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Report on

Roma Access to Employment in SEE

Croatia,
Bosnia and Herzegovina
Serbia and Montenegro,
and
“the former Yugoslav Republic of Macedonia”

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Even now there are places where a thought might grow –
Peruvian mines, worked out and abandoned
[...]
And in a disused shed in Co. Wexford
[...]
Let not our naïve labours have been in vain.

Derek Mahon

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1. Introduction – Roma issues in context

To understand the current high rates of Roma unemployment in the former Yugoslav countries¹ it is necessary to shed some light on the historic context, and to provide some insight in the economic and political context of the region in the 20-th century.

1.1. Brief historic overview: Roma in the Balkans

Up to World War II

After the First World War new nation states were created on the ruins of the Habsburg and Ottoman empires. This did not fundamentally change the situation or perception of Roma. They were often seen as useful and from their first appearance were permitted, encouraged and/or even forced to settle. On the other hand, in several countries they received formal recognition as national minorities which had tragic consequences in the Second World War, especially in the former Yugoslavia where ethnic cleansing and extermination on the basis of race affected Roma. Over 500,000 Roma and Sinti lost their lives in World War II, many of them from Central and Eastern Europe and the Balkans.

Communist period

During the Communist period the overall structure of the economies shifted decisively in a way that benefited most Roma by opening to them new opportunities that had never existed before. Formerly the lowest stratum of backward rural economies, Roma were now in demand as industrial labour force in the unrelenting drive to “build Socialism”. Instead of existing as pariahs, eking a precarious living as a dispensable pool of casual labour, they were now full citizens, at least formally, with the potential of entering the mainstream (unskilled) labour force at equal wages to their non-Roma fellow workers. During this period many Roma craftsmen lost their independence as small-scale producers. Yet, Roma considered this period the “dawn” of a new existence – a complete reversal of their fortunes. They were able to benefit from regular wages and to improve their social situation by building new and better houses and sending their children to school. However, there have always been groups of Roma who managed to exist outside of the national government rules, who did not depend on the economic relations and adhered to their own internal practices and ignored government institutions, including education.

War, ethnic conflict and tensions

The armed conflicts in the former Yugoslavia in the 1990’s seriously affected the national economies and the national labour markets, not only of the countries directly involved in these conflicts, but also those of its neighbouring countries. The combined impact of direct war damages, economic embargo imposed on the belligerent countries, the lack of domestic capital for necessary large-scale restructuring and reluctance of foreign capital to come to the country due to political and economic uncertainties contributed to their much slower recovery and to high unemployment and underemployment of the population. In order to boost economic restructuring and growth in these countries, stabilise their political and social development, assist in resolving their disputes and pending problems and accelerate their integration into the European Union, the Stability Pact was concluded in 1999.²

¹ The countries under discussion are: Croatia, Bosnia and Herzegovina (BiH), Serbia and Montenegro (SaM) and “the former Yugoslav Republic of Macedonia” – also referred to as Western Balkan countries.

² Cooperation on employment in South East Europe - **Review of employment policies and of the performance of employment services** - in the Stability Pact’s beneficiary countries, ToR, prepared at the first meeting of the permanent high-level committee Brussels, 9-10 december 2003 – internal CoE

The warring nations or ethnic groups consisted of Serbs, Croat and Bosnians, while Roma were squeezed between them, opportunistically recruited to their neighbours' cause when convenient and cynically discarded or expelled when their usefulness had passed. The bitter experience of the Roma in Kosovo (1999) is the best illustration of the tragic yet historically familiar role of the Roma as political pawns in power games beyond their control.³ This leaves the Roma as the biggest losers of the years of violence in the region. They may have lost houses, their jobs, have become war-invalids, yet there is no government that will compensate for their loss, no property restitution has taken place nor are they recognized as war-veterans or invalids with appropriate (financial) compensations (pension or employment advantages).

Transition period.

The four Balkan states under discussion are currently gradually moving into the transition phase. What can be observed in Central and Eastern-European countries that crossed this bridge before them is that the same economic and political forces that offered the Roma hope during the Communist period also trapped them and led to their downfall. Command economies (such as during the Communist period) needed unskilled Roma workers; emerging market economies do not. Consequently Roma in Central and Eastern-European countries were the first to be made redundant and the last to be hired to fill any vacancies, often as a direct result of institutional discrimination. Only a small minority of Roma, such as those who had preserved their traditional skills of dealing during communist time, were able to take advantage of the new freedoms to expand into car-dealing, restaurant ownership and other entrepreneurial activities. These Roma were not part of the pandemic unemployment among Roma that emerged in Central and Eastern-European countries.

1.2. Economic situation in Western Balkans

Croatia was one of the most developed republics of the former Yugoslavia, but the war and the privatization of the formerly state owned companies, which resulted in the bankruptcy of these companies, consequently led to economic crisis and high unemployment rates. Of the 5,000 Roma in Međimurje county only 25 are currently employed, even though before it was at least 200. One research estimates that 89% Roma household do not have a single member with a permanent income. In Bosnia and Herzegovina there is an overall unemployment rate of 42% (even though the World Bank estimates lower numbers – 16-20% - due to a large part of the population being employed in the grey economy), also due to the post-war economic collapse and the transition period. No percentages of Roma unemployment can be given as no reliable ethnically sensitive statistics exist.

In Serbia and Montenegro the transition phase is only just starting due to the relatively late turn-over of the “old regime” in October 2000. Serbia and Montenegro are suffering from the aftermath of severe economic crisis in the 90-ies as well as privatization processes and increasing political instability. Unemployment rates for heads of Roma families are currently 68.4% compared to their non-Roma neighbours 15,7% in Serbia⁴ and 43.3% for Roma compared to 17.4% for general population in Montenegro.

³ Donald Kenrick, *Former Yugoslavia: A patchwork of destinies*, p. 407

⁴ *Romany Settlements, Living conditions and Possibilities of Intenegration of Roma in Serbia – Research by Dr. Bozidar Jaksic and Goran Basic, M.A., Ethnicity Research Center, Ministry of Human and minority Rights, OXFAM, 2002, pp.51-52*

In “the former Yugoslav Republic of Macedonia” economic restructuring in the last ten years brought substantial job losses and in 2003 the unemployment rate rose to 37% for the general population. According to “the former Yugoslav Republic of Macedonia” Poverty Reduction Strategy paper the majority of the poor can be found among Roma even though they may be active in the ‘informal’ sector of the economy. Due to unavailability of reliable statistics about the percentage of Roma population in the country, no unemployment rates for this population could be given.

Statistics

	Total population	Unemployment rates	Roma population	Unemployment rates
Croatia	4,5 mio (census 2001)	19,1% (2003)	40,000 (est. National Program for Roma)	> 50% (percentage of Roma on social assistance - 2002-2003)
Bosnia and Herzegovina	3,8 mio (census 2002)	42% (est. in 2004)	50,000 (est. census 1991)	> 70% (percentage of Roma on social assistance – OSCE)
Serbia	7,5 mio (census 2002)	15,7%	700,000 (est. 2003)	68,4% (2002)
Montenegro	718,790 (PRSP 2002-2003)	17,4% (PRSP 2002-2003)	20,000 (PRSP 2002-2003)	43,3% (PRSP 2002-2003)
“the former Yugoslav Republic of Macedonia”	2 mio (census 2002)	37% (2003)	130,000 (est. 2003)	> 50% (UNDP Survey 2004)

NB. As can be seen most of the statistical data for Roma are estimates, not based on thorough research.

1.3 Roma Employment issue

As is shown, the economic situation for large groups of Roma has drastically deteriorated since Communist times, due to economic crises, the wars and violent conflict situations in the Western Balkans. However, the different republican governments in their attempts to stabilise the situation and work on social cohesion and motivated by the prospects of future membership of the EU, have recognized the Roma as national minorities in all four countries. Yet, what will this bring to the Roma populations?

National minority status

The status of national minority recognizes the right to protect, preserve and develop the ethnic, cultural, linguistic and religious identity of each person belonging to national minorities. Discrimination on the basis of ethnicity is prohibited as well as (forced)

assimilation. Proportional representation in government institutions can be an additional right (as it is according to the Montenegrin Constitution, Article 73).

This status does not however, assist in providing employment to unskilled Roma. At best it requires the services of a few educated Roma for positions in government or in NGOs.

Yet, the status of national minority can bring some economic advantages in the long term. If these rights are properly institutionalised in the education system, Roma children may benefit from their culture represented in the curricula, of the right to lessons in their own language and by stimulating respect towards persons with another ethnic background; thus creating a “positive” ethnic identity for Roma.

In the short term recognizing Roma as a national minority and developing special Roma (only) programmes may entice anti Roma feelings. Anti-Gypsyism is a phenomenon on the rise all over Europe. In this light special privileges, insistence on Roma inclusion and anti-discrimination may produce adverse effects.

Ethnicity as a concept aims to define a group, according to a set of criteria, including nation, race and social specifications. Even though ethnicity should out rule social stratification, poverty is still very often seen as part of the Roma ethnicity. If a Roma improves his economic situation he may choose not declare himself Roma. The concept of ethnicity is paradoxically a blessing and a curse: by means of ethnicity a group will be protected and have special minority rights, while by the same criteria the group can be singled out for discrimination. Rather than leading to integration, the recognition of the Roma as a national minority seems to lead to their exclusion.

The Chairman of the European Commission, Mr. Barosso, has quite a different opinion on “culture” – being one of the rights of national minorities. He stated during the conference “Europe. A beautiful idea?” on 4 December in the Van Nelle Factory in Rotterdam: “culture comes before the economy. Economics make[s] a good life possible, but culture makes life worth living”.

Mr. Barosso’s statement seems to discard the socio-economic conditions of certain disadvantaged groups in society. It specifically does not reflect the reality of the state of poverty of most of the Roma in the Balkan region, which equals sub-Saharan conditions. In the case of Roma on the Balkans one should argue, economics come before everything else and employment is a pre-condition for any decent living conditions. According to Roma

“[They] feel employment to be the key problem for the family life. They are consistent in that, putting employment in the forefront in 51.6% of cases, and stressing they would accept any kind of job in 38.3%. Steady employment of a family member is seen as the crucial problem to be solved in almost 90% of cases.”

“Steady employment is, thus, perceived as a desire of the Roma family to improve its status and is put in the first place... Employment is seen by a majority of the interviewed Roma families as the first and foremost precondition for integration. Facing challenges of everyday life and caught in the daily struggle for survival, Roma families place, then, in the forefront the problem of employment, unlike “experts” and representatives of state bodies who put education of children in the first place.

Obviously, it is far easier to enrol a Roma child in a school than to find a decent steady job for an adult Roma citizen.”⁵

Social dimension

If one considers the Roma only as a “social” group, the multi-dimensional facets of the Roma way of life are not taken into account. The latter including for instance Roma culture and tradition as well as the Romani language. This reduces their problems to a single dimension, usually poverty – easier to address by governments and international agencies alike – but with limited chances of long-term success, as the ethnic dimensions have not been addressed.

A combination of the ethnic and social dimension

What ideally one should work towards is: creating a positive ethnic identity coupled with an upward mobility and equal opportunities for all. This is more easily set in motion in countries with rapid economic growth where an education automatically leads to appropriate employment with decent pay.⁶ However, even in countries in transition with decreasing economic growth, new chances for employment can be created, especially new initiatives, looking for competitive advantages - “niches” - which can be explored with relative low labour costs, dedication and hard work. Favourable conditions (legislation, credit-lines, skills training) to stimulate these entrepreneurial activities are a prerequisite.

The Western Balkans countries under discussion cannot instigate economic growth on their own. They depend on investments from the West for increased economic development, for introducing transparent employment structures - based on independent criteria, such as qualifications – and an educational system geared towards the demands of the market (employable skills) and accessible to all.

In order to attract Western investors the government of the Balkan republics should ensure a relatively stable political system, eliminate all corruption and create a dedicated and reliable work force.

“The Roma issue can be addressed to the benefit of society as a whole”.⁷ One could even argue that the Roma could be viewed as an asset to the country through making EU resources available. Money is not the solution to the Roma issue, but it is a pre-condition for effective policies. In addition to allocating resources, it is also vitally important that mechanisms are put in place to ensure that they are used effectively and take into account the need for transparency and accountability created by the emergence of Roma politics and the fact that Roma policy is a public issue.⁸

Through EU/PHARE programs in Central and Eastern-Europe, implemented during 2001-2003, only 9% of the total funding of 95.77 million Euro (64.54 million Euro from PHARE and 31.23 million Euro national co-financing) has been spent on improving Roma employment.

⁵ Romany Settlements, Living conditions and Possibilities of Intenegration of Roma in Serbia – Research by Dr. Bozidar Jaksic and Goran Basic, M.A., Ethnicity Research Center, Ministry of Human and minority Rights, OXFAM, 2002, pp.51-52

⁶ In Western-Europe in the fifties and sixties the working classes managed to raise their living standards by distinct “social” policies striving for a terraced house with a car in front for every working class family. At this time university education also became accessible for students with a working class background, which increased their employment opportunities immensely and increased their social mobility. (Please note that currently unemployment levels in Western-Europe are also fairly high due to economic recession.)

⁷ Martin Kovats, The emergency of European Roma policy, p. 107

⁸ *ibid*, p. 108

1.4. European involvement with Roma

At the European Union level involvement with Roma issues gradually increased and intensified in 1989 with the prospect of European enlargement. The relevant conditions for applicant countries were specified in what became the so-called *Copenhagen Criteria (1993)*, requiring candidate countries to comply with “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for minorities” as well as “a functioning market economy”(EC 1999: 3). The Council of Europe followed in 1994 with the *Framework Convention for the Protection of National Minorities* requesting its signatories to “undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority”(CoE 1994, Art. 4, para 2).

At the Tampere summit in December 1999 the European Union (Cocen group) adopted a set of guidelines addressing the situation of Roma in the candidate countries.

(Guiding Principles for improving the situation of the Roma based on the recommendations of the Council of Europe’s Specialist Group of Roma/Gypsy and on the recommendations of the OSCE High Commissioner on National Minorities). Even though not binding, these guidelines provide a comprehensive set of recommendations in the area of Roma (un)employment.

More recommendations followed, some focussing more on the specific issue of Roma employment, such as the Council of Europe Rec (2001)17, on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe, the Action Plan on Improving the situation of Roma and Sinti with the OSCE Area in 2003 adopted by the OSCE Permanent Council and the EC adopted a directive on equal employment (2000/43/EC).

Yet, despite these recommendations and policy instruments, countries in a deplorable economic situation cannot provide follow-up to these instruments without adequate EU funding and comprehensive programs.

The following actions are recommended:

- Large-scale programs should become more flexible and focus on the local level where Roma integration can best be achieved
- European recommendations and policy instruments regarding Roma should be disseminated widely and especially become known to local authorities
- Consequently municipal authorities should be able to apply for (large-scale) EU funding.

1.5. Stability Pact initiative

Among the Stability Pact objectives, the identification and analysis of the major problems and challenges in the area of social and employment policy is indicated as a very important issue for future successful development of these countries within the integrating Europe. Indeed, since 1989, all the Stability Pact countries have experienced dramatic employment losses and employment continued to decline even when these countries emerged from economic recession. The level of registered unemployment is very high and unemployment has a long-term character. Many of the jobless persons are young, first-time jobseekers. Young workers also experience large labour turnover and a high incidence of short-term employment. The significant difference between registered unemployment and unemployment measured according to the ILO definition (the former exceeding the latter) is also characteristic in these countries, as many formally jobless persons are active in the informal sector. Other groups of

population – those in employment or inactive – also frequently have second jobs in the informal sector. Typically, informal sector jobs are of a temporary nature and are of low quality, insecure and unprotected against accidents at work, occupational disease, etc. As the capacity of the formal economy to create new jobs is limited, informal employment is the only option for a large section of less competitive groups of population – the young without work experience, the elderly, women, persons with disabilities, low educated workers, members of minority groups, refugees and displaced persons and demobilised soldiers. According to household surveys on the social situation of the population, unemployment but also informal sector employment, is often combined with poverty.

These elements highlight the importance of a well-formulated active employment policy that would contribute to the creation of new employment, combined with higher amounts of foreign direct investment. Strengthening the institutional framework should result in a gradual formalisation of the informal economy. It is also necessary to improve the quality of employment by upgrading the level of education and skills of the labour force on the supply side and by enhancing the technological level of production and its organisation on the demand side. An important role in facilitating all these changes and movements in the labour market is to be played by sound labour market policies, directed in particular at vulnerable social groups. The improvement of the labour market and employment policies should be undertaken bearing in mind the development policies of the countries, and in particular their social inclusion and anti-poverty strategies, as employment is one of the key factors to reduce poverty and inequalities and to strengthen social cohesion.⁹

1.6. The Roma (employment) issue

As can be concluded it is not so easy to address the (often long-term) unemployment of Roma. The issue itself is quite complex, while the diversity of the Roma community may add to this complexity, as well as the mentioned ethnic and social dimensions of it.

Even though nation-wide amendments to legislation are a pre-condition for success, the experience learns that Roma integration in its broadest meaning is best achieved at local level. Therefore also active employment policies with Roma inclusion should be devised and implemented at local (municipal) level. This requires a decentralised government structure with appropriate power and funding for the local self-government authorities.

Chapter 2 - Roma National Strategies

2.1. Employment strategies

Employment is key to integration - it provides regular income for Roma and their families, security, status, respect and an opportunity of interacting with the majority. Protection without employment is not an option in itself, it tends to make people more isolated; dependency on social assistance does not make people free nor equal.

The governments in the Balkans seem increasingly to understand the importance of employment for the integration policies: all of them have included employment chapters in Roma strategies (adopted on yet to be adopted). As all four countries aspire to integrate into

⁹ Terms of Reference - Cooperation on employment in South East Europe - **Review of employment policies and of the performance of employment services** - in the Stability Pact's beneficiary countries, **prepared at the first meeting of the permanent high-level committee Brussels, 9-10 December 2003 – internal CoE**

the European Union¹⁰, the quality of these policies and effectiveness of their implementation will inevitably appear on the association and accession agendas.

All four countries have drafts or adopted policy papers for the integration of Roma. Whether they present the characteristics of a „strategy“, an „action plan“ or they are affirmative actions is beyond the scope of this report. However it has to be noted that some of them are more elaborated than others (which is not to say better – just more detailed).

