee would be structured into four permanent subcommittees: for healthcare, housing, social security and education.

<sup>101</sup> Cf. as well Paper "Another Decade, another inclusion" presented in May 2005 by Dan Oprescu, Ph.D. and inspector in the NAR.

- **Challenge 3:** In terms of its monitoring role, the competences already acquired by the PIU (within ORI and NAR so far) should be utilised to develop wider monitoring competences. This would involve the reorganisation of this unit, through enlargement, and giving it responsibility, relevant resources and an overall monitoring mandate.

### **Overview to the Options**

The three options presented below examine a range of possible institutional structures and approaches for the Strategy. The first two options keep the original Strategy concept of having dedicated Strategy structures. They maintain NAR's role in monitoring the Strategy, but have different structures proposed for its monitoring. Option 1 keeps the current Strategy structures and suggests ways of making them more effective. Option 2 modifies the structures in order to make them more complementary to the social inclusion structures. Option 3 proposes to redefine NARs role, giving it, together with DIR, a new language and culture mandate and eliminating its role in the monitoring of social inclusion measures from which the Roma benefit.

Although options 1 and 2 below have different proposed structures, there are issues that need to be dealt with that are common to both options, such as building good human resources competences within NAR and the development of an effective monitoring system for the Strategy. Given that the primary interventions defined in the Strategy's plan of measures are already occurring through the social inclusion process, it is evident, as mentioned earlier, that the Strategy monitoring under both these options should be developed through the use of the existing baseline socio-economic data and indicators. Although these may need to be developed further through additional data collection, such a process is preferable compared to the risks attendant on pursuing a targeted approach to the Strategy, including the establishment of an entirely separate and parallel Roma monitoring system. Thus, both options 1 and 2 will pursue a social inclusion approach that will seek to measure how Roma have benefited through mainstream interventions. Such an approach should not preclude Roma targeted interventions occurring at the same time.

### **OPTION 1: KEEPING PRESENT STRUCTURES AND RESPONSIBILITIES WITH FEW REFORMS**

Under Option 1 the overall institutional structures would continue as they presently exist (as shown in Table 1 of Section 3 above). However, there remains nonetheless the need to address the deficiencies of the Strategy implementation and, equally, how these have impacted on the working mechanisms of the structures themselves. The principal issues to be considered are the development of (a) human resource competences at both central and local levels, and (b) an effective methodology for measuring the Strategy's implementation through the existing structures.

A key issue here will be how to adapt the (implied) targeting approach of the Strategy to the mainstreaming social inclusion approach of the ministries and local authorities. From this perspective, it would be important to ensure that not only was relevant socio-economic data on communities available but that, within it, such data contained and reflected the needs of the Roma community. Such data necessarily provides the basis for establishing indicators, through benchmarking, for measuring social inclusion needs, interventions and their effectiveness. The quality of the data is an important factor to be considered, particularly insofar as, to date, relevant data on Roma is, largely, not unavailable. Thus, it is reasonable to suppose that additional socio-economic data will be required to supplement the existing data. It will be incumbent on NAR to establish with the ministries, at the earliest possible date, the additional data requirements and whether it can or should be incorporated within the existing data or treated separately. In this regard, the additional Roma data should be used by NAR not only for monitoring purposes but also for policy development.

The role of the BJRs and local authority experts will be important, both as a mobiliser of Roma communities - through the development of Roma action plans and their integration into the county economic and development plans - but also as providers of key social data on Roma communities.

### NAR

NAR will require an internal structure that should effectively reflect its institutional capacity to be a representative organisation and to monitor the Strategy. For monitoring, a first step in this process would require a review of the Strategy's Plan of Measures and the ten sectoral fields covered by it and matching these to the sector programmes related to the Strategy that are carried out by the various ministries. In this way, NAR would identify the sector competences its staff will need to have in order to be able to monitor the Strategy *through the ministries*. The review should also dovetail with NAR's role in monitoring the programmes of the Roma Decade. The review working group, proposed at the April 2005 JCIM meeting, to review the Strategy's plan of measures provides a suitable basis (although its terms of reference may need to be widened) for defining the current status of where the measures fit within the overall context of the various social inclusion programmes. The outcome of this review should identify key information relevant to the Strategy monitoring, namely:

- The measures that have, and conversely, have not been implemented,
- The statistics that are available in support of the implemented measures and that can be used as relevant indicators,
- The gaps in the information needed to support the Strategy monitoring
- The problems and difficulties identified for measures that have not been carried out
- The solutions proposed for future actions, including their timing and financing.