In **Bosnia and Herzegovina (BiH)** there is a National Action Plan (2002 - 2006) that currently contains a summary of the problems Roma population face on a daily basis in BiH, “without any recommendations for solutions, plans for action and or a defined strategy with goals, objectives, purpose, outcomes, or indicators”. **Croatia** has adopted the National Program for Roma in 2003. The “**former Yugoslav Republic of Macedonia**” “Strategy for Roma” has been adopted by the government on 31 January 2005 (at the same time as the Decade Action Plans). **Serbia** did not adopt yet the *Draft Strategy for the Integration and Empowerment of the Roma*, but the Ministry of Labour together with the Roma National Council, World Bank and the State Ministry for Human Rights and National Minorities has prepared the Decade Action Plan on Roma Employment in accordance with the Draft Strategy for Integration of Roma. This Action Plan will probably be included in National Action Plan for Employment.

The objective of all these documents -- adopted as Roma strategies or not – is to integrate Roma and/or ensure equality of Roma citizens with the majority population. Employment has a pre-eminent place on the agenda, together with economic empowerment.

The issue of the effective participation of beneficiaries in the development of Roma employment policy is one of the most sensitive and controversial. All states developed *participatory mechanisms* where Roma experts were invited to collaborate with non-Roma independent experts or governmental representatives in working groups. It is not always clear to which extent the result of the work reflects the concerns of the Roma community, of Roma leaders, of the leading expert(s) or simply is the result of the negotiation between various ministries or governmental agencies.

In Serbia and Montenegro, for the development of the draft Strategy a Strategy Team was established composed of two international experts and four national experts-including two Roma consultants. Additional experts from the Roma community were contracted on an *ad hoc* basis. Community input was secured through preliminary regional meetings. Nine expert groups were established by the Roma communities for each of the sectors of the Draft Strategy. A total of nearly 70 experts participated in the groups.

In Croatia, the Council of Europe has accompanied the drafting efforts and facilitated the dialogue between the Roma representatives and the governmental agencies. In BiH it is said that “the Roma representatives were involved on an equal basis in what has been developed so far.” The strategy of “the former Yugoslav Republic of Macedonia” is the result of the work of one expert – but based, *inter alia*, on an initial policy paper prepared by Roma NGOs.

¹⁰ In April 2005 the European Commission recommended on 12 April that the EU begin talks with Serbia and Montenegro on preparing a Stabilization and Association Agreement. Croatia is well advanced in the process, “the former Yugoslav Republic of Macedonia” has formally applied for EU membership and Bosnia-Herzegovina has yet to start talks on a Stabilization and Association Agreement.

2.2. Substantive issues

As a rule, the sections on employment in the national strategies (or draft strategies) cover three big areas: “Reintegration in the labour market”, “Roma entrepreneurship/Self-employment” “Training” to which is added measures related to Romani women and/or measures related to the information/participation of the community.

Although recent research indicates that the inclusion of Roma in public works programmes is not a solution to Roma unemployment – but must be seen as a transitional/emergency option while creating better possibilities – all employment recommendations place emphasis on public works. Employment of Roma by public institutions seems to be another favourite “way out” of the policy makers, combined with “measures aimed to transform informal activities into formal ones”.

In the “Roma entrepreneurship/Self-employment” area, the measures recommended range from the creation of centres to support entrepreneurship to special micro-credit programmes, training on management of small enterprises, facilitating loans and agricultural programmes.

In the “vocational training” area it is recommended to organize training adapted to the demand of the market, thorough and serious and offering certain incentives for the trainees (“the former Yugoslav Republic of Macedonia”)

Some of the strategies provide for more specific measures such as hiring 6 counsellors in the employment offices in charge with mediation between Roma communities and the staff (Croatia) support for the employers who want to employ Roma workers (Croatia, Serbia) promote the contracting of Roma-owned companies for the delivering of services (Serbia) support income-generating projects (Serbia), recycling projects (BiH, Croatia)

As a rule, the gender perspective remains at a rather superficial level (“women needs should be taken into consideration”, “Roma women should receive special consideration”) without clear articulation of needs or solutions.

The creation of special economic/employment funds is suggested by both Croatian and Serbian (draft) strategy – but the recommendation is formulated in rather general terms.

A review of the employment chapters of Roma policies in these four countries reveal some common features:

(i) The weak position of the Roma on the labour market is attributed to the supply side (Roma education, lack of skills, etc) and demand side (transition, economic difficulties, etc.) The performance of the system and the reasons why the system fails to offer Roma job-seekers access to the labour markets are systematically overlooked, as if the system requires no improvement. This incomplete analysis leads to partial answers: the measures recommended tend to make Roma more “employable” but not the system more “accessible” (with the exception of the Serbian draft strategy which includes some proposals to review legislation).

(ii) The differences between regions are disregarded – there is no reference to concrete opportunities in one part of the country as compared to another part, it seems that everything is valid everywhere.

(iii) “Roma” are treated as a homogeneous group, as if there are no group differences, urban/rural differences, age differences, etc.

(iv) The situation of the IDPs, persons without identification documents, citizenship issues or persons with unclear status are disregarded – no solutions/recommendation for their employment are made.

(v) There is no serious evaluation of the needs: how many Roma need to be employed in a certain country/region? How many could be employed on public works programmes? Do the state institutions have the potential to absorb at least a part of the Roma labour force? And if yes, which percentage might be absorbed? Which dimension of the problem the state has to solve? How many unemployed will there be in five years from now if the state does not act?

(vi) The reality of the grey economy is touched but not seriously considered: the working presumption seem to be that the majority of the Roma are fully unemployed and sit around waiting for the state to invite them to training sessions. The reality is that the overwhelming majority of men and a significant percentage of women do work, only that their work is informal and flexible, responding to immediate demands.

(vii) There is a noticeable confusion of roles and competences: strategies adopted by governments tend to recommend directions of action for the NGOs instead of establishing the manner in which the state will offer support to the civil society to carry on the type of projects the NGOs consider necessary for each community in the response to local needs.

2.3. Commitment to promote equality at work – discrimination

Despite declared good intentions to ensure equality, access of Roma to the labour market and elimination of discrimination on ethnic grounds, specific measures on anti-discrimination are missing or are superficial. There is no commitment to review legislation and administrative practices. There is no commitment to measure the level of prejudice within the employment system or to analyze discriminatory practices of private and public employers. There is no intention to launch targeted research in the field of discrimination at work.

In BiH, at this point, “the government is not committed to developing, maintaining and supporting a policy of equal opportunities in employment”.

In Croatia, “the anti-discrimination approach is rather hesitant: although it is stated that one of its main objectives is to eliminate discrimination against Roma, the mere existence of discrimination seems to be sometimes questioned (e.g. “suppression of *eventual* discrimination of the police towards Roma”). Problems detected within the employment field are immediately followed by remarks which blame Roma for it (e.g. “employers have prejudices and the Roma have the wrong perception that they belong to a discriminated minority and that, whatever they do, they will not be able to find a job”, “the Roma have low educational levels and refuse to take part in programs for obtaining additional qualifications and in additional training” etc.).”

The strategy of “the former Yugoslav Republic of Macedonia” includes an entire section on “human rights protection and the issue of discrimination” with a review of the country’s human rights commitments, a note that the authorities consider the existing legal framework sufficient to secure protection against discrimination and a summary of the findings and

concerns of various UN bodies. There is no analysis of discrimination, and no assessment of needs. The only reference “Roma complain that in their everyday life they feel the hidden discrimination.” suggests that discrimination is more a matter of subjective perception of Roma than a reality. There are only two recommendations directly related to discrimination: both for the civil society (!) (not for governmental agencies) to “record the outcome of the complaints related to discriminatory practices of state organs” and to “assist victims in cases of discrimination”. On the positive side, the document identifies as “indicators” the adoption of a new anti-discrimination law, the creation of a group (government/NGOs) for the “transparent information on discrimination” and the creation of teams of Roma lawyers to litigate discrimination cases.

In Serbia and Montenegro the authors of the Draft Strategy identify discrimination as one of the main reasons for the weak position of Roma on the labour market. The document calls for equal opportunities policies for an „effective anti-discrimination law“ and for *affirmative action* with a view to increasing the number of Roma employed in Federal, Republican, Provincial and Municipal institutions.

2.4. Indicators

The document of “the former Yugoslav Republic of Macedonia” proposes mid-term and long-term indicators in the chapter of employment, an attempt which deserves praise. However, the text fails to identify *objectively verifiable indicators* and presents general objectives as “indicators” For example: “increase information among Roma about possible job opportunities” is not an indicator but an objective (a goal). The extent to which this objective is accomplished can be measured using various indicators such as: “the number of Roma who have been employed following information provided by the employment offices in a certain period of time”, “the number of Roma persons who have been personally informed about job openings within a certain period of time”, “the number of announcement posted on the walls of employment offices” “the degree of satisfaction of the beneficiaries with the informational policy and practice of the local employment office” etc.

The *Decade Action Plan for Roma Employment in Serbia* contains a series of better defined indicators: Number of Roma who started their own business annually, % of Roma hold their current jobs in privatized companies, number of Roma re-employed after being trained, % of Roma engaged in grey economy and self-employed Roma register their businesses (annually), Roma engaged in traditional occupations improve they skills, production technology and register they crafts, etc.

2.5. Implementation structures

Governments have created various structures (special groups, implementation and monitoring commissions, advisory groups) to further develop or implement Roma strategies. As a rule these bodies allow Roma participation but do not nurture it. Very little of the substantive work – if any – is made during the meetings of the special groups – and when is done the difference between the level of expertise of the governmental representatives and the Roma members is so big that this reduces the process which should be participatory to a governmental monologue.

In **BiH** there is an 18-members *Roma Advisory Board* which started working in July 2002.

The Board does not have any special commission for monitoring the implementation; all information collected from the field is collected through Roma NGOs on a voluntary basis. The information gathered in this way is very often incorrect and not reliable. Coordination among ministries is poor.

In **Croatia** the government has established in March 2004 a Commission for Monitoring the Implementation of the National Programme for Roma that is composed of Deputy Prime Minister as the President of the Commission, representatives of the relevant ministries and offices, representatives of Medimurje county, City of Zagreb, nongovernmental organization for human rights, Romani councils and associations. The Commission should submit a report to the Government on the implementation of the Programme once a year on the basis of the reports from individual ministries and other state bodies.

The strategy of “**the former Yugoslav Republic of Macedonia**” proposes the creation of a Roma Secretariat within the Government, with operational function which will also monitor implementation. Beside this, a National Roma Inclusion Council will be established as a management body lead by a National Coordinator (a Roma person). Apart from the coordinators, the members of the Council will include four deputy ministers, including the Deputy Minister of Labour as well as representatives of the civil society, experts, political parties and local authorities.

The **Serbian** Draft Strategy recommends the establishment of *Federal Co-ordination Council* as a body attached to the Federal Ministry for National and Ethnic Communities. The Co-ordination Council would have to consist of representatives of the Ministry and Roma National Council. The Council should develop general policies with regard to the integration and empowerment of the Roma, develop priority programme areas for the Strategy, coordinate the relevant Republican activities and establish guidelines for the implementation at the Republican level, develop the Terms of Reference of the proposed *Support Fund* and have the competence to raise funds. Also a *Roma Office* should be established “*to deal exclusively with Roma-related issues and be tasked with organizing capacity-building training, public information campaigns, fund-raising, etc.*” On the republican level an *Inter-ministerial Commission* should be established with representatives of relevant Ministries, Roma (preferably nominated by the Roma National Council) and, as appropriate, independent experts, should be included as members of this Commission. The Draft Strategy underlines that “*ways should be identified to involve representatives of Municipalities in the Commission on a permanent basis*”. Within the framework provided by the *Federal Co-ordination Council*, the *Inter-ministerial Commission* should supervise the implementation of the Strategy and plans of action on the Republican level.

In BiH and Croatia some Roma NGOs are disappointed with the work of the implementation bodies. The most common complaint is that these bodies are mere formalities without the mandate and the means to produce a positive change in the situation of Roma. Many of the governmental representatives appointed to participate in the work of these bodies are overworked or simply not interested (BiH: “Elected entity ministers, with the exception of two from state level, do not come to regular meetings and when they come they are passive.”)

Technical support is a problem which needs to be addressed. Financial support is lacking. BiH reports that there is no budget line for the work of the Roma Advisory Board and the funds allocated from other sources are “not even sufficient to cover transportation costs”. In Croatia the lack of funds is also a major challenge. The Macedonian text does not indicate clearly how

it will finance the operation of the Roma Secretariat and the National Roma Inclusion Council. In Serbia the Roma Secretariat is currently co-funded by donors.

2.6. Implementation progress

It is too early to analyze implementation as some of the countries did not adopt the strategies yet (Serbia) and others adopted it only a couple of months ago (“the former Yugoslav Republic of Macedonia”). In general reporting on the implementation progress proves to be a complicated exercise. Roma organizations complain that nothing is done, but they do not have monitoring instruments and sufficient information to follow up all activities in a systematic manner, so their progress assessment is rather limited. Governments are in the position to know what it is done, but often there is a tendency to exaggerate and to present as “implementation” unrelated events/projects/activities organized by the civil society.

In BiH – there are no visible results of the work of the Roma Advisory Board created two years ago. In Croatia, one year after the adoption of the strategy there are several projects launched in the field of housing, media, capacity building, and education but nothing yet in the field of employment.

2.7. Monitoring and evaluation

In **Croatia** the monitoring chapter establishes a special Commission for Monitoring and Implementation which is supposed to elaborate its own monitoring guidelines and rules. The Employment Action Plan for Roma in **Serbia** indicates that monitoring activities will be carried on by the National Employment Agency and NGOs and annual reports will be published. In “**the former Yugoslav Republic of Macedonia**” the Roma Secretariat will have monitoring attributions, but there is also a recommendation to create independent monitoring bodies. In **BiH** the Roma Strategy/National Action Plan “does not contain anything concrete, which could be called measures and mechanism for implementation or monitoring.”

Huge amounts of money have been spent in Central and Eastern Europe (and in some countries of the Western Europe) on Roma projects whose lessons learned have never been taken into account because the project’s impact has never been *evaluated*. The inclusion of adequate evaluation mechanisms within the Roma strategies is not only an indication of a genuine commitment to make a change and improve the situation of Roma. Evaluation helps to identify and eliminate projects that have no impact or have an adverse effect on Roma communities. It helps to identify and promote good practices. It maintains the connection with the beneficiaries and ensures that tax payers’ money is well spent.

In the **Croatian** Strategy there is no mention of evaluation. The strategy of “**the former Yugoslav Republic of Macedonia**” contains a recommendation to involve donors, state bodies, beneficiaries and Roma NGOs in evaluation efforts – and to secure independence of evaluators. This recommendation is rather vague and needs to be more clearly articulated. The Draft Strategy in **Serbia and Montenegro** was criticized for omitting to establish “a precise and well-focused ... evaluation plan. The [Draft] Strategy merely lists some available (local) mechanisms, which are cumbersome and often ineffective...” The Draft Strategy also recommends the establishment of an independent mechanism including donors, international organizations and independent experts.

Communication strategies: *Roma policies are not yet widely accepted or seen as necessary by majority populations, by government officials or by professional groups.* Sound communication strategies are needed to convince the majority, relevant institutions and professional groups (employers, trade unions, bankers, etc) of the usefulness of Roma employment programmes. The formulation of these strategies and their implementation require know how, human and financial resources. Governments are strongly encouraged to incorporate communication strategies within their Roma national programmes for employment, in order to inform society and avoid adverse reactions.

Chapter 3 – National Employment Policies

3.1. Important pre-conditions for employment

3.1.1. Personal documentation

In the Western Balkans a large number of Roma - mainly those from illegal settlements - are without personal documentation. Comprehensive statistics do not exist regarding the numbers of these Roma without identification documents. A survey conducted in Belgrade by OXFAM discovered that 39% Roma in that city do not have an ID card. Most affected are Roma IDPs, 56% of them did not have IDP registration card, which is necessary to receive humanitarian aid.¹¹

Lack of personal documents paralyzes the access to services and to basic rights and privileges, such as: right to vote, (free) health care, employment, state housing provided by the program for social vulnerable people, right to receive state social assistance, even to receive humanitarian aid from International Agencies and other non-governmental organizations. "[Roma] also experience difficulties - as many other IDPs - in obtaining payment of their pensions and allowances. For instance, pensions paid to IDPs in Serbia are inaccessible to IDPs in Montenegro without travelling to Serbia,"¹²

Reasons for not registering with the (local) authorities are often: unawareness on the part of the Roma population, lack of flexibility by the authorities to adapt to the particular situation of internally displaced persons (IDPs) and Roma persons living in illegal settlements and related costs associated with obtaining documents, such as documents fees, court costs and travel/accommodation costs.¹³

These problems are currently addressed sporadically and ad random, only in Bosnia and Herzegovina an attempt is made – in coordination with the Ministry of Internal Affairs – to address this issue by advising the municipal authorities not to charge or to reduce fees for registration of Roma people. No results have been reported yet.

3.1.2. Ethnically sensitive data collection

¹¹ Draft Strategy for Integration and Empowerment of the Roma in Serbia and Montenegro, Discussion Paper, 2002, page 59.

¹² Draft Strategy for Integration and Empowerment of the Roma in Serbia and Montenegro, Discussion Paper, 2002,, page 54

¹³ Ibid , page 60

In all the country reports the lack of specific employment measures for Roma is reduced to the fact that no reliable statistics on Roma (un) employment are available. Without ethnically sensitive data no specific measures can be designed. It is strongly recommended that both Roma communities and their representatives and the government institutions find an acceptable way to collect this information.

3.1.3. Education/(re)qualification

In the region the Roma population show the lowest education levels with relatively high drop out rates and low enrolment, especially in higher education. Fortunately this is currently addressed in most countries under review – both by governments and Roma population alike - and it is hoped that in a few years time the education levels will come close or be equal with majority population in the countries.

Nevertheless it is strongly recommended that vocational and (re) qualification trainings are being established, which should be easily accessible to Roma population. Also there is a specific need for officially recognized second chance education for Roma to enable them to finish primary and/or secondary education later in life.

3.1.4. Discrimination

Discrimination and education are mentioned as the biggest obstacles in obtaining employment for Roma. Discrimination cannot simply be turned into “affirmative action” as “positive discrimination” - this would most likely produce a backlash on the Roma community as a whole. It is therefore mentioned, as one of the “risks” or “pre-conditions/assumptions” for Roma employment, but is dealt with in more detail in Chapter 5.

3.2. Employment Policies in the region

Croatia

The main characteristics of the labour market in Croatia are: drastic decrease of production in the state sector, huge number of bankruptcies of companies, the highest level of increase of unemployment since it has been registered (1952), small number of vacancies in the formal economy with simultaneously an increase of employment in the grey economy, a dependency on seasonal work (over 75%) and an education system (providing qualifications) not preparing for the needs of a modern market economy.¹⁴

National employment policy and other relevant policies in the field of employment

In its most recent report¹⁵, the European Commission notes that, for the time being, Croatian employment policy “consists mainly of a number of active labour market measures ... implemented by the employment services.”

Indeed, at the beginning of 2002 the Government introduced **the Employment Promotion Program**¹⁶ with 6 subprograms: for university graduates younger than 27, for certain

¹⁴ Roma Access to Employment in Croatia, Lovorka Kusan, 2004

¹⁵ Opinion on Croatia's Application for Membership of the European Union, Communication from the Commission, Brussels, 20 April 2004, COM(2004) 257 final, page 86.

qualified workers without working experience, for unemployed persons regardless of age, working experience or qualification (*By learning to job for all*), for elderly persons with working experience, for disabled persons and for war veterans and members of their families. The subprogram *By learning to job for all* is particularly relevant for a significant part of the Roma unemployed population, but it has not given the expected results. One of the main problems of this collection of measures is the absence of specific measures targeting the long-term unemployed, a gap also noted by the European Commission¹⁷.

Even though these “active employment programmes” on the surface seem quite comprehensive in increasing employment in every possible field, a more strategic approach is expected from the now being drafted **National Action Plan for Employment**. This should increase the capacity for data collection, analysis, monitoring and evaluation of the various programs. There are firm promises from the competent authorities that Roma employment issues will be incorporated in the draft of the National Action Plan for Employment before being submitted to the government¹⁸.

There are two specific programs adopted by the government that focus on addressing specific obstacles in “employability” of “special groups”, the **Program of Fight Against Poverty and Social Exclusion**¹⁹, which focuses on “vulnerable groups” the long-term unemployed, women, elderly workers and young persons with low educational level (Roma are not expressly recognized as “vulnerable group” by this program) and the **National Action Plan for Young People**, adopted in 2003, which includes young Roma, describing them as belonging to the national minority with the most difficult social status with high level of social exclusion and only 10% finishing primary schools. It is expected that especially this last program will ensure integration of young Roma in the Croatian Labour Market.

Bosnia and Herzegovina

Due to the destruction of the war and ongoing privatization in the post-war transition period, large-scale state factories are either closed or operational with an extremely low capacity. Lack of necessary investment and legal system as well as introduction of European Union (EU) standards hampers efficient production and marketing also in the agricultural sector. As a consequence, more than a third of the labour force population is unemployed, without including those who are on the “waiting-listed”, in the laid off category. In addition, more than a third of the employed population is in economically unsustainable jobs.

National employment policy and other relevant policies in the field of employment

Currently Bosnia and Herzegovina does not have a National Employment Strategy or Action Plan. The so-called “active employment measures” are entrusted to the Employment Agencies. However it depends very much on the Employment Agency in question whether they will actively start implementing employment measures or whether they just continue with their core activity of registering unemployed persons.

¹⁶ Employment Promotion Programme, Official Gazette 21/02

¹⁷ “No measures seem to exist on behalf of long-term unemployed.” Opinion on Croatia's Application for Membership of the European Union, COMMUNICATION FROM THE COMMISSION, Brussels, 20 April 2004, COM(2004) 257 final, page 86.

¹⁸ Vera Babić, State Secretary for Labour, Ministry of Economy, Labour and Entrepreneurship, at the meeting with the consultants on March 8, 2004

¹⁹ adopted by the Government on its 5th session on September 5, 2002

The Employment Agencies have no specific programmes for Roma and other vulnerable groups, but some of the employment agencies developed projects for self-employment. The employment agencies provide credits for self-employment in the range of 10.000 Euro per one created job place. The interest rate is very favourable - 4% - with a grace period of one year. Every one, who can provide guarantees for repayment can apply for such a credit.

From the beginning, Roma were excluded from applying for such credits because they did not match the criteria. The Government did not want to interfere and therefore did not give guarantees specifically for Roma people. The Roma NGO's were not even informed of this credit programme nor of any other programmes implemented by the Employment Agencies, such as job-subsidies and other job-creation programmes (e.g. public works). It could be assumed that the Employment Agencies did not implement these programmes in conjunction with local communities and other actors and there was no strengthening of partnership at the local level, which could ensure co-funding by local resources programmes. No pro-active approach is taken to include specifically vulnerable groups, let alone Roma.

The government of Bosnia and Herzegovina is not quite skilful yet at creating conditions for employment and frequently withdraws into its old role of providing state employment to as many people as possible, instead of creating an environment which will attract local and foreign investments, providing employment opportunities. For instance in RS the main employer is provided by public administration institutions.

Serbia

The formal labour market is on the verge of collapse, due to the extended period of sanctions (more than 10 years), the general economic crisis and a government that did not invest in maintaining and/or upgrading state factories. As a consequence of this situation, so-called "fake employment" made its entrance as many of the workers have been sent home for a compulsory rest, as they are considered a "technological surplus". The labour force is ill equipped for their tasks as the educational system is not in any way preparing young people for a future workplace, but is schooling them in an autocratic academic way rather than providing them with practical skills.

National employment policy and other relevant policies in the field of employment

There is no National Employment Strategy in Serbia, but an assessment on the employment policy can be made through reviewing the employment law and its implementation. In July 2003 the new *Law on Employment and Insurance in the Case of Unemployment* was adopted (Official gazette of RS 71/2003), which introduces some new measures, such as, institutionalization of an "active employment policy" (article 9). This refers to the special programs and measures in which, *inter alia*, priority is given to: employment of refugees and IDPs, employment of persons belonging to ethnic minorities whose unemployment rate is especially high [underlining by author], employment and professional rehabilitation of persons with disabilities, employment of women and self-employment (Article 31). The program of "active employment policy" as the law prescribes should be adopted by the government. Also a National Employment Strategy is in progress (in 2004).

In accordance with the “active employment policy” the government, provincial and local authorities announced already public calls for submitting project proposals will be financed from the budget of the National Employment Agency and donations (Articles 32 and 33).

Some of the measures prescribed in the law are progressive and their further application is in so-called general Acts of the National Employment Agencies -

So, Article 34 of the mentioned Law and Article 57 of the *Rules on Conditions and Procedure of Fulfilment of Rights of Persons Who are Seeking for Employment* (Official Gazette of the RS 61/2004) prescribes that employers who employ persons from one of the category mentioned in article 31 of the Law (refugees, IDPs, people with disabilities, employment of persons belonging to ethnic minorities whose unemployment rate is especially high...) have the right to subsidies for health, social, and pension security.

Further, *Rules on Procedure for Fulfilment of Rights on Subsidies for self-employment* (Official Gazette of RS 07/2004) and in the public announcement of the Ministry of Labour, Employment, and Social Policy amounts are prescribed of subsidies for categories of unemployed persons, but does not mention “persons belonging to ethnic minorities whose unemployment rate is especially high”, i.e. applicable to Roma.

Many of Roma are self-employed in the informal economy and if they will not be supported they will not be able to adapt to the upcoming legalised economy (formal market), nor will it be possible for their self-employment or “business” to survive in the “formal economy”.

Therefore, authorities should also allocate special amounts of subsidies for self-employment to Roma as specified in the category of “persons belonging to ethnic minorities whose unemployment rate is especially high”.

However, a public announcement of the Ministry of Labour, Employment, and Social Policy states that the active employment policy supports “self-employment through establishment of SMEs companies, guilds, agricultural farms, shops and through other forms of business cooperation”. However, for one business idea only one person is able to get a subsidy. For instance, if five unemployed persons would like to open a bakery together, only one person can get the subsidy for the bakery. Therefore, authorities should support cooperatives of unemployed persons and prescribe subsidy amounts for such cases.

Montenegro

Like everywhere else in the region Montenegro is suffering from the aftermath of the conflict period, combined with the transition from a command-driven to a market economy. The privatization of many state factories is the cause of the level of unemployment to rise dramatically.

National employment policy and other relevant policies in the field of employment

Montenegro has no specific Strategy for Roma population, nor have they developed Employment Strategies for vulnerable groups. However, The Montenegrin Law on Employment recognizes the “Active Employment Policy” (AEP) defined in Article 24, which defines measures to stimulate the establishment of new work places. Unfortunately no specific target groups are defined. Also according to the EC Stabilisation and Association Report (2004) “The legal framework [regarding Labour rights] has improved [...] through the adoption of new employment laws. [...] However, implementation of legislation is often

difficult.²⁰ Article 25 stipulates the right to inclusion in this program of “unemployed persons, employed persons with half working hours and persons for whose work there is no need for the reason that of technologic, economic or organizational changes has happened.”(i.e. part-time workers and technological “surplus”). Article 26 provides a list of measures of the “Active Employment Policy”.

Roma have not been mentioned as a special category in any of these articles or the law itself. However, the Decade Action Plan on Employment has already been adopted by the Montenegrin government (2005) and it is hoped that the Action Plan will close this gap and implement appropriate employment measures for Roma, as well as incorporate the Action Plan eventually in a National Employment Strategy.

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Economic restructuring in the last decade brought substantial job losses and the recorded unemployment is very high and growing: according to the Labour Force Survey, in April 2003 was 37% of the labour force, which means that at least one out of three persons able to work, does not have a job or participates in the grey economy.

Up to date the government did not make any attempt to analyze the employment situation of Roma or evaluate the impact of various employment measures on the most vulnerable group of the country.²¹ There seems to be a general consensus that Roma have a very difficult employment situation, but the authorities failed to formulate any coherent policy in this area. A UNDP report is expected soon to provide detailed information and create the basis for sound policy making. The Roma Decade initiative is also expected to provide an opportunity to discuss and develop targeted employment policies.

National employment policy and other relevant policies in the field of employment

The National Employment Policy: The institutional framework for the adoption and implementation of the employment policy in Macedonia is currently in the process of development (2004).

The government adopted in 2004 the National Action Plan for Employment (hereinafter “the Plan”). The Plan was developed with technical assistance from the European Union, within a 2.5 million Euros CARDS programme launched by the European Agency for Reconstruction (EAR) in 2003. Apart from contributing to policy development, the EAR programme will also strengthen the National Employment Bureau and its 30 local branches, train the staff of the employment offices on how to provide more effective labour market services to unemployed citizens, and on how to share and disseminate information on vacancies as widely as possible.

Considering its objectives, this particular programme could have been the vehicle for the so much needed systematic mainstreaming of Roma employment issues within the national employment policy. Unfortunately there has been no contact and no formal consultation process between Roma organizations and the government in the period when the National Action Plan was drafted. Also no Roma were included in a number of pilot and micro projects, which were launched in 2004.

²⁰ EC Stabilisation and Association Report 2004, Serbia and Montenegro {COM(2004) 206 final}

²¹ Ibrahim Ibrahimi, speech at PER Conference, 16.02.2004, Skopje.

Measures aimed to promote employment

In the previous period the government adopted a significant number²² of active employment measures but the number of unemployed is continuously increasing.²³

Among the measures implemented by the Employment Bureau there are many which might have been useful and welcomed by Roma job seekers: “the social infrastructure” project aimed to improve communal infrastructure by using unqualified labour force, and providing qualification courses for social cases; “Support the employment of youth in your municipality”, a project that provided temporary jobs to unemployed persons aged 18- 30, “preparation for employment” which offered professional counselling for youth, organized cooperation with employers, and ensured professional selection of candidates at the request of potential employers as well as pre-qualification courses. Unfortunately, the Bureau does not have any mechanism to monitor and evaluate the impact of these measures on various ethnic groups, so for the time being policy making in “the former Yugoslav Republic of Macedonia” is ethnically insensitive. The bureau also organized data collection on a series of thematic areas such as employment mobility, unemployment and migration, employment plans and programs, but as the ethnicity is ignored, no specific policies can be devised per ethnic or disadvantaged group.

Another initiative aimed to boost employment, was the adoption of the Law on initiation of employment also known as Brankov law²⁴, which provided **financial incentives**²⁵ to private employers who would consider employing job seekers belonging to certain categories. Some employers took advantage of this new incentive system and created new jobs, but in general, results were rather disappointing²⁶ and provided almost no opportunities for Roma job-seekers.²⁷

3.3. Conclusions

Most countries do not have well developed Employment Strategies. It is therefore still possible for governments and Roma to discuss inclusion of the Roma employment issue into the National Employment Strategies. An excellent tool can be further elaboration of the Decade Action Plans for Roma Employment and mainstreaming these into medium-term Employment Policies.

²² Around 80 measures

²³ Interview with Mr. Mile Stojanovic, Director of the Employment Bureau, 09.02.2004

²⁴ Law for stimulation of employment (Zakon za pottiknuvanje na vrabotuvanjeto) No. 07-1470, or so called Branko’s law from 31 of March 2003, valid until 31 of December 2003.

²⁵ The state covered a part from the employers costs, for a period of two years: approximately 70 Euros per person and months, plus equivalent of 40 Euros in the first three months if the newly employed was a social case (a person eligible for social assistance benefit).

²⁶ As of October 2003, only 6.000 people were employed, while the government expected employment of 20.000 people. According the Minister for Labour and Social Affairs, Jovan Manasievski, the results are below expectations because of the insufficient economic growth and low level of investment. Magazine “Kapital”, no. 211, from 13.11.2003.

²⁷ The law functioned for some job seekers, but not for Roma. We got only two or three jobs for Roma -- because employers were asking people with finished elementary education and the majority of the Roma, 900 out of 1100, do not have that. Interview with the Director of the Employment Bureau in Bitola, 13 March 2004.

4. The Decade of Roma Inclusion

4.1. Action Plans on Employment

The initiative for a *Decade of Roma Inclusion* grew out of the conference “Roma in an Expanding Europe: Challenges for the Future,” hosted by the Government of Hungary in June 2003. The conference was organized by the Open Society Institute, the World Bank, and the European Commission with support from UNDP, the Council of Europe Development Bank and the Governments of Finland and Sweden. At this high level conference, Prime Ministers, or their representatives, from 8 countries - Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Romania, Serbia and Montenegro, and Slovakia - made a political commitment to close the gap in welfare and living conditions between the Roma and the non-Roma and to break the cycle of poverty and exclusion.²⁸

The Decade will run from 2005 to 2015. The objective is to speed up social inclusion and the economic status of Roma.

Croatia

Croatia already has established a National Program for Roma (Strategy for Roma Integration). When the government decides to partake also in the Decade initiative it has been decided that the same ministry and Roma representatives should be engaged in both initiatives. The Action Plan for Employment is therefore identical to the National Program. What seems to be missing are fixed budget-lines per activity as well as long or short term milestones. The apparent approach is to prepare a year-plan one year in advance and request the appropriate budget from the Ministry of Finance. It needs to be seen if this year by year planning provides a strong enough commitment from the government for Roma Inclusion in the coming ten years.

Bosnia and Herzegovina

The country does not take part in the Decade for Roma Inclusion initiative.

The preparation of the Action Plans for Roma Employment in Serbia and Montenegro were carried out in the following way.

Serbia

In Serbia the Roma Secretariat was in charge of organizing the working groups on the priority areas for the Action Plans. In the course of the year the working group - consisting of both representation from the Ministry of Labour, Employment and Social Policies and Roma – grew in expertise and became more efficient. The Council of Europe activities in the field of Roma employment coincided with the Decade working group on Employment and as a result most of the recommendations from the Country report on Roma Access to Employment in Serbia and Montenegro have been included in the Action Plan for Roma Employment. The Serbian government has adopted the Action Plan which is quite comprehensive, with budget allocations and comprises also structural changes in Employment legislation.

²⁸ www.worldbank.org/roma

Montenegro

In Montenegro the Action Plans were developed in working groups organized by the Ministry of Foreign Affairs. The level of expertise provided from the side of the government was higher than in Serbia, but the Roma representation was rather limited. The Action plan estimates that policy and legislative change will be adopted in 2008, including adoption of the Law on Minorities and relevant antidiscrimination legislation. It should be noted that Montenegro has no Strategy for Roma, which makes that the Action Plans prepared for the Roma Decade carry more weight.

The Action Plan for Roma employment defines two levels, a preparatory phase and an implementation phase. The preparatory phase focuses on registration and mapping the number of unemployed Roma to obtain an overview of the size of the problem. In the second phase employment projects will be prepared and implemented for the benefit of Roma. For a category described as “difficultly employable persons” long-term programs will be devised to assist with the obstacles in obtaining employment as well as in mediation (this is very costly). The ideas presented in the Montenegrin Action Plan for Roma Employment are laudable and well intended, however, the budgets proposed are not conform the real cost implications. Also it appears that only the first phase of the Action Plan is made quite concrete, while the second phase is mentioned in the text without indicators and remains on the level of recommendations, rather than firm commitments. Even though the Action Plan is quite comprehensive it is clear that some elaboration is needed, especially for the second phase: clearly defined activities with indicators and budget-lines.

The Action Plan on Roma employment, drafted and accepted by the Montenegrin Government for the Roma Decade (2005-2015) can be viewed as a starting point to address the Roma employment issue. It should be underlined that this Action Plan needs to be elaborated into a full-scale Strategy with functional implementation mechanisms for it to have the appropriate effect. It is recommended that the government joins forces with Roma and International NGOs and other institutions to reach its goal.

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The Prime Minister appointed the Minister of Labour and Social Affairs as coordinator of all Roma Decade activities. The commission in charge with preparing the Action Plans comprises of 6 representatives of the ministries concerned, 4 representatives of NGOs (education, employment, health and housing), the mayor of Suto Orizari, one political party representative, one person from the department of statistics, one person from the National Employment Bureau, one person from OSI, UNDP and EAR. The Action Plan adopted by the government is fairly comprehensive, lacking however budget-lines per activity or clusters of activities. The following themes will be addressed: information exchange on employment issues, (re) qualification and or required education levels for employment, business registration, proportional representation of Roma in government institutions, and measures to support Roma in the transformation of informal to formal economy. The Action Plan leaves ample scope for redirection and refocusing on new priority areas.

The government, when adopting the Decade Action Plans on 31 January 2005, has also adopted a “National Strategy for Roma”. This is a comprehensive document, with all the areas, and not only the areas covered by the Decade.”²⁹

²⁹ Maberka Kamberi, Assistant of the Minister for Labour and Social Affairs, interview 15 March 2004, Skopje

4.2. Funding of the Decade

In most of the Action Plans budgets are not foreseen or a vague reference is made to “donor” funding. This makes the original commitment of the relevant government less strong. It should be understood that the Decade initiative is not a (new) funding mechanism. Financial support for the implementation of the national action plans will need to come from re-allocation of existing resources in national budgets and from funding instruments of multinational, international and bilateral donors. The relevant governments are asked to dedicate or allocate budget with financial backing from the World Bank. This World Bank support should trigger more EU and bilateral funds. In order to estimate whether the Action Plans will be successful it is necessary for the governments to commit themselves also financially.