The successful outcome of this review is a necessary prerequisite for NAR's future development as it lays the groundwork for the scope of the Strategy's activities, how these can be monitored, as well as the institutional and human resource capacity needed within NAR to achieve this.

Thus, the Strategy monitoring unit within NAR would, optimally, be sector based. The PIU and its experience should be utilised at an early stage to assist in the development of the monitoring unit and, as part of this, should participate in the review group in order to ensure effective outcomes from it. In terms of the number of NAR monitoring staff required, this will in large part depend on the outcomes of the review exercise, including the scope of coverage of each of the Strategy's sectors, the monitoring arrangements with the ministries at the central level and the BJR experts at the local level, and what other monitoring arrangements it establishes with other stakeholder organisations, such as NCCD. It will also need to consider whether there is any relevance or need to establish and staff the planned regional offices.

The job descriptions of the NAR staff employed with sector monitoring responsibilities should clearly specify, in addition to the skill-set requirements, the tasks to be accomplished and outcomes to be achieved (e.g. reports with specific data at specified intervals) as well as the overall methodology for the data collection and synthesis. At the same time, NAR should develop a realistic and coherent strategy on how it can develop such in-house competences (e.g. through effective recruitment, training, and even part-placement of staff in relevant ministries). Given that Romania is poised to host the *Roma Inclusion Decade* Secretariat for the initial period and will also have its own ambitious Roma Decade programme, it would be prudent to ensure that the sectors covered by the Decade Plan, namely education, employment, health and housing, are, at the very minimum, given priority attention in terms of the development of NAR staffing and competences.

Concerning NAR management, the head of NAR currently acts as both a State Secretary and as manager of the NAR organisation. While it is accepted that, in principle, both roles can be combined, from a management perspective consideration should be given to splitting

the roles, whereby the effective manager (to be created) should be a civil servant and not a political appointment.

### JCIM

The JCIM acts as the Strategy's link between NAR, the Ministries, the NGOs and other relevant stakeholders. In terms of making it work more effectively, the following items need to be addressed.

- Representation:
  - o The participation of representative NGOs is vital. Given the difficulties of NGO representation to date, consideration could be given to asking NGOs to convene among themselves in order to determine the basis of their representation in JCIM, such as through a Roma Consultative Board as proposed at the last meeting of JCIM and whether such representation should be on a permanent or rotational basis.
  - o The review of the Strategy's plan of measures should clarify which ministries should participate – all who signed up originally in 2001 or only those who are actively involved in the Strategy at present and whose programmes are, from the Strategy's perspective, capable of being monitored.
  - o Consideration should be given to holding fewer meetings of JCIM, such as once per quarter, in order to optimise ministry representation. Representation should continue to be at State Secretary level. Other sub-committee meetings can be held on a more regular basis.
- Monitoring:
  - o The review group should determine the scope of the monitoring coverage needing to be established.
  - o The review group should establish the data and indicators currently being used by ministries and local authorities as a basis for social inclusion interventions and determine their suitability as a basis for measurement of the Strategy. For example, Ministry of Health vaccinated X children in community Y. What is the available socio-economic data on community Y, including the Roma population within it? If the Roma data is poor or non-existent can it be sourced through the BJR experts?
  - o Following the review group outcomes, the JCIM should establish a set of monitoring indicators, to be reported on an annual basis.
- Structure:
  - o Any reorganisation of JCIM should take account of the Roma Decade as well as the monitoring arrangements for the Strategy. Consideration should be given to the establishment of sector sub-committees, comprising NAR sector expert staff, NGOs and relevant ministry directorate staff. Sub-committees would meet on a regular basis, e.g. monthly, and would report to the quarterly sessions of JCIM.