For the implementation of the Education Action Plans a Roma Education Fund has been established. At a donor conference in Paris (end of 2004) for the Fund \$ 42 million dollars have been pledged.

5. Discrimination in access to Employment and Employment in the workplace

5.1. Legal provisions

At first sight legal protection against discrimination seems reasonably good in the region. As a rule international and regional human rights treaties are ratified and incorporated into domestic legislation. The constitutions prohibit discrimination on protected grounds in all areas including employment.

At closer scrutiny, however, the legislative framework is far from being sufficient. None of the countries surveyed has adopted specific anti-discrimination laws. Criminal codes incriminate discrimination and work related discrimination, but these articles are never applied in practice.

Labour law provisions are insufficient. Regulations related to affirmative action are contradictory. The laws on minorities (adopted by all states with the exception of Montenegro, which plans to adopt this legislation at republican level by 2008 and “the former Yugoslav Republic of Macedonia”) provides some framework for a more equal participation in employment of ethnic groups, but as far as implementation is concerned there is place for improvement. As for the institutional structure, there are no special anti-discrimination bodies and the Ombudsman institutions (where they exist) are not designed to perform adequately anti-discrimination tasks.

All these countries aspire to become members of the European Union, and therefore will be obliged, sooner or later, to harmonize their legislation in all areas, including anti-discrimination. There are strong reasons to believe that protection of minorities in general and protection of Roma in particular will be maintained as political criteria for accession. Employment is one of the most important indicators of integration, and elimination of discriminatory practices is a decisive factor in improving the Roma access to the labour market. Under these circumstances, it should be crystal clear for policy makers that designing and implementing policies against discrimination at work is in the immediate interest of their countries.

The policies we are referring to are not simple antidiscrimination policies – they need to combine *general* anti-discrimination measures (adoption of anti-discrimination laws, creation of enforcement bodies, funding) with *specific* measures in the area of employment: review of relevant constitutional, labour and criminal law provisions, reinforcing specific mechanisms (e.g. strengthening the capacity of employment offices of dealing with discrimination and reacting to discriminatory requests from employers, reinforcing the capacity of the labour inspections), issuing guidelines (e.g. codes of conduct for the personnel of employment services, selection criteria for public work programs, etc, and creating a data collection system which makes possible measuring discrimination and evaluating the impact of anti-discrimination measures. They also need to take into consideration the historic disadvantages of Roma communities and pursue equality through affirmative action.

5.2. Affirmative action

The official approach to affirmative action in the region is still confusing and marked by contradictions between legal regulations and attitudes in real life.

The Charter on Human and Minority Rights and Civil Liberties of the State Union of Serbia and Montenegro provides that “special measures necessary for the achievement of equality, appropriate protection and progress of persons or groups of persons, with a view to making it possible for them to fully enjoy human and minority rights on equal terms, may be taken on a temporary basis. ... until the achievement of aims for which they are undertaken.” (art 3) and “regulations, measures and actions as are aimed at securing the rights of members of national minorities, when they are in a position of inequality, allowing them to enjoy rights fully on equal terms, shall not be deemed discriminatory (art 49).

The state constitution of Serbia leaves out the references to the affirmative action. The Serbian Employment law adopts a positive discrimination approach when providing that “the employment of persons belonging to ethnic minorities in whose case the unemployment rate is very high have priority”. The Federal Law on the Protection of the Rights and Freedoms of National Minorities makes direct reference to affirmative actions in favour of Roma: “authorities will pass legal acts and take measures ... aimed to improving the position of persons belonging to Roma national minority.”

The Montenegrin legal framework is marked by inconsistencies: the republican constitution does not provide for affirmative action but requires proportional representation of the national and ethnic groups in public services, state authorities and local self-governments (art 73). The labour law does not regulate affirmative action. The criminal code punishes it with up to three years of prison.³⁰ The Law on Civil servants and Public officials prohibits any denial or *privilege* based on political, ethnic, racial gender or religious grounds. Nevertheless, the government has accepted the Action Plan on Roma employment for the Decade of Roma Inclusion (2005-2015) which is nothing else but a list of affirmative action measures.

³⁰ Article 159 of the Montenegrin Penal Code stipulates that the person who on the basis of ethnicity, race, gender, language, religion, political or other conviction, education, social origin, property situation and other personal affiliations, denies or limits the rights of the other person and citizen prescribed by the law and other documents and international treaties or on the basis of diversity grants advantages on such grounds will be imprisoned to three years.

A similar contradiction exist in Bosnia and Herzegovina (BiH): while the discrimination is prohibited and the state commits to secure equality, the criminal law incriminates both denying rights and according advantages on *inter alia* ethnic or racial grounds.

Article 183 – BiH Penal Code: “If somebody based on difference in ethnicity, race, colour, religion, political or other opinion, membership, gender, language, education, social position or social origin deprive or hinder the rights provided by the constitution, by law or by ratified international agreement or if someone based on this difference gives to citizens unjustified privileges or advantages, he will be punished with imprisonment of three months to five years”.

It is worth noting, however, that the wording of the above mentioned article seems to allow certain flexibility because not all the privileges or advantages on protected grounds are prohibited, but only those that are “unjustified”. One may argue that positive discrimination it is justified and therefore does not fall within the scope of the art. 183.

As all the other governments in the region, "the former Yugoslav Republic of Macedonia" expressed willingness to adopt a national strategy for Roma, which in essence is an affirmative action policy.³¹ The document spells it out: “The Roma Strategy in "the former Yugoslav Republic of Macedonia" should be viewed as a document representing a form of affirmative action”. The strategy states that “peaceful coexistence and integration ... shall be provided by ... affirmation of the positive discrimination approach” and goes on recommending positive discrimination for the employment of Romani women in public institutions.

In Croatia, affirmative action is not regulated at constitutional level, but the Law on the Rights of National Minorities permits it for the benefit of national minorities. The new labour law is silent (it even removed the gender based positive discrimination which existed in the previous law). There is a legal obligation of public sector employers to give priority to unemployed war veterans and unemployed members of immediate family of the killed and missing veterans, provided that the persons concerned meet the legal requirements and have the same qualifications as other job seekers not belonging to this group. There is also a provision on quota for employment of disabled persons in the public sector. According to the Constitutional law on National Minorities members of national minorities have the right to be represented in the political bodies on state and local level as well as in the administrative and judicial bodies. The Law on Civil Servants however, prohibits *advantages* – or denial of rights – on protected grounds.

International law allows and in some cases requires signatory states to adopt affirmative action measures for vulnerable groups marginalized and discriminated for centuries. In May 2004, the European Court of Human Rights, ruling in the case of *Connors v. United Kingdom*, has apparently taken new steps to anchor the principle that in some instances, positive action may in fact be a right flowing to members of disadvantaged groups, in particular Roma.³² Far from banning it, or shy away from it, states should remove legal inconsistencies and

³¹ Roma strategies comply only partially with “affirmative action requirements”. To be real affirmative action measures they should be designed to achieve equality and be suspended when this objective has been reached – a sequence that requires evaluation of impact.

³² Towards Realizing a Right to Positive Action for Roma in Europe: *Connors v. UK*, by Claude Cahn, Roma Rights 1/2005.

contradictions and promote affirmative action as a way to compensate for disadvantages linked to racial or ethnic origin with a view to ensuring full and effective equality in practice.

Discriminatory advertising of job openings is one of the most dangerous forms of discrimination for its powerful dissuasive effect and its perverse consequences. Job seekers confronted to discriminatory advertising do not only lose the hope to obtain the particular job advertised but lose trust in the system and the hope that they will ever find a job. This significantly contributes to the almost generalized belief of Roma that is useless to even look for a job because they will never get it.

Discriminatory advertising may appear under a variety of forms – many of them signalled by country reports: announcements published in newspapers or magazines that clearly indicate that Roma should abstain to apply, announcements posted on the doors/windows of the shops, announcements where the discrimination comes from exclusion (“white”, “catholics only”).

The governments committed to fight discrimination need to send a clear message to their societies that discriminatory advertising is not tolerated. Apart from it, there are specific instruments such as publicity standards (standards in advertisement authorities), ethic codes of journalism, internal regulations of newspapers, editorial policies, or even fines for the publications that accept to print discriminatory ads.

5.3. Measuring ethnic discrimination in employment

Although discrimination against Roma in the area of employment is acknowledged by many researchers and part of decision makers, coherent efforts to document and measure it are yet to be developed in the region covered by this report.

A recent European Commission report³³ has identified seven indicators for measuring racial discrimination: (1) Information on formal actions by discriminated groups (such as the number of launched complaints and legal actions etc.); (2) Self described experiences; (3) Discrimination testing; (4) Targeted research; (5) Formalized indexes;³⁴ (6) Statistical evidence and (7) Opinion polls. Governments in the EU use intensively these indicators in the area of employment, more often than in any other policy area.³⁵

As a rule, NGOs and governments have similar assessment of utility and reliability of these indicators to measure discrimination. *Targeted research* is considered by both groups the richest indicator – having many advantages: the possibility to decide on aspects to be investigated, length of investigation, and the methodology. Significant differences appear in “discrimination testing” to which governments attach less importance than NGOs (maybe because governments do not develop themselves discrimination test methodology and do not trust the one developed by NGOs). All instruments are considered as having almost the same

³³ “Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi.

³⁴ Formalized indexes indicate the relevant differences between conditions between countries. They can be introduced in various areas and they enable rating of countries in accordance with for example the extent of social rights of a particular discriminated group between countries.” (e.g. level of integration of Muslims in UK as compared to the level in France, etc) Formalized indexes whereby country situations are compared with each other always include several uncertainties such as aspects of differences between countries in view of culture, social/economic/legal/historic conditions etc. These can be minimized in “smart” indexes, but never “deleted”.

³⁵ “Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi., pages 161- 167.

importance which indicates that they can – and should – be used in parallel to measure discrimination.³⁶

(1) Information on formal actions by discriminated groups (such as the number of launched complaints and legal actions etc.) This indicator is particularly relevant in countries with strong anti-discrimination legislation, adequate complaint mechanisms, and a civil society sufficiently strong and prepared to bring cases before courts or quasi judicial entities.

In the EU there is a large variety of institutions with a mandate to receive complaints related to discrimination at work ranging from specialized government agencies, to courts and NGOs. In the Netherlands there is an Equal Treatment Commission and in the United Kingdom the Commission for Racial Equality. Victims of racial discrimination at work may also lodge a complaint directly to labour courts (e.g. the Employment Tribunal Service in UK under the Race Relation Act) or use the services of specialized mediation bodies such as the Arbitration and Conciliation Service (ACAS/UK). When the penal law incriminates work related discrimination, there is also a possibility to file complaints with special prosecutorial units (e.g. the *National Discrimination Expertise Centre* which is part of the Public Prosecutions Department in the Netherlands).

In Ireland, Travellers can register employment discrimination complaints with the Office of the Director of Equality Investigations under the Employment Equality Act and complaints related to discrimination in other areas under the Equal Status Act.

In some of the EU states the Ombudsman may fulfil an equality-commission-like role. Sweden has established in 1986 an Ombudsman's Office against Ethnic Discrimination which receives an increasing number of complaints every year.³⁷ The Hungarian Constitution established in 1990 an Ombudsman's Office for civil rights and for nationality and ethnic minority rights. By contrast, the Greek Ombudsman's Office has no mandate to intervene in cases of discrimination or harassment by physical or legal persons (and no other specialized institution agency exists for these cases).

Finally, in countries such as Austria, Denmark, Germany and Spain, no official institutions that register and record complaints are in place; in these countries the NGOs try to fill up the gaps – and many of them do a remarkably good job.

In Belgium, the Centre for Equal Opportunities and Opposition to Racism supports victims of discrimination and racial harassment as part of its duties; in the Netherlands the Anti-discrimination Bureaus receive an important number of employment related complaints every year. Similar anti-discrimination offices we can find in Germany -- especially in North Rhine-Westphalia. In Denmark the NGO DRC - Documentation and Advisory Centre on Racial Discrimination - registers complaints and provides free legal aid for victims of labour market discrimination. In Austria the NGO called ZARA plays this role, and in Spain SOS Racismo works on racially motivated cases.

³⁶ “Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi., pages 161-167.

³⁷ MIGRANTS, MINORITIES AND EMPLOYMENT IN SWEDEN. EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION. RAXEN 3 Report to the EUMC by the RAXEN Focal Point for Sweden Expo Foundation, Author Cecilia Englund, page 3.

In France, the *free help-line* receives tens of thousands of complaints of racial discrimination and harassment every year, many of them related to employment relations.³⁸ The cases are then transferred to governmental bodies such as the Departmental Commissions for Access to Citizenship. In Finland NEON - the National Equal Opportunities Network receives the complaints.

Complaints concerning discrimination in employment typically refer to contracting proceedings, wages, and payment of overtime, (oral) contracts, ethnic harassment, post appointments and job advertisements. The analysis of discrimination complaints in Western Europe shows that Roma and Travellers are in general more exposed to work discrimination than other immigrants' and minority groups.³⁹

As indicator, the number of lodged complaints is only revealing the top of the iceberg: only a limited number of the persons who experience discrimination at work are submitting complaints and even a smaller number of cases actually reach the courts. Many cases are settled at the initial stage, especially those where the employers are aware of the fact that the case has some merits and they might lose in court. The success rate of the remaining employment cases is low, reflecting the difficulties of proving discrimination.

In SEE and Balkans however, Roma organizations with legal expertise to file discrimination complaints are rare (maybe with some notable exceptions such as Romani Criss in Bucharest and the Minority Centre in Belgrade). Frequently, international human rights NGOs such as European Roma Rights Centre in Budapest take high profile Roma discrimination cases and disseminate information about these cases. The Roma cases lodged with the European Court of Human Rights in Strasbourg are multiplying with an extraordinary speed. Many of them allege discrimination together with other violations of rights protected by the Convention. In 2005, for the first time in the history of the court, the European Court of Human Rights found that a member state of the Council of Europe (Bulgaria) acted in a discriminatory manner against a Roma.⁴⁰ A couple of cases of discrimination against Romani children in education in the Czech Republic⁴¹ and Croatia⁴², as well two health care case against Slovakia⁴³ have also been lodged with the European Court of Human Rights and are in various stages of the

³⁸ Between the 16th of May 2000 and 30th of October, 2001, 35,454 calls were received through this help-line; as a result 9,945 discrimination case files were transferred to the Departmental Commissions for Access to Citizenship. **MIGRANTS, MINORITIES AND EMPLOYMENT: EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION IN 15 MEMBER STATES OF THE EUROPEAN UNION**, On behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC) by the International Centre for Migration Policy Development (ICMPD), October 2003, page 63.

³⁹ **MIGRANTS, MINORITIES AND EMPLOYMENT: EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION IN 15 MEMBER STATES OF THE EUROPEAN UNION**, On behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC) by the International Centre for Migration Policy Development (ICMPD), October 2003, page 6.

⁴⁰ The case *Nachova and Others v. Bulgaria*, violation of Article 2 (right to life) ECHR concerning the shooting of the applicants' relatives and the lack of an effective investigation into their deaths, and violation **violation of Article 14** (prohibition of discrimination), taken together with Article 2, concerning the lack of an investigation into whether discriminatory attitudes played a role in the shootings; and, concerning the shootings themselves. Under Article 41 (just satisfaction) of the Convention, the Court awarded to the applicants a total of EUR 47,000 Euros for pecuniary and non-pecuniary damage and EUR 3,740 for costs and expenses.

⁴¹ *D.H. and Others v. Czech Republic*.

⁴² Case No. 15766/03, *Stjepan Orsus and 14 others v. Croatia*, application filed on December 15th, 2004.

⁴³ *Forced sterilization: 15966/04, I.G., M.K., and R.H. v. Slovakia*, and an Access to medical files case, 32881/04, *K.H. and others v. Slovakia* (8 applicants).

procedure. The Roma related case law of the European Court is already significant,⁴⁴ considering that only 15 years have passed since the fall of the Berlin Wall. The human rights and anti-discrimination training courses for lawyers organized by the Council of Europe and other international NGOs for almost a decade now have greatly contributed to this development.

At national level the Prague-based Counselling Centre for Citizenship, Civic and Human Rights (Poradna), provides illustrative examples of strategic litigation in the area of Roma employment:

In early 2005 the international drugstore chain Rossmann had to pay the equivalent of 50.000 Czech Crowns⁴⁵ and to send a written apology to a Romani woman – Renata Kotlarova – who was refused a job as shop assistant on ethnic grounds. R.K. was defended by the Prague-based Counselling Centre for Citizenship, Civic and Human Rights, the organization which also organized [a form of] discrimination testing by sending one of its members to apply for the same job, very short time after the Romani woman was told that the position has been already occupied.⁴⁶ In an almost identical case, and thanks to discrimination testing, Viera Dunkova-Benova, a Romani woman who was refused a job in a central store in Prague on racial grounds received 25.000 crowns⁴⁷ and written apology for being discriminated on ethnic grounds⁴⁸.

Otherwise, gathering information related to the number of formal discrimination complaints of racial discrimination against Roma in employment is not an easy task, not even a doable task. The labour law courts do not have a centralized system to register discrimination complaints. Ombudsman offices know in general the number and type of discrimination complaints they receive, but there are no specific forms to track Roma cases. There are other organizations that have or might have data related to Roma discrimination complaints (trade unions, racial equality commissions, women institutes, bar associations, private law firms, NGOs) but as there is no centralized evidence, researchers eager to measure discrimination would need to gather information from each and every one of these entities.

It is safe to say that in all countries under review, most discrimination in employment complaints are filed with the Ombudsman's offices, maybe because this is the easiest, most accessible and least expensive procedure. It is also the least aggressive one, as the eventual recommendations of the Ombudsman are not binding.

⁴⁴ Other relevant judgments or decisions made by the European Court of Human Rights (apart from Nachova): Balogh v. Hungary – violation of Article 3, Connors v. the United Kingdom – violation of Article 8, G.B. v. Bulgaria – violation of Article 3, Velikova v. Bulgaria (ECtHR) – violation of Articles 2 and 13, Anguelova v. Bulgaria – violation of Article 2, 3, 5 and 13, Assenov v. Bulgaria - violation of Articles 3, 5, 13, 25, Conka v. Belgium – violation of Articles 5, P4-4, 13, Chapman v. the United Kingdom – no violation found but useful language from the Court.

⁴⁵ 1 US Dollar 1 = 22.845 crowns.

⁴⁶ “Rossmann does not appeal, apologises to, compensates Romany woman”

http://www.ceskenoviny.cz/news/index_view.php?id=121410 last accessed 29th of March 2005.

⁴⁷ 1 US Dollar 1 = 22.845 crowns.

⁴⁸ “Company must apologise to rejected Romany woman, pay compensation”,

http://www.ceskenoviny.cz/news/index_view.php?id=121522, last accessed 29th of March 2005.

In BiH the Ombudsman's Office has received 648 work related complaints involving 30,794 citizens⁴⁹ but there is no disaggregated data available to know how many of these complaints allege racial/ethnic discrimination. What is known, is that there are no Roma cases among them.⁵⁰ The Ombudsman's office in Serbia now exists only on the territory of the Autonomous province of Vojvodina (since January 2004) and its jurisdiction is very narrow.

At national level local consultants report that looking for court cases on discrimination of Roma in employment is a pointless exercise, because these cases almost never reach the courts. The most common - and distorted - justification one may hear is there are no cases of employment discrimination because Roma do not work. "And why Roma do not work?" "Because they are discriminated".⁵¹

In Croatia, although discrimination in employment is mentioned in each and every human rights report on the situation of Roma "there are no cases neither initiated nor conducted by the competent state bodies – public attorney, courts and labour inspections. To rely on criminal law to address discrimination is theoretical possibility, but it proves to be a hopeless attempt in practice." Furthermore, there is an obvious lack of trust in the judicial system: Roma do not initiate legal proceedings even when they have very strong cases because they think that it is impossible to win a discrimination case against the state or against a private employer.⁵²

In BiH more than 500 complaints on alleged discriminatory termination of labour relations, on grounds of ethnic/national origin are still pending before the Human Rights Commission⁵³ but the current legal framework and practice of the authorities, both administrative and judicial, do not provide any effective remedy for these complaints. It is not known how many Roma cases (if any) are among them.

In conclusion, for the time being, the indicator of "formal actions by Roma as discriminated group in the area of employment" provides misleading information: the fact that there are almost no Roma formal complaints concerning discrimination at work does not mean that discrimination does not exist, it means only that there are no legal and social mechanisms to assist Roma victims of discrimination to formulate and submit complaints.

(2) Self described experiences mainly generate data on *subjective experiences* of discrimination. Reports on subjectively experienced discrimination are valuable as an indicator, particularly when assessed against unemployment statistics, police records, complaints filed etc. In the European Union there are several examples of databases of self described experiences of victims of discrimination at work, databases which are mainly maintained by NGOs.⁵⁴

⁴⁹ *Special report on violations of Social Rights 2002*, Ombudsman's Office of the Federation BiH.

⁵⁰ *Report on Roma Access to Employment: Bosnia and Herzegovina*, Amir Sarajlic & Judith Kiers, 2005.

⁵¹ *Report on Roma Access to Employment: Bosnia and Herzegovina*, Amir Sarajlic & Judith Kiers, 2005.

⁵² *Report on Roma Access to Employment: Croatia*, Lovorka Kusan, 2004.

⁵³ Under Annex 6 to the General Framework Agreements for Peace in BiH – Dayton Peace Agreement.

⁵⁴ E.g. RAXEN database in France. "Migrants, minorities and employment in France, exclusion, discrimination and anti-discrimination" RAXEN 3 Report to the European Monitoring Centre on Racism and Xenophobia (EUMC) by the RAXEN Focal Point for France, (Agence pour le développement des relations interculturelles - ADRI) Agency for the development of intercultural relations, Paris, 2003, Page 21.

During the documentation for this project, national consultants collected in the field and from NGO reports an impressive number of Roma testimonies about discriminatory practices. Victims describe direct and indirect discriminatory practices, in recruitment, during the employment contract and at its termination.

Testimonies concerning recruitment are the most frequent: the most common claim is that Roma applicants are not even given the chance of an interview; they are told that the job is already taken. In Croatia: “Roma complain that when they call for advertisement by phone without saying their names they are welcomed and invited for an interview, but when they show up they are told that the job is already taken.” The same pattern of discrimination is reported in Serbia. Additionally, in Serbia (and in Bosnia and Herzegovina as well) Romani women report that they have been refused jobs as cooks because people “do not want to eat food prepared by a Gipsy”. A Romani hairdresser reports that she has difficulties in finding a job because clients do not want “Gypsies to wash their hair”. Men report that some of the employers are abusing them, and refuse to pay their work. Highly educated Romani women (e.g. a doctor) complain of being subjected to racial insults when trying to obtain a job. Discrimination is also to be found at work – where employees of Roma background complain of being harassed and receiving unjustified differential treatment as compared to other workers (Serbia).

Employers and customers are said to put pressure on human resources personnel of the companies or on employment bureaus to abstain from sending Roma job seekers. (Croatia: “Officials confirm that employers do not want to employ Roma.”)

Testimonies of discrimination have little relevance for some of the governmental agencies with competences to address racial discrimination. The BiH report notes:

“According to Roma job-seekers discrimination is a widespread phenomenon. The government officials and civil servants neither dispute nor admit these practices, instead they refer to appropriate legislation, assuming that the law itself will solve this problem.”

The lack of importance attached to victims’ testimonies seems to be rooted in a lack of trust in the accuracy of the stories rather than in the reluctance to act against discrimination. If this is the case, the recommendation is to organize training sessions to explain the importance and the limitations of this indicator.

Organizing systematic surveys of the experiences of the victims should be understood as an obligation of the governments that have committed to reduce racial discrimination on their territories. The results of such surveys may be used to highlight areas where action is especially necessary, to evaluate and elaborate anti-discrimination policies which take into account the experiences and concerns of the groups concerned; to increase public awareness and understanding of the problems of discrimination as seen from the viewpoint of victims; to increase awareness among those working in particular areas of how their institutions and practices are perceived by minority groups (e.g. employers, service providers etc).

The European Commission against Racism and Intolerance (ECRI) of the Council of Europe has recommended the Member States to organize national surveys on the experience and perception of discrimination and racism from the point of view of potential victims aiming to

“gain a picture of discrimination from the point of view of the victim” and “to complement and enrich quantitative data”.⁵⁵

Such qualitative studies, where people were asked about personal experiences of discrimination in various areas in life including the workplace, are being carried out in an increasing number of EU countries, focusing on migrants⁵⁶, but not on Roma. Up to date, none of the countries covered by this report have surveyed the subjective experiences of Roma in the area of employment. To launch regular surveys of this type would be a first step towards building up benchmarks to measure discrimination and effectiveness of anti-discrimination policies.

(3) Discrimination testing is the procedure whereby for example the employability of two formally equally competent persons are tested with an employer in a real-life recruitment situation. One of the candidates for a job belongs to a specific protected ground whereas the other person does not belong to any of the protected grounds.

The method, used in the European Union to detect discrimination against migrants⁵⁷ was also used in Roma employment discrimination cases in the Czech Republic, for strategic litigation purposes (e.g. Kotlarova and Dunkova- Benova cases described above). Under favourable condition of the Hungarian law⁵⁸, the Legal Defence Bureau for National and Ethnic Minorities (NEKI) started using testing procedures in Roma employment cases as early as 1999.⁵⁹

There is no indication whatsoever that such an instrument was applied by governmental or non-governmental entities in relation to Roma employment in the countries covered by this report.

(4) Targeted research is considered in Europe, by both governments and NGOs one of the most reliable methods to reveal the existence and measure of discrimination.⁶⁰ Research

⁵⁵ ECRI general policy recommendation N°4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, Strasbourg, 6 March 1998 CRI (98) 30.

⁵⁶ See for example in Germany: HOPI-project (Horizontal Project for Integration) which focuses on the development of horizontal strategies to overcome discrimination on the labour market (Cizmesija/Gavrilchenko/Pagels ■ 2000; Cizmesija/Pagels/Steinmetz ■ 2001), Haghghi (■ 2000), the INFIS case study (Brüggemann/Riehle ■ 2000), and the EFFNATIS project (Worbs ■ 2001), referred to in “*Migrants, minorities and employment in France, exclusion, discrimination and anti-discrimination*” RAXEN 3 Report to the EUMC by the RAXEN Focal Point for Germany the European Forum for Migration Studies (EFMS) Institute at the University of Bamberg, Authors: Elmar Hönekopp (IAB), Gisela Will, Stefan Rühl Project Director: Prof. Dr. Friedrich Heckmann, June 2002, page 48.

⁵⁷ ILO discrimination testing studies in a number of countries showed significant, consistent and disturbing levels of discrimination in access to employment in all countries surveyed. Immigrant workers experienced discrimination on the grounds of their actual or perceived nationality, colour, “race”, or ethnic origin. That is to say that, when all else is equal –qualifications, educational attainment, skills and language ability-- persons of immigrant origin, first and second generation, still face 33% to 41% net discrimination rates. See Immigration Policy, Discrimination and Integration in Europe: What future for Europe in the 21st Century, A presentation for the EUROPEAN PARLIAMENT Public Hearing “Migration, integration and development: towards a European Policy?” Brussels, 15 March 2005.

⁵⁸ Hungarian law allows the use of testing to obtain evidence, gives testers standing as plaintiffs, permits testers to be called as witnesses, and allows the tester’s report to be attached as documentary evidence.

⁵⁹ See Josef R. case described in “Testing to prove racial discrimination: methodology and application in Hungary” by Fitsum Alemu, Roma Rights Quarterly, 2003.

⁶⁰ “Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi., page 162.

carried out by EUMC in 15 member states of the European Union which shows that Roma are “more exposed” than other minority groups to racism and discrimination on the labour market.⁶¹

In the Balkans there are several studies on Roma employment (e.g. an ISPJR study in "the former Yugoslav Republic of Macedonia" among Roma company/firms owners) but targeted research on discrimination of Roma at work is still severely limited. There are no indications that Roma discrimination research is a priority, on the governmental agendas. (Targeted research is not to be confused with collection of statistical information, which is mentioned in national strategies) There is a need also to make a clear distinction between targeted research on discrimination and other types of research which provides information about the situation of Roma but does not specifically focus on discriminatory practices (e.g. research on the participation of national minorities in civil service). NGOs' reports do not qualify as targeted research either: unfortunately many of them are based on anecdotal evidence, questionable methodologies and repetition of the clichés previously published by others.

It is interesting to note that employment agencies and/or the Ministries of Labour have a legal obligation to research the labour market and take into consideration the results when shaping policies or measures. Up to date, however, the investigation of these entities as far as Roma employment is concerned – is limited to calculating the number/percentages of unemployed Roma, and disaggregating data along gender, age and educational level. Furthermore, although the legal obligation exists in practice there are no conditions to comply with it because neither employment offices nor the ministries have financial resources, human resources or expertise to carry on targeted research on discrimination against Roma at work. Such research need academic components, additional funding, sound methodology and field work, in other words it requires special projects which might be carried out with the assistance of international organizations.

(5) Formalized indexes

Formalized indexes indicate the relevant differences of conditions between countries. They can be introduced in various areas – including employment - and they enable rating of countries in accordance with for example the extent of social rights of a particular discriminated group between countries.(e.g. level of integration of Roma in Serbia as compared to the level of integration of Roma in Croatia) Formalized indexes whereby country situations are compared with each other always include several uncertainties such as aspects of differences between countries in view of culture, social/economic/legal /historic conditions etc.

(6) Statistical evidence

The tacit permission (and sometimes obligation) to collect ethically sensitive data makes statistical evidence related to Roma level of employment relatively easier to find in the region under scrutiny as compared to other European countries. The employment offices routinely keep evidence of unemployed Roma and transmit it to the central authorities. Unfortunately, statistical evidence is rarely processed beyond age, education and gender divisions.

⁶¹ MIGRANTS, MINORITIES AND EMPLOYMENT: EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION IN 15 MEMBER STATES OF THE EUROPEAN UNION, On behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC) by the International Centre for Migration Policy Development (ICMPD), October 2003, page 56.

The available information points to disturbing overrepresentation of Roma in the group of long term unemployed as well as to disparities between the percentages of unemployed Roma as compared to the percentage of Roma within the general population. These percentages might suggest discriminatory practices, but are not evidence of discrimination, as disparities are not only linked to unjustified differential treatment but also to factors related to the market needs and demands.

(7) In general, **opinion polls** provide an *indication of prejudice* against a certain group but no evidence of discrimination. The relation between cause and effect is still to be proved with additional measurements.

Although it is considered the less reliable indicator to measure discrimination,⁶² the opinion poll is the most frequently used indicator in the five countries surveyed. But even this source is not sufficiently detailed, because as a rule, opinion polls do not concentrate on Roma and employment, but on minorities and various aspects of social life, so the information is fragmented and somehow marginal to the issue.

5.4. Conclusions

Discrimination in employment is one of the major obstacles Roma face when trying to access the labour market. In order to address it states need to develop specific anti-discrimination policies, strengthen the control mechanism and contribute to the fortification of the litigation abilities of the Roma and non-Roma NGOs.

In order to evaluate the impact of their policies governments need to place special emphasis on measuring racial/ethnic discrimination in employment – and use for this purpose all available instruments: Survey of victims’ perception (self described experiences) Discrimination testing, Targeted research, Formalized indexes, Statistical evidence, Opinion polls and information about legal actions.

Chapter 6 – Inter-sectoral Relations

6.1. Education

In the countries under discussion the statistical data show that with an increase in education level the economic activity of the population is rising. For instance in Serbia in the category “capable to work” of -

Roma without education:	27,7% is economically active
Roma with primary school:	62% is economically active
Roma with middle school:	80,6% is economically active
Roma with university degree:	86% is economically active

On the other hand in BiH and Croatia unemployment rates are even rising for those Roma persons who finished secondary school. This does not motivate the parents to send their children to school.

Lack of education is seriously hampering economic opportunities for Roma in most countries of the region. To register a business or even self-employment (for street-selling) finished

⁶² “Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi, page 163.

primary school (8 years) is a requirement. To enrol in vocational training courses (organised by the state or private trainings) also a minimum of finished primary education is requested.

These requirements seem strict, but are not altogether unreasonable. A young Roma, IDP from Kosovo applied to a driving school to obtain his driver's license for small trucks. The young man did not have problems with the practical part of the training, but was not able to read or write and therefore could not manage to pass the theoretical part of the training.

In cases like this it is advisable to enable vocational training candidates to finish second chance education before enrolling in vocational training courses.

Unfortunately second chance education is not always organised in such a way that it is integrated in the educational system and/or recognized by the state. Vocational trainings also need to prepare their trainees better to the market demands and need to be part of the educational system with recognized certificates and/or diplomas. These gaps in the educational system need to be addressed by the Ministries of Education in close cooperation with the Ministries of Labour and Social Policy in order to overcome specific problems of an economy in transition and respond better to the (capitalist) market requirements.

6.2. Housing & Mobility

Roma tend to be housed in suburban settlements, usually in extremely bad circumstances. Their lack of facilities such as: telephone line, money for transportation (or access to transportation facilities), distance to institutions are additional barriers in their quest for employment. The Employment Agencies confirm these obstacles as they claim to have difficulties in reaching Roma when they have found employment for them.

Creating easier access to institutions - through transportation possibilities or outreach - would benefit both Roma and officials in various sectors (education, employment and health).

Of the Roma on the Balkans only a small portion of the population is itinerant, the majority is sedentary (unlike in Western-Europe where more Roma are travelling). However, in their search for employment opportunities Roma are flexible and mobile. This can be observed especially in BiH, Serbia and Montenegro and Croatia, where Roma try to find temporary or seasonal work and move from one (illegal) settlement to another.

In BiH this creates an especially precarious situation for the Roma families. Due to the post-war situation illegal occupancy is still ongoing and not all Roma received re-compensation or were able to repossess their lost property. This has turned them – against their will – into illegal occupants who are being evicted. When this occurs they have to move elsewhere for a place to live and an employment opportunity. The children are the biggest losers in this “mobile existence” for work and housing as they cannot continue their education on a regular basis.

Seasonal employment in agricultural areas in Croatia and Serbia is in comparison fairly well organised. Even though also in this case the whole family moves temporarily to work on the land, the family will return after the season to their place of origin and the children's schooling is not disrupted too much.

Nevertheless the different line ministries, such as Social Affairs, Labour, Education and Housing should find ways to remove obstacles for the children's continuing education, ensure

repossession of property (in the case of BiH), and organise employment opportunities closer to the place of origin.

6.3. Health

In general the health situation of Roma in the region can be considered bad. The living conditions for the majority of the Roma people are usually bad (lack of water supply, sewage systems and electricity). In addition Roma are not used to visiting the health centre often (poverty being the main reason), which does not enable them to profit from preventative health checks and vaccinations.

Roma who are registered with the employment agency as unemployed seem to do this purely for reasons of obtaining health insurance and social/employment benefits.

Even though this health insurance covers the basic health provisions, additional health treatments (laboratory tests, vaccinations, etc.) are too expensive for most (even non-Roma) to pay.

6.4. Social Protection

The amount of social assistance in the region does not cover the basic living needs (minimum consumer standards). In that sense social assistance cannot be a disincentive for looking for work. A positive finding is that employees from the Centres for Social Welfare in Serbia reported that for many of their beneficiaries the amount of social assistance provides a secure basis and it is hoped that with additional earnings from the grey economy the beneficiaries can secure themselves a decent living. The employees from the Centres of Social Welfare explained through several examples how their beneficiaries have become more organised and effective in running their lives after they started to receive social assistance.

In BiH and Croatia social assistance alone does not yet create such a “secure” basis. This is due to, e.g. in BiH the instability regarding housing and in Croatia the so-called “dependence” on social assistance, which prevents them from looking for employment.

However, it is felt that if social assistance is used as a safety net this may increase the economic activity of Roma. They will have a better chance at organising their life in finding income-generating opportunities, rather than being trapped in the struggle for survival of the day. A health insurance coverage could be part of this basic social package.

6.5. Conclusion & Recommendation on an inter-sectoral approach

Insufficient support from one sector leads to limitations in another sector. More inter-sectoral coordination should take place at government level to ensure the proper design of comprehensive policy measures, taking into account the inter-dependency between the different sectors for solving the problems of Roma. The implementation of these inter-sectoral coordination structures should include Roma representatives.