### Ministerial Commissions on Roma (MCR)

These should operate in all ministries where the Strategy's measures are being implemented. NAR, through the SGG, will need to renew its efforts to convince those ministries, who do not have active MCRs of the benefits, as well as their responsibility, of getting the MCRs established. Other issues to be considered include:

- Ensuring that there is a ministry Roma expert employed who will play an active part in the MCR, including data collection and indicators. As part of this, NAR should encourage and support ministries to have their Roma experts sufficiently trained.
- The participation of the relevant NAR monitoring expert in MCR meetings
- The participation of the relevant NGO experts in MCR meetings

- The establishment of annual programming targets, with budgets, based on social inclusion criteria, including measurable Roma data.

### BJR

The BJR expert plays a key role in the Strategy at the local level. At present the position is under-resourced and lacks sufficient focus to be optimally effective. To strengthen the position, consideration should be given to the following:

- Enabling the Prefecture to establish a budget to support the BJR expert
- The development of a more focused role for the BJR expert position, including,
  - o the collection of relevant socio-economic Roma data, possibly through the Roma experts in the local authorities, that will support Roma participation in social inclusion initiatives and also NAR in its monitoring role
  - o the development of Roma action plans that are presented to local authorities and integrated in the county social and economic development plans
  - o development of closer cooperation links with NAR and providing them with reports that support the monitoring of the Strategy

### Benefits of Option 1

- Through its status, the NAR would remain a relatively strong institution and would strive to influence and coordinate ministries on Roma relevant policies in the future.
- The Strategy, through the plan of measures, would continue to focus on Roma interventions, albeit through the social inclusion process, and would endeavour to retain the wide scope of measures originally envisaged.
- The Strategy can be more easily monitored through the social inclusion process.
- Through the links with the ministries and the prefectures, the Strategy can be further implemented, albeit at the current pace, as these institutions are, in principle, the most familiar with the Strategy process.
- The perception of Roma issues as a priority might be more visible.

### Disadvantages of Option 1

- NAR has not greatly benefited from its position under SGG, insofar as it has failed to develop relevant competences for the monitoring and coordination of the Strategy. It has been argued that the influence of SGG on NAR has been ineffectual and that the Strategy would be better served, from an institutional perspective, if NAR were to become a Department under SGG, thus strengthening its influence with the ministries.
- The current NAR structures have not been effective and continuing with them increases the possibility that Strategy implementation and monitoring will not be effective.
- There is a risk that the implementation of activities for Roma might not see any improvement compared to recent years should NAR fail to effectively develop its necessary competences and coordination capacity.
- Too little effort has been devoted to the local level where the structures, resources and interventions are inadequate.
- The role of the BJR experts cannot be sufficiently effective by having their job position located in the prefectures. Their ability to provide key support to NAR without sufficient resources and effective links to the local authorities is compromised.
- The establishment of regional representative offices, as planned by NAR, adds little benefit to the further development of the Strategy. Most of the priorities lie at the local level and regional structures have already been established with clear responsibilities for supporting regional and local development and social inclusion.

## **OPTION 2: NEW STRATEGY MECHANISMS AND A MORE FOCUSED ROLE FOR NAR**

Under option 2, the role of NAR would be reorganised and the position and responsibilities of the Roma experts, both at central and local levels, would be significantly strengthened to reflect their enhanced role. The overall central and local level structures are shown in Table 2 overleaf.

### NAR

NAR would exist at the national level as a consultative body, with a Consultative Board, on social inclusion policy development to respond to Roma needs, as a resource of data on the needs of the Roma but also of expertise for Roma participation, and as monitor of the impact of mainstream policies on Roma communities. It should also advise, in cooperation with the joint inclusion partners where relevant, on the criteria for Strategy funding as well as the methodology for funds allocation. NAR should also be a training provider and facilitator (in cooperation with NACS) to enhance the capacity of the Roma experts working in the various public structures to support the development and implementation of policies responding to Roma needs. It should not select or be involved in project implementation except for those directly linked to its own tasks, although it should have a role in proposing Roma initiatives and developing criteria that support them. This is what, by default, is already happening in the most advanced sectors in relation to the Strategy implementation.

NAR should establish at an early point an effective methodology for developing its monitoring responsibilities. In this regard, it should largely follow the same procedure as outlined earlier under option 1 above. A review group (the one established under the JCIM may need to be re-established under the revised structures) should review the Strategy's Plan of Measures and the ten sectoral fields covered by it and identify key information in each of the sectors relevant to the monitoring of the Strategy, such as the socio-economic data and indicators relevant for each of the sectors. By default, it should also identify gaps in the data that are needed for monitoring the Strategy within the social inclusion process. Such a review should also take into account the priority sectors of the Roma Decade plan.