Chapter 7 - Roma Women

7.1. Employment for Roma women

Researches indicate that in Croatia for women in general it is more difficult to find a job. This situation is the same for women in Serbia and Montenegro, Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia. “Traditional” thinking is still prevalent: women's role is to take care of the house and children, family life is affected if the woman works full time, when a man and a woman have equal qualifications the man should get the job; female

employers are characterized by discipline, team work, loyalty while male employees are devoted to their aims, competitive, and able of independent decision making. Women's right organizations point out sexual harassment at job interviews, lack of programs for employment of women older than 40, the fact that women are fired first for economical reasons, lack of good programs for change of qualifications, the fact that women are more often employed for a limited period and of lack of sanctions when discrimination occurs.⁶³

One can imagine that the situation for Roma women is worse – they are discriminated for being women and for being Roma.

Roma woman is likewise captured within “traditions”, the patriarchal principles of family and community. As a rule these principles are internalised, therefore the picture she has of herself is the picture of the community’s perception of women. Her expectations, aspirations and achievements are related to the community’s expectations: to be a good mother, an obedient wife and a good housekeeper, to marry a man selected by the family, to respect the rules of the patriarchal community.... Any deviation from these principles may lead to excommunication. And this is one of the biggest fears for a Roma woman. Uneducated and economically dependent, she does not have conditions to survive outside of the community.

For Roma women from rural areas, especially Roma women IDPs from Kosovo, the rules are even more restrictive. They are expected to remain within the close circles of their own community, are kept at home from the age of 15-16 to protect them before marriage (against male society) and to prepare them for their household tasks.

A married Roma woman is respected for her fertility, the ability of bringing children into the world and the hard work she has to carry out in the husband’s family household.

Older Roma women on the other hand are respected and considered the pillars of the community. They keep ethnic identity and traditions alive. They safeguard the unity of the family and the community, they might administrate the money and ensure the communication with the outside world. These older women are educating the young girls to adopt the rules and principles of the community, which may at times frustrate the emancipation process of the younger women.

Low level of education, discrimination and the pressure of the patriarchal community are the main reasons for the unemployment of Roma women.

7.2. Roma girls’ education

In order to address the education prospects of Roma girls from rural (traditional) areas the patriarchal traditions need to be taken into account. It might be advisable to create education possibilities – for girls only – within the Roma settlements, to enable girls to finish at least primary education - finished primary education being a prerequisite for most marketable jobs. Involving the older Roma women - rather than the parents - to encourage the girls to finish their education.

According to the Roma women NGO Bibija in Belgrade only 10% of the Roma girls finish their education, even though the girls showing better results in the few years they are attending school.

The reasons for dropout of Roma girls are not always solely caused by their traditional community background. The Roma girls may also look at the teacher for guidance and support, as she usually will not receive this at home (or in the community). When the girls

⁶³ Research on Employers Attitudes towards Women’s Professional and Family Activities, State Office for Protection of Family, Motherhood and Youth; research made by women's organization B.a.B.e., Zagreb, 2002

reach puberty, without support from family, teachers and an unfriendly school environment the choice is easily made.

Another reason for dropout is poverty – there is no money for school materials or proper clothes.

The poverty in the family may be so extreme that not only the boys' but also the girls' labour is needed to contribute to the family income, e.g. in collecting recyclable materials.

Despite these described difficulties for Roma girls to continue their education, in “the former Yugoslav Republic of Macedonia” this situation seems to have rapidly changed in the last few years. At the moment the number of Roma girls in secondary schools and universities is higher than the number of boys. Perhaps the Roma women in “the former Yugoslav Republic of Macedonia” are more emancipated, as even less well educated women are expected to assist their husbands in bringing money into the house.

Also in (northern) Serbia Roma women participate in the purchasing of goods for the family and young Roma women are allowed to educate themselves, to go out with friends, to be employed and to contribute to the family income.

The occurrence of these more emancipated Roma women in “the former Yugoslav Republic of Macedonia” and Vojvodina may very well be a reflection of majority society around them, where society as whole is more emancipated than in other parts of the Balkans.

7.3. Main occupations of unskilled Roma women are:

Textile workers and cooks (but unemployed), street sellers, collecting recyclable materials (with the whole family) and begging in Bosnia and Herzegovina; market-selling of second-hand clothes (Zagreb), in Sisak region collecting scrap metal (whole family is engaged), seasonal works in agriculture (Medjemurje), begging as a last resort in Croatia; street-vendors, cleaning ladies in private houses or working for the municipal cleaning services in Serbia; street and market selling, working in textile and tobacco factories, cleaning ladies in public institutions and private houses, small businesses in “the former Yugoslav Republic of Macedonia”.

Unfortunately many of the professions described above do not provide the Roma women with any social insurance nor pension benefits.

Examples of types of employment, discrimination, exploitation and good practice

In street-selling activities the Roma husband and wife usually operate as a team. In “the former Yugoslav Republic of Macedonia” they buy the products together, transport them and do the selling together. In Bosnia and Herzegovina it is the Roma man who is making the plan for the selling and it is the woman who carries it out. Similarly in “the former Yugoslav Republic of Macedonia” Roma women usually deal with the police, trade inspectors and other authorities.

In both Serbia and Bosnia and Herzegovina Roma women are rejected openly by potential employers for jobs related to food. The excuses will be: the customers do not want to be served by a Roma woman as she is not clean therefore she cannot prepare any food.

Roma women are an easy target for exploitation, as they are not well educated, not well informed of labour regulations and employers may use this to their advantage by making them work longer hours and paying them less. By informing Roma women of their labour rights this can and should be addressed.

In “the former Yugoslav Republic of Macedonia” good results can be shown by the NGO “Horizonti” supported by Catholic Relief Services, as well as other donors. They opened a micro-credit line for women active in the field of trading, small production, services and family businesses. “The procedure is flexible and rapid: the applicant does not pay interest, there is no need for mortgage and she can receive the loan within a week. The loans are between 500 and 2.500 Euros, which must be paid back in a period of six to 9 months.” Up to date “Horizonti” handed out 9.703 credits from which 5.001 for Romani clients. The total amount is almost six millions USD dollars, out of which 2.9 millions went to Roma clients. Very soon “Horizonti” plans to open offices in Gostivar and in Kumanovo with new credit lines.”⁶⁴

Chapter 8 - Roma Youth

In the former Yugoslavia people were free to travel and many migrants found their way into Western Europe. From these migrants in the 80-ies a large group were construction workers, who went to the West to earn some good money and return back home to build their own house and perhaps start their own business. Usually these people were quite successful. Others, who went to the West decided to stay. Amongst them were many Roma.

From the beginning of the 90-ies, during the conflict years, the wave of migrants was replaced by waves of refugees or asylum seekers amongst them a large portion of young people. This was also the start of a “brain drain” of the departure of many relatively highly educated youth⁶⁵, because of the conflict and its aftermath of economic depression and slow rehabilitation process. If given a chance, the majority of youth would still go to the West to look for employment opportunities and further material gain. However, with much stricter immigration and travel procedures to Western-European countries this “brain drain” has come to a halt.

This does not mean that the employment opportunities in the region have improved for young people. In the formal sector it seems young people have even less chances than before. In Bosnia and Herzegovina the average age of people employed in the formal sector has increased considerably from 36,6 in 1991 to 40 years in 2000.⁶⁶ Unemployment amongst starters on the job market is 156,159 until October 2003. Out of this figure 59.533 persons have a qualification, 58,61% of the total number. In Serbia many of the vacancies for people with a university degree require at least three years of working experience, which almost immediately excludes starters on the job market. The education system is not geared towards market demands and is not teaching desirable (marketable) skills. In Serbia 16,8% of the vacancies remained unfilled due to this fact.⁶⁷ Another important phenomenon in the region is that it depends on your “relations”, usually family ties and political connections, whether you will be considered for a job or not. These factors all contribute to hampering youth from penetrating the formal economy. That is why they start working in the informal economy with few chances of ever obtaining legal employment.

⁶⁴ Interview with Aldijana Bajramovic, Field Coordinator in “Horizonti”, Skopje, 22nd of March 2004.

⁶⁵ In the 90-ies 250,000 young people left Serbia, predominantly those with high education. PRSP for Serbia, p. 19

⁶⁶ Labour Market in After War BiH: How to stimulate companies to open positions and increase mobility of the workers, World Bank, November 2002.

⁶⁷ PRSP for Serbia, p. 84

For Roma youth chances are even less to find formal employment. On average they have lower education levels, and even if they invest in “second chance” education, this might not improve their employment opportunities. This type of education is not formally recognized (in BiH and Serbia) and will hamper their prospects on continuing with vocational training and future employment even in the private sector. It seems therefore critical that “second chance” diplomas are recognized by the government.

In an environment where unemployment rates are extremely high, competition severe, transparency in application procedures lacking (due to the prevailing “patronage” system), Roma youth will easily find themselves excluded. On the whole their chances for employment are especially bleak.

It is quite disturbing to learn about the rise of drug abuse amongst youth in general in the region. The government is trying to combat this problem by introducing all sorts of “prohibitory” measures, like early closures of bars and cafes, but ignores the underlying cause, which is that young people need prospects for a meaningful existence. This could be achieved by restructuring the education system – which has to respond better to market demands for employable skills - and creating new employment opportunities especially for youth.

Another reason for investing in youth employment programs is the demographic structure of the region. Large portions of the population are greying and in the immediate future this will require the younger generation to provide an economically viable society to take care of this generation and their own.

Fortunately also some positive news can be mentioned about Roma youth: In Croatia the **National Action Plan for Young People** was adopted in 2003, which includes young Roma, describing them as belonging to the national minority with the most difficult social status with high level of social exclusion and only 10% finishing primary schools. It can be anticipated that this “affirmative” approach will lead to more young Roma finding employment. In “the former Yugoslav Republic of Macedonia” there are currently 31 Roma students enrolled in university (15 boys and 16 girls).⁶⁸ In Serbia a select group of young Roma benefit from the Roma Decade initiative. In “the former Yugoslav Republic of Macedonia”, in 2003, the European Agency for Reconstruction (EAR) launched a 2 million Euros EU assistance programme aimed at addressing imbalances in representation in public services. Some 600 young youths from non-majority communities (Albanians, Roma, Serbs, Turks, Vlachs and other non-majority groups) have been selected and attend a nine-month training, with a view to obtain a Public Administration Certificate (PACE), equivalent with the country’s Civil Servants’ Exam, and to be subsequently employed in civil service. Out of the 600 trainees accepted, 20 are Roma, including several Romani girls (approx. 7). After the training they all are expected to find jobs in the civil service. Other governments in the region may follow this example and include Roma youngsters on an internship basis in institutions, which should guarantee future employment.

As is happening in Western-European countries, more focus should be placed on Active Employment Programs for youth which would automatically include Roma youth. The

⁶⁸ Telephone interview with Senad Mustofov, Director of “Roma Versitas”, which is (financially) supporting these students, 29 April 2004

governments in the region in conjunction with the European Union should make this their priority.⁶⁹

Chapter 9 – Good Practices

9.1. Lesson learned

There are many lessons learned from the various programs with or for Roma that have been implemented in the region. It has also become clear that programs which work in one country may not necessarily be replicable in another. Ideas that were thought to solve the immediate Roma unemployment such as large scale public works combined with vocational training are not always appropriate in every country.

Programs for Roma, implemented by local non-Roma NGOs, may solve temporary problems but will never become sustainable in the longer term, as these are for Roma not with Roma. The Roma, even at community level, have become more versed in their needs and demands, which require approaches with their inclusion.

In developmental programs targeting Roma the (international) non-governmental organisations and agencies need to cooperate more closely with like organisations, Roma NGOs and the (local) government institutions, rather than through a protectionate attitude “claiming the Roma” for themselves if they want to be successful.

It is important to look at previous initiatives, the constitutional memory within organisations/agencies in their experiences with Roma communities and not to reinvent the wheel time and again. Very often – through lack of proper analysis and checking references – efforts are duplicated, which is a waste of resources.

In the long term it is the governments through their Active Employment Policies and National Roma Strategies or Decade Action Plans in partnership with Roma which can achieve the best results. So it is a joint commitment of capacity building of Roma NGOs/communities, awareness raising on the labour rights of national and ethnic minorities for government officials and majority population and proper monitoring of implementation and results, which can lead to real progress in the field of employment for Roma.

9.2. Positive initiatives in the region

Each country – even if the level of integration of Roma is very different per country – has their own positive initiative(s) which deserve praise. In Bosnia and Herzegovina (BiH) the Roma Education Action Plan has been adopted in 2004 and implementation is ongoing. Education is an important pre-condition for finding employment in the formal economy. In Croatia the employment of two Roma persons in the local employment agency of Čakovec, Međimurje is a good example which deserves replication in other areas. In Serbia (SaM) the regulation of informal market selling towards a more formal structure by the municipality of Nis can be seen as an excellent example of first regulating the “grey” economy and second – through this measure – creating employment opportunities for tax-collectors and security officers. In Montenegro (international) NGOs and the Institute for Employment have joined forces in organising vocational trainings for which there is a (local) market demand. The training also provides job security. In “the former Yugoslav Republic of Macedonia” the inclusion of 20 Roma in a group of 600 youth from non-majority population trained to

⁶⁹ See Joint Report on Social Inclusion – DG Employment and Social Affairs, 2004 – where a TRACE program is mentioned for young people under 25 in France, the program has created 3600 jobs.

become civil servants is an example of efforts to ensure representation of minorities in state administration.

These initiatives, mainly made by (local) government institutions, are most striking, however also the private sector and donor organisations are playing an important role in trying to increase the employability of Roma.

9.3. Good Practices/Models to learn from

1. Bridging activities – as successful models

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| <ul style="list-style-type: none">- Teacher Assistants- Health Mediators- Community Advocates |
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Older methods with a proven success rate are the bridging activities, ongoing in all countries in the region and beyond. These activities are working towards Roma integration and as such ensuring that the preconditions for Roma employability are in place.

Teacher Assistants: Young Roma from the community assist Roma (and other) children in school, reach out to the parents and the wider community to ensure their commitment to the child's educational process.

Health Mediators are Roma people from the settlement who assist their people in gaining proper access to the Health system. Frequently they are also involved in awareness raising campaigns on health issues, vaccination programs for children and other usually preventative health activities, such as mother and child care.

Community Advocates is a program currently being implemented in Serbia by CARE in close cooperation with the Roma NGOs DUR (Belgrade), Roma Heart (Belgrade) YUROM Centar (Nis) and RIC (Kragujevac). Thirty-two young Roma are employed in their communities, while receiving monthly training on topics they feel they need for their work in the community, usually in cooperation with government institutions. These topics have a wide range, from political participation to the social security/protection system in Serbia, legislation and employment issues. While the Community Advocates are not working in school, nor directly with the Health Centres, they may be asked by the community to intervene on their behalf and “mediate” for increased access to these institutions, assistance with applying for social benefits, advocating for improved infrastructure to the settlement and or raising awareness on the benefits of education for Roma children within the community. This 2,5 year program basically prepares a “cadre” of young Roma who can be employed by the government institutions or civil society (NGOs).

It should be stressed that the Community Advocates is not a group of University students, these are young Roma from the settlement who remain in close contact with their surroundings. However, peer pressure, mentoring and coaching as well as responding to their training needs creates a solid basis for trust and development of these people, who are then better prepared and motivated to serve their community and work towards sustainable integration of Roma population.

2. Recycling Activities

- Recycling Centre, NGO World Vision in BiH
- Recycling project, NGO HELP in Montenegro
- Trade Union of Recyclable Waste Collectors in Nis, Serbia

The **Recycling Centre in BiH** is functioning mainly as a collection centre where the raw materials are being pressed into packages and sold in bulk to e.g. paper factories, metal factories, etc. The centre is employing in total some 8 people, who are in charge of transportation – collection of the raw materials from the different locations – and of packaging the materials for further processing elsewhere.

Once sustainable this project will be handed over to the Roma who work in the centre. A cooperative has been established for this purpose.

Another market-driven approach was adopted in Montenegro by the international NGO HELP in their 2001-2002 project **“Establishing a system for the collection of recyclable materials and increasing the recycling capacity”**. Four collection points were established in Podgorica, where everybody could deliver recyclable materials and receive a reimbursement for this according to regulated prices. A group of 20 Roma IDPs received bicycles-cum-trailers for collection transport as well as a fixed salary for their services (125 Euro p/m) in cooperation with the Roma Association (Romska Demokratska Unija) and the recycling centre of the Public Utilities Centre was equipped. The encouraging results of this project assume that the collection system will be used on an increasing scale in the future. It is interesting that even though “waste” collection is often associated with Roma population, most of the recyclable materials were delivered to the collection points by local majority population.

In Nis, Serbia YUROM Centar intends to form a **Trade Union of Recyclable Waste Collectors**. This Trade Union membership will be based on the professional background of its members, not on their ethnicity.

Once the news spread that procedures had started to form a Trade Union of Recyclable Waste Collectors the prices given for collected recyclable waste materials went up immediately. These prices paid to collectors had been fixed for the last 6 years even though when the materials are exported the prices increase considerably (up to 17 times the original price).

The projects described contain some crucial elements that make them successful:

1) the projects are building on existing expertise of Roma population 2) they are improving working conditions – raising the standards of this type of work, 3) providing a fixed and fair price for the collected materials, 4) offer to Roma an opportunity to gain experience in an enhanced technology in this type of work, 5) include also non-Roma in this type of work, so as to mainstream Roma and create a broader base for improvements in this sector.

3. Vocational Training with job-searching skills

- Broadening Horizons, CARE/Roma NGO DUR in Serbia
- Roma Leadership Training, OSCE in Montenegro

The **Broadening Horizons** for Roma Youth and Young Adults Project (2003) was implemented by CARE Serbia and Montenegro, DUR-Roma NGO, and Public Workers University “Bozidar Adzija” Belgrade.

The project provided more than vocational training alone and focused also on job-searching skills and confidence building measures to provide a real chance for future employment. From

over 144 young Roma (between 16 and 30 years of age) who applied to the project, 50 people were selected through an interview procedure. After the selection procedure 3 groups were formed, who were given a two-months series of workshops on CV writing, job interviews, and special knowledge for professional orientation. Beneficiaries were assisted in developing self-confidence, communication skills and a sense of responsibility, as well as to overcome prejudice and discrimination.

Then the beneficiaries individually signed contracts with the Public University, which proved highly beneficial to their motivation. As the vocational courses would start 2 months later, there was time to make visits/excursions to different employment places and find out what skills are required and how different organizations function. On a weekly basis visits were made to governmental, private and non-governmental organizations, such as Pink TV, the Police, a beauty salon, the Belgrade Zoo and UNICEF. Besides being an excellent means to motivate these young people for employment, it also provided more understanding on the side of the employer(s) for the issues young Roma people face in their job search. The vocational training was given in the following professions: auto mechanic, auto electrician and vehicle painter, house-painter, bricklayer and tiler, lock-smith, plumber, cook, waiter and baker, hairdresser, barber and make-up artist and dressmaking. Some beneficiaries also attended PC literacy courses.