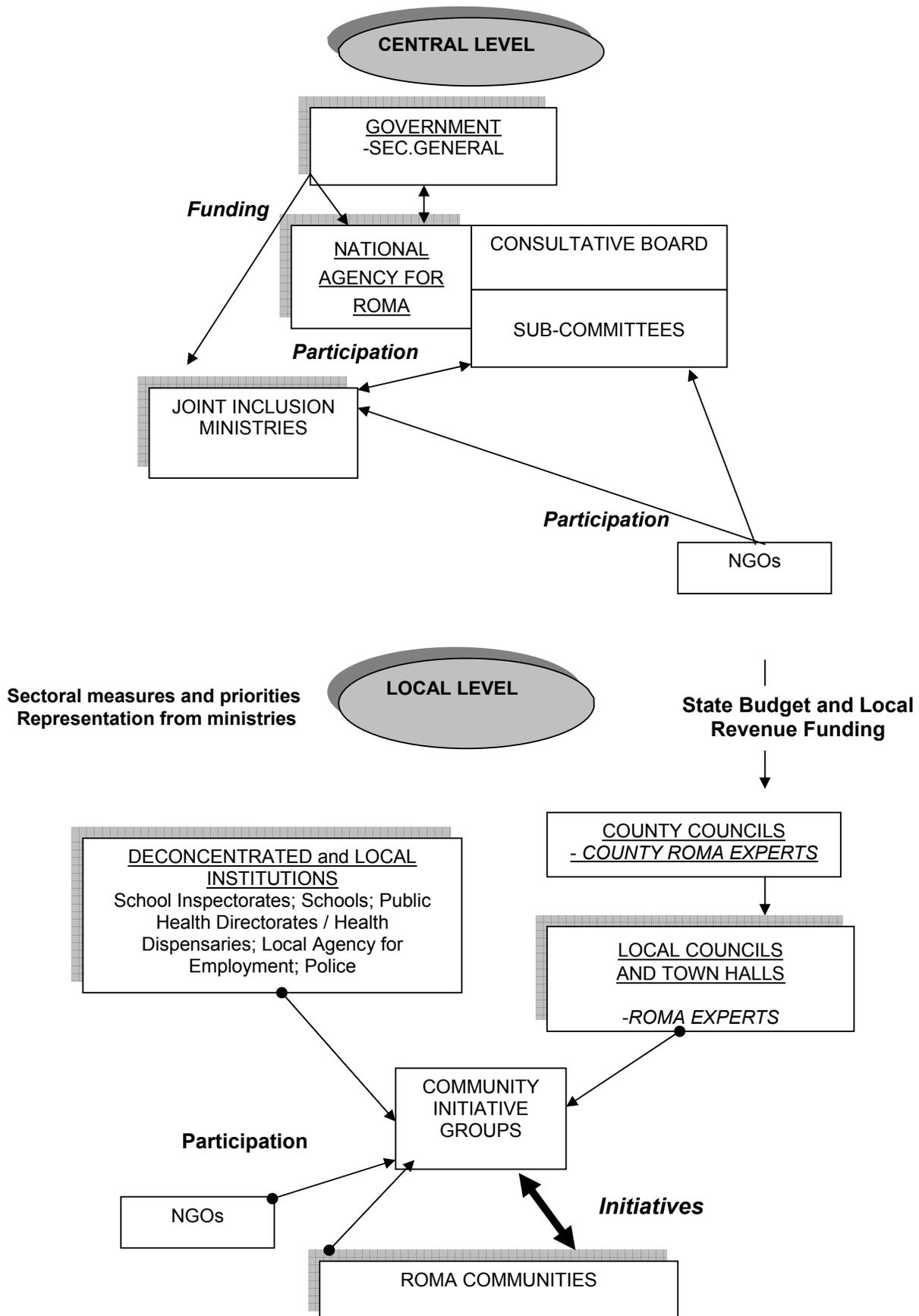
NAR's monitoring should be sector based and its monitoring experts will have responsibilities relating to specific sectors. In this way, they will be capable of being involved in the Consultative Board's sub-committees as well as liaising with the relevant joint inclusion ministries. NAR should pay particular attention to the development of these sector-specific staff competences and, in this regard, it should develop an effective training and staff development programme.

The internal structure of NAR should reflect its organisational mandate. In this regard it should have units for:

- (1) Policy Development, including Strategy funding
- (2) Monitoring
- (3) Human Resource Development and Training
- (4) International and Public Relations,
- (5) Finance and Administrative functions.

NAR's senior manager should be a civil servant.

**Table 2: Option 2 Strategy Structures**



### Consultative Board

NAR, with a competent and politically neutral executive management, should have a representative Consultative Board comprising the most active and experienced NGOs, the Ministry of Labour, Social Solidarity and Family (MMSSF) – Social Inclusion Department, the NCCD and DIR. The participation of MMSSF is particularly relevant as it has overall coordination responsibility of the social inclusion process under JIM and, in this way, can also act as interlocutor with the other social inclusion ministries.

The Consultative Board would replace the JCIM and oversee the coordination of the reorganised Strategy and Roma Decade. It would meet on a quarterly basis. It would create specialised sub-committees, reporting regularly to the Consultative Board and with clear responsibilities, in which experts from NAR, who would have sector-specific competences, would meet and liaise with the relevant experts from joint inclusion ministries. The sub-committees would overview and make recommendations to the Consultative Board on relevant Strategy objectives and implementation. The joint inclusion ministries would be represented by their Roma experts. Thus, the link between NAR and the joint inclusion ministries would, optimally, be through the Roma experts.

Like with the JCIM, there would be a need to ensure effective and representative NGO participation on the Consultative Board.

### Ministries and Roma experts at the central level

NAR's monitoring experts will liaise with the ministry Roma experts through the sub-committees of the Consultative Board. Each ministry should employ its own Roma expert who will provide advice and assist in the development of ministry social inclusion programmes specifically relevant to the Strategy. The ministry Roma expert will provide the link and liaison to the network of experts working on Roma issues in each ministry's and local public institution's relevant departments, referred to under the general recommendations (section 7.1 above). As such, a Roma expert position will require well developed competences and each ministry should be encouraged to develop a fast-track approach (through training and placements, for example, with the support of the NAR training unit) to ensuring the human resource development of their Roma experts.

### Local authorities and Roma experts at the local level

The local level structures of the Strategy will be reorganised to make them more effective, namely:

- The position of BJR expert will be transferred from the Prefecture to the County Council<sup>102</sup> and will become the County Roma Expert. This should allow the expert to have greater influence with the County Council and the decision-making process within it. It should also give the expert greater access to socio-economic data that will support Roma participation in social inclusion initiatives and also NAR in its monitoring role.
- The number of Roma experts in the mayor's offices should be increased and their positions strengthened through training.

The position of County Roma Expert should be based on professional competence (and not on affiliation to one or other organisation). Where possible, they should be Roma ethnics in order to increase the acceptability of the position within the Roma community.

While the (ex BJR) County Roma Expert in his/her new position should continue act as mediator for the Roma community, the position should also become more focused. The

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<sup>102</sup> The position should be transferred given the current decision-making role of the County Council on the county development plans and budgetary allocations for this purpose. In all cases and should decision-making responsibilities evolve or be shifted in the future, the Roma expert position should be closely linked and involved in decision-making on the development at local, county and regional level.

prime responsibility for the position should be in relation to the development of community action plans and their acceptance and incorporation within the county's social and economic development plan. The community action plans should be developed through the establishment of Community Initiative Groups, in which all relevant stakeholders should participate, including Roma leaders, formal and informal, the churches, NGOs, deconcentrated and local institutions and the police. There is strong evidence that such initiative groups, where they have already been established<sup>103</sup>, have greatly benefited the social development of their community. Such initiatives groups would be the link, through their action plans, to the local authorities and joint inclusion initiatives. The role of the local Roma experts in the county council and mayors' offices would play a key part in developing the capacity of the initiative groups. In support of this, NAR's training unit would have an important role in the development of action plan templates that could be used by the local Roma experts within the initiative groups.

The collection of relevant Roma socio-economic data should, ideally, proceed through the community initiative groups as this would ensure a uniform and coherent approach to the collection of the data. The County Roma Expert should also be responsible for providing NAR with information and reports relevant to the Strategy and its monitoring. As part of this they should liaise with the Roma experts in the mayors' offices. It will be incumbent on NAR to develop an effective data collection and reporting system, and a methodology for supporting it that will allow the County Roma Expert to carry out this task.