Because of the constant monitoring by the implementing organizations (Care and DUR), as well as the group-work or peer pressure, all participants finished their course. Basic materials were provided to start self-employment; others are job-searching and or advocating with the government on the relevance of projects like this. Providing vocational training alone is not enough, it should be complemented with job-searching skills and confidence building measures to provide a real chance for future employment. 70% of the trained Roma found a job.

OSCE in Montenegro is currently implementing a one year project (2004-2005) on Developing *Roma Leadership Potential in Montenegro*. The project includes a comprehensive programme of training and mentoring of a group of 20-30 young Roma in the professions of educators and journalists. In addition Roma NGO activists will be trained, also with entrepreneurial skills. As there is a clear market demand for these professions, most trainees are expected to find employment.

The approach taken in both these projects which makes them successful are 1) training skills for which there is a market demand (employability), 2) training job-searching skills and a proactive attitude on the employment market and 3) awareness raising with potential employers on the difficulties young Roma face in their job search, 4) CRUCIAL for success: constant mentoring and coaching to increase the confidence of the Roma trainees.

4. Credits for Small Medium-Sized Enterprises (SME)

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| <ul style="list-style-type: none">- Local NGO Alter Modus in Montenegro- Local NGO Horizonti in “the former Yugoslav Republic of Macedonia” |
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Many Roma are known to be traders, sellers in the street or on the market in all sorts of marketable items. Usually Roma are self-employed or operating as a small family business. However, in order to expand their business or increase profitability the business may require micro-credits.

Employment Agencies and SME Agencies can assist in providing micro-credits but currently they are not as flexible (lengthy and complicated procedures, collateral, no grace periods, etc.) as specific NGO microfinance institutions, therefore Roma prefer to take credits from the microfinance institutions.

In Montenegro the local NGO *Alter Modus* is implementing a program in the area of microfinance for SME. In the last year they have provided loans for 42 R[oma] clients; 41 domicile Roma and 1 IDP with total amount of 92,640 €. The amounts vary from 500-7,300€. The general impression of the Alter Modus Credit Officers is “that R[oma] are excellent clients: honest, hard-working and trustworthy. Their businesses sometimes run into problems (just as it is the case with other clients) but even then they try their best to work things out and repay their loans”.⁷⁰

In “the former Yugoslav Republic of Macedonia” the NGO “*Horizonti*” – supported by Catholic Relief Services and other donors - targets specifically Roma women entrepreneurs. Horizonti opened a micro-credit line for women active in the field of trading, small production, services and family businesses. The procedure is quick and flexible: the applicant does not pay interest, there is no need for mortgage (or collateral) and she can receive the loan within a week. The loans are between 500 and 2,500€, which must be paid back in a period of 6-9 months. Up to date “Horizonti” handed out 9,703 micro-credits from which 5,001 went to Roma clients. The total amount is almost \$6 million, out of which almost half (\$2.9 million) went to Roma clients. Very soon “Horizonti” plans to open offices in Gostivar and in Kumanovo with new credit lines.”⁷¹

What is interesting in these examples is that Roma are recognized as reliable clients for the microfinance sector. The Horizonti example reaches more Roma by specifically targeting the Roma women and not requesting collateral, but even without specifically targeting Roma they will find their way to micro-credit institutions, as in the Montenegro example. However it is recommended to stimulate especially Roma women employment through a targeted approach including less stringent conditions.

5. Public Works

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| <ul style="list-style-type: none">- “the former Yugoslav Republic of Macedonia” Public works programs- “Beautiful Serbia” public works programs in Serbia - the example of Nis |
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“the former Yugoslav Republic of Macedonia” Public works programs

The need to repair the country’s infrastructure, and the flexibility of the system which allows local authorities to enter in contact directly with private donors made Public Works programmes quite popular in the country today.

As a rule, these programs employ a significant number of unskilled or low skilled workers, which makes them particularly interesting for Roma. They might be a powerful instrument of inclusion of Roma in the labour market, at least in the short term, until other mechanisms are set into place.

⁷⁰ Correspondence with Igor Vukcevic, CEO Alter Modus, 9 February 2005

⁷¹ Interview with Aldijana Bajramovic, Field Coordinator in “Horizonti”, Skopje, 22nd of March 2004.

For this it is necessary to have a coherent policy of inclusion of Roma workers in Public Works programmes. The analysis of various methods used for contracting workers in Public Works programs in “the former Yugoslav Republic of Macedonia” reveals the existence of at least three models:

- “*ethnically blind selection process*” – where “all job seekers are equal” therefore it is claimed that there is no need for positive action in favour of Roma workers. This approach resulted in non-participation or very low participation of Roma (Prilep)
- “*ethnically sensitive informal selection process*” – which consisted in offering jobs to a number of Roma considered by the selection committee as “good” candidates and inclusion in the selection committee of a representative of the Roma community (Kocani)
- “*ethnically sensitive formal selection process*” – which requires an effort of the employer to secure participation quota – a requirement imposed by the foreign donor, which secures a more adequate representation of Roma workers (Bitola)

Kocani Public works program

The mayor of Kocani seemed particularly pleased with the results of public works programs: “the salary was good; the work was done, and people content. We would like to continue organizing this type of programmes. Including a significant number of Roma in the teams has not only a material value but also an educative one: Macedonian workers saw that Roma are good workers, they fulfil their tasks without complaining or protesting they are disciplined and did their best at work.”⁷²

Apart from the selection criteria, participation of Roma in the selection committee – as in Kocani - is also important. It can provide useful information regarding reliable workers as well as those persons most in need of a job. The advantage is that the knowledge from within the Roma community is taken into account. However, this needs to be further scrutinized in terms of objectivity of the Roma member of the selection committee.

Bitola Public Works program

Bitola adopted a different approach, placing emphasis on the outcome: where objective criteria are used to secure proportional representation of Roma (quota) within the group of workers selected for the specific Public Works programs.

It seems reasonable to assume that the ideal approach would be a combination between Roma representation in the selection committee, objective criteria and participation quota (based on local census data). Furthermore, *ad hoc* and foreign donor driven initiatives are not sufficient: governments should issue selection criteria in order to secure a uniform selection procedure.

“Beautiful Serbia” project- the example of Nis in Serbia

This project consisted of temporary employment in public works for unemployed persons registered with the Nis Employment Agency combined with vocational training in this field. On the request of the donor, the Employment Agency made a quota of 30% of Roma from the total number of people to be engaged in project. It turned out that this quota could not be reached since Roma did not show sufficient interest in this project. In general the interest for the project was modest, as the monthly salary was 120€, while informal construction jobs will pay up to 300€ a month.

⁷² Interview with Mr. Todor Pasovski, Mayor of Kocani, 11 of March, 2004, Kocani.

There are some lessons to be learned from the Serbian example:

1. Establishing employment quotas is necessary but not sufficient;
2. Vocational training is not necessarily an incentive for people whose first priority is to provide the daily food for their family;
3. Attracting people from the informal labour market to the formal one requires competitive salaries and eventually other incentives (e.g. stability or longer term contracts, benefits, etc.).

6. Projects as failures – or can we learn from them?

- General Vocational Trainings – Tailoring & Hairdressing in the region
- Roma NGO initiatives – the example of the Ugly Duck project in Vojvodina, Serbia
- Proportional representation of Roma in government institutions in the region

Vocational Trainings

From their arrival in the Balkans many international NGOs have invested in providing hairdressing and tailoring trainings to numerous Roma women. Initially this was seen as a “culturally sensitive” (correct) approach, to keep the women close to their communities and provide them with skills for self-employment. However, there is no market for these hundreds of semi-skilled tailors and hairdressers. They may provide some small services within their communities, but these fall in the category of neighbour assistance rather than employment. If, however, textile firms will open up (as in Bulgaria), these women can be employed and have a steady income out of these acquired skills.

For the moment, however, these trainings should be valued for their social merits. They can be viewed as a first step towards training discipline and social skills necessary for further training in “marketable” skills. As such a second step we may consider the ICRC project in Montenegro. ICRC developed a vocational project in cooperation with the employment agency looking for jobs that could not be filled at the (local) labour market. For instance there is a need for skilled waiters. These waiters receive theoretical and practical training, the practical part of the training will take place in a hotel on the coast, where the successful trainee will be employed.

Roma NGO initiatives

Roma NGOs know very well the level of know-how and expertise available in their communities. It is therefore advisable to try to find a good mix between Roma expertise/know-how and the market requirements.

Yet, even when the Roma expertise and market requirements have been taken into account the activity may fail. Reasons could be: ill prepared budget(s), trying to do too many things at the same time, no proper organisation form or business structure, import- /export regulations, registration of the business, tax regulations, etc.

The Ugly Duck project

In Vojvodina, Serbia the project idea was to start a goose breeding activity, based on an existing enterprise of one Roma person who was active in this field and already had a purchaser for the (geese) down. According to the goose breeding plan within one year from a flock of mother geese of 300 (basic number of geese with whom they should start business) 14,300€ would be gained (4,000 small geese x 2,5€, 300 kg of feather x 6€, 300 old geese

to slaughter x 7€, 100 kg of goose liver x 4€) and the flock of geese increased from 300 to 500 mother geese. Feathers, small geese, old geese and liver should be delivered to the Agricultural Guild of Union of the Roma Association of Vojvodina, which would have the obligation to purchase all the products. This guild would sell the products through already existing connections of guild members in the feather business. The meat and small geese should be sold on the domestic market, while feathers (as a raw material for the pillow production) and goose liver should go to the Western European market. The profit from the sale of the products, the guild and the Roma NGO would use for expanding the geese breeding among Roma in the form of home fattening in the whole of Vojvodina in the timeframe of three years.

Unfortunately the project failed because of an ill-prepared budget. For example, it was planned to employ 10 young Roma, but the budget did not contain fees for them, so when the geese came to the village there was a problem as to who would take care of them. Also the budget calculation of corn for the geese was not made correctly, leaving the geese without sufficient food.

Proportional representation of Roma in government institutions

Examples in the region and beyond show it is important to have Roma Advisors or Officers in (local) government institutions that represent the interests of the Roma community, but are also qualified for the job of civil servant. The Roma person should have the support from his/her community and be an equally qualified person within the ranks of public administration to gain the respect of majority population. Otherwise his/her presence in public administration will not be accepted and the Roma person will not be taken seriously but only viewed as a “token” Roma. The Roma person should fill an existing post, or at least get a position with a proper job description and if needed receive appropriate training. This Roma person will have to be extremely conscientious and prove that (s)he is capable for the job.

A good example of such a post can be found in the Executive Council of Vojvodina, Serbia where a Roma referent post has been established alongside similar posts for other national minorities. The spin-off effect or the success of the person employed can be seen in the close cooperation the Roma referent has with the Gender Equality Advisor and the Employment Advisor as well as the Ombudsman’s Office. The Roma issues are no longer just in the domain of the Roma referent, but are mainstreamed in other departments of the Executive Council. This mainstreaming is the ultimate key to success.

That’s why the launch of the European Agency for Reconstruction (EAR) project in “the former Yugoslav Republic of Macedonia” to train 600 youth from non-majority communities as civil servants is a very good example. The EAR project is not just focussed on Roma youth, but on all non-majority youth. This makes it easier for the Roma youth to network and find their peers within the larger minority group.

Other success factors for the introduction of the post of Roma Advisor is a transparent selection procedure and adhering to the state civil servant exam (maintaining standards).

Interim solutions for proportional representation

Even though these “standards” may be too strict and can have an adverse effect in the case of Roma, some basic criteria should be adhered to. The government should consider employing the Roma coming closest to the established qualification criteria, the Roma person should be acceptable to his/her working environment and the government should provide conditions for the Roma Advisor to finish the required training or studies while being employed. If the Roma person cannot fulfil these requirements (s)he should be replaced by someone who can

and will. The government is requested to provide fixed term employment (show their commitment) so as to make the position sustainable.

This is why the Roma advisor or Roma referent should never be paid directly by an (international) NGOs. The foreign donor or NGO can pay the government for the position, but the post should remain strictly within the government budget, so that such posts cannot easily be cut when the NGO is no longer paying.

7. Transformation of informal to formal business – the case of the street/market vendors

- Market regulation in Nis, Serbia
- The New Trade law in “the former Yugoslav Republic of Macedonia”

Due to EU accession criteria most governments in the region are trying to legalize the “grey” economy. This creates enormous problems for the self-employed and small entrepreneurs not used to paying taxes, who need to double their profits to be able to comply with the law and fulfil their tax obligations. This process of transformation will be continuing for the next couple of years and in order to secure profitable self-employment or SME for Roma it is important that they are informed on how to legalize their businesses.

Nis, Serbia “Piacu”(market) regulation of informal into semi-formal small trade

In Nis the municipality started in 2004 with the transition from informal to semi-formal small business ventures. The market salesman has to pay for his market stall – a one year contribution in the form of “paushal” tax. At the end of the year the amount will be adjusted to the real earnings of the market salesman. Municipality employees collect the tax.

Danish Refugee Council (DRC) provided the market salesmen with tellers, which provide bills on which also the tax is mentioned. This way it is expected that at least 70% of the business transactions will be made in a formal way.

The municipality could employ a number of additional people this way, such as the tax collectors, but also security officers, who make the market a safe place without pick-pockets.

This initiative can be considered successful for: 1) it is already planning ahead (taking into account future needs), 2) it is a public/private mix (DRC and Municipality as well as market salesmen) and 3) includes salesmen from Roma communities as well as mainstream society (mainstreaming), 4) it creates some stability for the market salesman, safety for the clients and good business opportunities as the police will not come to harass the salesman or interfere in the market procedures. Business opportunities have improved this way. 5) in addition the municipality of Nis was able to provide formal employment to quite some people through this project.

“the former Yugoslav Republic of Macedonia” New Trade Law – regulating informal businesses

In the last couple of years, the authorities of “the former Yugoslav Republic of Macedonia” have designed a series of measures aimed to support self employment and the creation of small enterprises. The new Trade Law, in force starting with April 2004, makes it easier to initiate a commercial activity. The application forms for registering a commercial activities are free of charge, easy to complete and available at local level. Technical requirements are kept at minimum level.

The measure is welcomed, but Roma representatives point out that they are losing benefits (free Health Insurance through registration with the Employment Bureau) and need to double

their profits to be able to pay the taxes. The self-employed Roma are therefore looking for interim solutions such as a period of grace (e.g. one year) allowing business starters to be registered with the employment offices so that the health insurance is paid by the state. Another possibility, which could be explored is to (re)include street sellers in the “paushal” system.

9.4. Keys to success - Suggestions for future work

As we have seen from the “good practices” examples above it is not just a matter of replicating the example, but rather looking at the elements which made the example projects successful. It is also worthwhile to look at the less successful examples in order to prevent making similar mistakes.

In sum, the following recommendations/suggestions may be key in establishing successful projects or active employment measures to increase Roma employment.

- Government to simplify procedures and regulations regarding all aspects of employment and start up of SME/self-employment and other forms of economic development;
- Build on or expand the Roma expertise & know-how;
- Roma to have (easier) access to micro-credits;
- Roma to bargain for a fair and “marketable” price for their labour (Collectors & Public Works Programs);
- Provide Roma with access to and information about the special programs of Employment Agencies and SME Agencies (legislation, tax procedures, registration, import/export regulations, etc.);
- Provide the poorest Roma with social or family benefits to stabilize their living conditions (safety net) so that they can explore employment opportunities and improve their situation;
- Provide protection for those Roma still employed in large government factories, while preparing them through evening classes and NGO trainings for self-employment opportunities;
- Invest in vocational/skills training for which there is a market demand;
- Prevent creation of “Roma jobs” rather mainstream Roma into any economic opportunity that arises;
- Roma should explore their “worker” identity, as this may broaden their horizons on economic possibilities and employment opportunities;
- Roma to provide a service economy within their own settlements: “trafika(s)”, small supermarkets, repair shop (all sorts: electrical, shoes, furniture, etc.), cafe/bar, etc.;
- Third sector development – Social care/services through the non-profit sector (e.g. Home Care for elderly)

Chapter 10 - Conclusions

Stock-taking of the joint Project of co-operation between the Council of Europe, the OSCE-ODIHR and the European Commission “Roma under the Stability Pact II on **“Access to Employment for Roma in South-Eastern Europe”**”, between 2003-2005.

During the two years research was carried out in four countries (Croatia, Bosnia and Herzegovina, Serbia and Montenegro and “the former Yugoslav Republic of Macedonia”), reports were drafted and presented in five places, Zagreb, Tuzla, Nis, Skopje and Podgorica and recommendations and conclusions were shared with all participants.

As the last activity of this project a regional report has been drafted for presentation in Skopje end of April 2005. All reports will become available for further consultation after this meeting.

The original expectations of the two international consultants were rather high and included aspirations for the immediate creation of jobs for Roma, and if not then at least adequate employment policies with the aim to reach concrete employment prospects for Roma. These ambitions proved unrealistic in the countries with an overall dire economical situation.

However, the project had the following **achievements**, which can be considered substantial when taking into account that not much work been done in the field of Roma employment before:

- Increased awareness about the issues Roma face in finding work
- Increased awareness about the problems Roma may have in keeping work
- More interaction and understanding between local employment authorities and Roma community
- More awareness about the complexity of the employment issue at large and amongst Roma population
- Time to reflect, discuss and understand the importance of employment and ways to address the issue for Roma and other disadvantaged groups

The very general recommendations and suggestions for further work at this time should be:

- Make Roma take the lead in finding solutions for the employment issue at local level
- Enable Roma to access the employment authorities, SME agencies, all formal channels (Social Partners, etc.)
- Enable Roma to have a good level of representation within local, provincial and national authorities
- Find creative solutions for formalising the economy without losing the active participation of Roma
- Create clear strategies & programs and inter-ministerial cooperation to address the most pressing needs of Roma, for the benefit of society as a whole

One recommendation stands out and should ideally have been part of this project -

Start a pilot in one concise Roma Mahallah or settlement and upgrade the settlement, the services (SME, schools, health centres, etc.) within the settlement, create real employment (more than income-generating projects), establish proper housing and infrastructure and provide adequate Roma representation for this settlement

One concrete result of the project is that a Roma student has become very well informed of Employment issues in the broadest sense and this effort deserves to be replicated elsewhere – for the benefit of the Roma communities as well as the government authorities.