The Strategy will also benefit by having a greater number of non-cumulated Roma expert positions, with enhanced competences, in the mayors' offices. Mayors should be encouraged to recruit more Roma experts through the possibilities available under the public administration legislation. In this regard, apart from the existing criteria applying<sup>104</sup>, more specific criteria could be developed (for example, through the policy unit in NAR) to support and justify the employment of additional Roma experts.

NAR has a large role to play to ensure the optimisation of the role of the Roma experts in both the county council and mayors' offices. In particular, the development of the skills and competences that the experts will need to have in order to be effective in carrying out their jobs to the benefit of the Strategy. In this respect, NAR (through its HR and training unit) should identify the results to be achieved from each of the positions and, through a training needs analysis, determine what additional training is required. It should then follow this up, in consultation with NACS, with relevant training programmes.

#### Benefits of Option 2

- Recognition that the main initiatives for Roma are, and should be, based on the social inclusion approach and integrated in the mainstream policies.
- Role of the ministries and local institutions will be strengthened based on enhanced competence on Roma issues.
- NAR could be an essential actor in relation to stimulating the other ministries involved in designing and monitoring social inclusion policies and the provision of key data.
- The targeting and collecting of ethnic based data by NAR (on the basis of an appropriate methodology) could be perceived as more acceptable to Roma communities.
- It reduces the bias perceived by the wider population when interventions are specifically targeted at the Roma population.
- Reorientation of the focus of the Strategy to the local level where it is most needed and where needs of the Roma can be clearly determined and addressed with the involvement of Roma experts and Roma initiative groups.
- It provides a more relevant reporting basis for NAR thereby allowing for an effective monitoring of the Strategy.

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<sup>103</sup> For example, under the Romanian Social Development Fund (RSDF)

<sup>104</sup> Based on declared Roma population statistics

- The Consultative Board, meeting quarterly, would focus on policy objectives and targets, and through its sub-committees, would oversee the monitoring of the Strategy. In parallel, experts of NAR and specific ministries (with clear responsibilities) would meet on a regular basis to address specific issues and develop appropriate monitoring tools.

#### Disadvantages of Option 2

- Potential lack of coherence of social inclusion policies and of competence of ministries and local institutions on Roma issues increases the risk that Roma communities do not benefit to the extent they should.
- The lack of / limited experience and resources for the Roma experts, particularly in the mayors' offices, puts at risk how effective they can be in supporting the Strategy implementation.
- The current lack of experience and capacity in NAR to monitor the Strategy.
- Existence of NAR, separate from DIR could be perceived as institutional inconsistency.

### **OPTION 3: NEW STRUCTURES MERGING THE NAR WITH THE DIR**

Based on the similarity of language and cultural issues to be addressed, there is a case, at least in the long term, for an institutional and organisational review and, ultimately for the bringing together and consolidation of all institutions involved in promoting minority language and culture, and anti-discrimination. The somewhat parallel and overlapping roles of NAR and DIR can give weight to the argument of merging these two organisations. In this scenario, the JCIM and the Ministerial Commissions on Roma in the ministries would be no longer required as the new organisation would not monitor the Strategy. In the place of JCIM, a Consultative Board with NGO representation would oversee the new language and culture mandate of the organisation.

#### Benefits of Option 3

- Avoids a separate treatment of Roma from other minorities.
- Ensures combined expertise and avoid duplication and incoherence in the institutional set-up.

#### Disadvantages of Option 3

- Roma social exclusion factors may not be properly addressed in the absence of a specific institution with a clear mandate to support and monitor the mainstream policies that takes account of Roma specific needs.
- Such institutional change might take time and would further confuse the public in view of the ongoing reform tempo in the country, especially concerning the ORI-NAR history.
- The question as to whether NAR should remain as an Agency under SGG (as opposed to becoming, for example, a Directorate) depends partly on the extent to which the visibility of Roma issues is considered to be important as well as the degree of influence the SGG is perceived to have. Given the need to ensure a high profile of addressing Roma issues in the country in the context of EU accession, there remains a strong logic for retaining NAR as an Agency under SGG.