ANNEX – Bibliography (including references used in the individual country reports)

Basil Davidson, *The Black Man's Burden – Africa the curse of the Nation State*, 1992

Will Guy, editor, *Between Past and Future – The Roma of Central and Eastern Europe*, a collection of essays, 2001 including:

Martin Kovats, *The emergency of European Roma policy*

Donald Kenrick, *Former Yugoslavia: A patchwork of destinies*

National Minority Laws – Serbia and Montenegro (Federation 2001), Bosnia and Herzegovina (2003/4), Croatia (2000) and NOT for “the former Yugoslav Republic of Macedonia”

From Pre-Accession to Accession, Thematic Evaluation, Review of the European Union Phare Assistance to Roma Minorities, Phare Support Allocated in 1999-2002 and implemented until November 2003, EMS, European Commission DG Enlargement, December 2004

The situation of the Roma in an enlarged European Union – European Commission DG for Employment and Social Affairs, by the Consortium: Focus Consultancy LTD., European Roma Rights Center and the European Roma Information Office, 2004

Terms of Reference - Cooperation on employment in South East Europe - Review of employment policies and of the performance of employment services - in the Stability Pact's beneficiary countries, prepared at the first meeting of the permanent high-level committee Brussels, 9-10 December 2003 – internal CoE

Joint Report on Social Inclusion – DG Employment and Social Affairs, 2004

Romany Settlements, Living conditions and Possibilities of Intenegration of Roma in Serbia – Research by Dr. Bozidar Jaksic and Goran Basic, M.A., Ethnicity Research Center, Ministry of Human and minority Rights, OXFAM, 2002

Towards Realizing a Right to Positive Action for Roma in Europe: Connors v. UK, by Claude Cahn, Roma Rights 1/2005

“Study on Data Collection to measure the extent and impact of discrimination in Europe” -- Final Report 7.12.2004 - Net Effect Oy, Niklas Reuter, Timo Makkonen, Olli Oosi.

MIGRANTS, MINORITIES AND EMPLOYMENT IN SWEDEN. EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION. RAXEN 3 Report to the EUMC by the RAXEN Focal Point for Sweden - Expo Foundation, Author, Cecilia Englund

MIGRANTS, MINORITIES AND EMPLOYMENT: EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION IN 15 MEMBER STATES OF THE EUROPEAN UNION, On behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC) by the International Centre for Migration Policy Development (ICMPD), October 2003

“Migrants, minorities and employment in France, exclusion, discrimination and anti-discrimination” RAXEN 3 Report to the European Monitoring Centre on Racism and Xenophobia (EUMC) by the RAXEN Focal Point for France , (Agence pour le développement des relations interculturelles - ADRI) Agency for the development of intercultural relations, Paris, 2003

Relevant judgments or decisions made by the European Court of Human Rights:

Nachova and *Others v. Bulgaria*, violation of Article 2 (right to life); Balogh v. Hungary – violation of Article 3, Connors v. the United Kingdom – violation of Article 8, G.B. v. Bulgaria – violation of Article 3, Velikova v. Bulgaria (ECtHR) – violation of Articles 2 and 13, Anguelova v. Bulgaria – violation of Article 2, 3, 5 and 13, Assenov v. Bulgaria - violation of Articles 3, 5, 13, 25, Conka v. Belgium – violation of Articles 5, P4-4, 13, Chapman v. the United Kingdom – no violation found but useful language from the Court.

Case No. 15766/03, Stjepan Orsus and 14 others v. Croatia, application filed on December 15th, 2004.

Forced sterilization: 15966/04, I.G., M.K., and R.H. v. Slovakia, and an Access to medical files case, 32881/04, K.H. and others v. Slovakia (8 applicants)

Special report on violations of Social Rights 2002, Ombudsman’s Office of the Federation BiH.

Under Annex 6 to the General Framework Agreements for Peace in BiH – Dayton Peace Agreement.

ECRI general policy recommendation N°4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, Strasbourg, 6 March 1998 CRI (98) 30

Immigration Policy, Discrimination and Integration in Europe: What future for Europe in the 21st Century, A presentation for the EUROPEAN PARLIAMENT Public Hearing “Migration, integration and development: towards a European Policy?” Brussels, 15 March 2005

Josef R. case described in “Testing to prove racial discrimination: methodology and application in Hungary” by Fitsum Alemu, Roma Rights Quarterly, 2003

Research on Employers Attitudes towards Women’s Professional and Family Activities, State Office for Protection of Family, Motherhood and Youth; research made by women's organization B.a.B.e., Zagreb, 2002

PRSP, *Poverty Reduction Strategy Papers* for Serbia and Montenegro, Bosnia and Herzegovina, Croatia and “the former Yugoslav Republic of Macedonia”.

Labour Market in After War BiH: How to stimulate companies to open positions and increase mobility of the workers, World Bank, November 2002

Roma Access to Employment in Bosnia and Herzegovina, CoE, Amir Sarjlic & Judith Kiers, 2004

Roma Access to Employment in Serbia and Montenegro, CoE, Nenad Vladislavljev, Nedjeljka Sindik & Judith Kiers, 2004

Roma Access to Employment in Croatia, CoE, Lovorka Kusan, 2004

Roma Access to Employment in “the former Yugoslav Republic of Macedonia”, CoE, Sejdo Jaserov (with support from Ibrahim Ibrahimi), 2004

Croatia

Structure of Roma Families and Understanding of Content of Parenthood (*Struktura romskih obitelji i poimanje sadržaja roditeljstva u njima*), State Bureau for Protection of Family, Motherhood and Youth, dr. Slobodan Uzelac and others, scientific research, 2002

Employers Attitudes towards Womens' Profesional and Family Activities (*Stavovi poslodavaca prema profesionalnoj i obiteljskoj angažiranosti žena*), State Bureau for Protection of Family, Motherhood and Youth, prof.dr.sc. Smiljana Leinert-Novosel, scientific research, 2002

Avoiding the Dependency Trap – The Roma in Central and Eastern Europe, A Regional Human Development Report, United National Development Program, Regional Bureau for Europe and the Commonwealth of Independent States, Bratislava 2002

Migrants, Minorities and Employment – Exclusion, Discrimination and Anti-discrimination in 15 Member States of the European Union, European Monitoring Centre for Racism and Xenophobia Comparative Study, October 2003

Information provided by the Government to the Questionnaire of the European Commission, Zagreb 2003

Strategies Against Unemployment (*Strategije protiv nezaposlenosti*), Friedrich Ebert Stiftung, Zagreb, 2001

Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Croatia adopted on 6 April 2001

Written Comments of the European Roma Rights Center Concerning the Republic of Croatia For Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 60th Session, March 4-5, 2002

Roma / Gypsies: A European Minority, Minority Rights Group International, Report, by Jean-Pierre Liegeois and Nicolae Gheorghe, October 1995

Racial Discrimination and Violence against Roma in Europe, Statement submitted by the European Roma Rights Center for consideration by the UNCERD at its 57th Session on the occasion of its Thematic Discussion on Roma, August 15-16, 2000, January 2001

CERD General Recommendation XXVII Discrimination against Roma, Adopted at its fifty-seventh session, August 16, 2000

Council Directive 2000/43/EC of June 29, 2000

The ERRC in Croatia, Field report by Savelina Danova and Rumyan Russinov, summer 1998

Concluding observations of the Committee on the Elimination of Racial Discrimination : Croatia. 21/05/2002. CERD/C/60/CO/4

Women and Work, B.a.B.e. Be active, be emancipated, Zagreb, 2000

Round table Roma rights in education (HHO, PILI and ERRC), Zagreb, 23 and 24 January 2004

ECRI Report on Croatia, Strasbourg, November 1999

ECRI Second report on Croatia, Strasbourg, 3 July 2001

Romani magazine Budućnost / Anglunipe, publisher Better future Zagreb

Magazine Međimurje, nr. 17, 1990

Report from the meeting with representatives of the Government of the Republic of Croatia about National Program for Roma, Zagreb, June 8-9, 2001, report prepared by Ina Zoon

Report submitted by Croatia pursuant to art.25, para 1 of the Framework Convention for the Protection of National Minorities, March 1999

Organization for Security and Co-operation in Europe, Mission to Croatia, Status report no. 13, December 2003

Breaking the Barriers – Romani Women and Access to Public Health Care, European Monitoring Centre on Racism and Xenophobia

Roma in Croatia Today (*Romi u Hrvatskoj danas*), Report from the round table, Zagreb, Centar za zaštitu ljudskih prava, Zagreb, 1998

Initial Report of the Republic of Croatia on the Implementation of International Covenant on Civil and Political Rights, 1999

Magdalenić, Ivan: Some determinants of the ethnic distance (*Neke determinante etničke distance*), Social Care Studies Review (*Ljetopis Studijskog centra socijalnog rada*), nr. III., p.37-50, 1996

Magdalenić, Ivan: Families and Households in the Republic of Croatia (*Obitelji i domaćinstva u Republici Hrvatskoj – nekoliko statističkih pokazatelja*), Social Politics Review (*Revija za socijalnu politiku*), no. 1, p. 111-114, 1995

Lovrić, B: Croatian Roma at the Beginning of the Third Millennium (*Hrvatski Romi na pragu trećeg tisućljeća*), Final paper at the Social Welfare Studies at the Zagreb University, 2002

Radović, Lj.: List of books, articles and publications on Roma published from 1990 to 2000 in the Republic of Croatia (*Popis knjiga, članaka i serijskih publikacija o Romima tiskanih od 1990. do 2000, godine u Republici Hrvatskoj*), Review on Social Researches (*Društvena istraživanja*), no.2-3., p.337-344, Zagreb, 2000

Rožman, Krešimir: Ban of Discrimination in Labour Relations, *Croatian Law Review* 9/2003
Štambuk, Maja: Roma in Social Territory of Croatia (*Romi u društvenom prostoru Hrvatske*), Review on Social Researches (*Društvena istraživanja*), Zagreb, no. 46/47, 2000

Zoon, Ina: Report on obstacles facing the Roma minority of Croatia in accessing different categories of rights and namely citizenship, housing, health and social assistance, September 2002

Bosnia and Herzegovina

UNDP Annual report 2002.

Ilijas Bosnjakovic, Population of BiH, 1878 - 2001.

Ombudsman Institution of FBiH “Report on human right situation in the Federation of BiH”, 2002.

Prevention and elimination of discrimination in employment, Fair employment practices strategy, revised policy paper, October 2001, OSCE, OHR, OHCHR, UNHCR.

Special report on violations of Social Rights 2002, Ombudsman’s Office of the Federation BiH.

PRSP, Poverty Reduction Strategy Paper for Bosnia and Herzegovina, Second draft version 2003.

“Rijetke su romske porodice u Bosni I Hercegovini bez nepismenih članova porodice”, 1999

OSCE research, 2003-2004 In 50-70 informal settlements through BiH live more than 2000 families.

Living Standard Measurement Survey.

Labour Market in After War BiH: How to stimulate companies to open new positions and increase mobility of the workers, World Bank, November 2002.

Serbia

Bozidar Jaksic & Goran Basic: *ROMANY SETTLEMENTS, LIVING CONDITIONS AND POSSIBILITIES OF INTEGRATION OF ROMA IN SERBIA*, Belgrade, December 2002

DRAFT STRATEGY FOR INTEGRATION AND EMPOWERMENT OF THE ROMA - Discussion paper, December, 2002

Dragoljub B. Djordjevic, Jovan Zivkovic – *ROMA AT THE CROSSROADS* - Nis, 2003
Dusan Djosic - *DEMOGRAPHY WITH STATISTIC* - University in Novi Sad, Philosophical Faculty, 1996

EMPLOYMENT THROUGH LABOUR MARKET AND PROTECTION OF RIGHTS OF EMPLOYED REFUGEES AND IDPs IN THE REPUBLIC OF SERBIA - SDC, SDRU, Republic of Serbia Republican Institute for Labour Market, Belgrade, 2001
FACTA UNIVERSITATIS, series Philosophy and Sociology Vo. 2, No 8, 2001- University of Nis

GYPSIES/ROMA IN PAST AND IN THE PRESENT TIME- Serbian Academy of Sciences and Arts, Scientific conferences book XCIII, Belgrade, 2000

HOUSHOLD SURVEY OF ROMA, ASHKAELIA, EGYPTIANS, REFUGEES AND IDPs, UNDP, Montenegro, 2003

HUMAN RIGHTS IN TRANSITION - Helsinki Committee For Human Rights, Belgrade, 2001

INFORMATION ON REPRESENTATION OF NATIONAL MINORITIES, GENDER STRUCTURE, EDUCATION LEVEL, WAY AND DATE OF ESTABLISHMENT OF WORK CONTRACT IN PROVINCE'S MUNICIPALITIES AND CITY'S AUTHORITIES IN THE AUTONOMOUS PROVINCE OF VOJVODINA- Secretariat for Regulations, Governance and National Minorities of Autonomous Province of Vojvodina, October, 2003

INFORMATION ON SPECIFIC CATEGORIES OF UNEMPLOYMENT PERSONS IN AP VOJVODINA - Secretariat for Labour, Employment and Gender Equality of Autonomous Province of Vojvodina

Jelica Rajacic Capakovic, Jelena Jovanovic-*STATUS OF ROMA AND ROMA WOMEN IN SERBIA* - Novi Sad, 2003

M. Pecujlic, V. Milic- *METHODOLOGY OF SOCIAL SCIENCES*, Belgrade, 2003

Ostoja Milosavljevic, Zeljko Albanese - *COMMENTS ON LABOUR LAW WITH NOTION REGISTRY*, Belgrade, 2001

Petar Antic - *ABUSES OF ROMA RIGHTS IN SERBIA*, Minority Rights Center, Belgrade, 2001

Petar Antic - *ABUSES OF ROMA RIGHTS IN SERBIA report No 2*, Minority Rights Center, Belgrade, June, 2003

POVERTY REDUCTION STRATEGY FOR SERBIA - Government of the Republic of Serbia, 2003

POVERTY AND REFORM OF FINANCIAL SUPPORT TO POOR PEOPLE - Ministry for Social Affairs, Center for Democratic Studies, Belgrade, 2003

PROGRAM OF FUND FOR DEVELOPMENT OF THE REPUBLIC OF SERBIA IN 2003 - Government of the Republic of Serbia, Belgrade, 2003

'ROMANI PLACES OF CULT AND CULTURE OF DEATH, undertaken for Open Society Institute (*Program Roma Culture in CEE*) – Budapest - Roma at the crossroads, Punta/Society for good action, Komren's sociological meetings, Bahtalo drom, Nis, 2002

ROMA IN SERBIA - Humanitarian Law Center, Press Now

STRATEGY FOR DEVELOPMENT OF SMEs AND ENTERPRENEURESHIP IN SERBIA 2003 -2008 - Agency for SMS of the Republic of Serbia

STRATEGY FOR LABOUR AND EMPLOYMENT IN AUTONOMOUS PROVINCE OF VOJVODINA- Secretariat for Labour, Employment and Gender Equality of Autonomous Province of Vojvodina

THE VULNERABILITY ASSESMENT OF INTERNALLY DISPLACED PERSONS IN SERBIA AND MONTENEGRO, ICRC (International Committee of Red Cross), Belgrade, 2003

Timoti Trevor-Brisko -*ROMA FROM NISAVA, Economical status of local Roma population from Nis*, Punta, Komren's sociological meetings, Nis 2002

UN OHCHR & ERRC: Memorandum – *THE PROTECTION OF ROMA RIGHTS IN SERBIA AND MONTENEGRO*, April, 2003

UNDP report: *SITUATION OF ROMA IN FRY (SaM) COMPARING WITH ROMA SITUATION IN SEE*

Legal regulations:

THE FEDERAL CONSTITUTION CHARTER - Official Gazette of the Serbia and Montenegro, No 1/2003

THE SERBIAN CONSTITUTIONAL LAW - Official Gazette of the Republic of Serbia, No1/90

THE MONTENEGRIN CONSTITUTIONAL LAW - Official Gazette of the Republic of Montenegro, No 48/92

CHARTER ON HUMAN AND MINORITIES RIGHTS AND FREEDOMS - Official Gazette of the Serbia and Montenegro, No.6/2003

THE FEDERAL LABOUR LAW - Official Gazette of the FR Yugoslavia, No 29/96

THE SERBIAN LABOUR LAW - Official Gazette of the Republic of Serbia, No 70/2001

SERBIAN LABOUR LAW FOR STATE INSTITUTIONS - Official Gazette of Republic of Serbia, No. 48/91, 66/91, 44/98, 49/99, 34/2001

THE SERBIAN LAW ON EMPLOYMENT AND INSURANCE IN CASE OF UNEMPLOYMENT - Official Gazette of the Republic of Serbia, No. 71/2003

RULES ON CONDITIONS AND PROCEDURE FOR FULLFILMENT OF RIGHTS OF UNEMPLOYMENT PERSONS - Official gazette of the Republic of Serbia, No. 35/97, 39/97, 52/97, 22/98

RULES ON PROCEDURE OF FULLFILMENT RIGHTS AND OBLIGATIONS OF PERSONS WHO ARE SEEKING FOR EMPLOYMENT- Official gazette of the Republic of Serbia No 61/04

RULES ON PROCEDURE FOR FULLFILMENT OF RIGHT ON SUBSIDIES FOR SELF-EMPLOYMENT -Official gazette of the Republic of Serbia , No 07/04

THE LAW ON REGISTRATIONS IN LABOUR - Official Gazette of the FRY, No 46/96

THE RESOLUTION ON UNIQUE METHODOLOGY IN REGISTRATION PROCEDURE IN AREA OF LABOUR AND FORMS OF APPLICATIONS AND REPORTS - Official Gazette of the FRY, No. 40/97

LAW ON CONDITIONS OF ESTABLISHMENT OF LABOUR RELATION FOR FOREIGNERS - Official Gazette of SFRY, No.11/78, 64/89, and Official Gazette of FRY, No 42/92, 24/94, 28/96

THE STATUTE OF THE NATIONAL EMPLOYMENT AGENCY - Official Gazette of the Republic of Serbia, No.8/2004

LAW ON STANDARDS OF USING OF THE FUNDS OF THE REPUBLICAN INSTITUTE FOR LABOUR - Official Gazette of the Republic of Serbia, No. 35/97, 39/97, 52/97, 22/98

LAW ON STRIKE- Official Gazette of the FRY, No 29/96

THE LAW ON STATE GOVERNANCE - Official Gazette of the Republic of Serbia, No. 20/1992

THE LAW ON PUBLIC SERVICES - Official Gazette of the Republic of Serbia, No. 42/1992

LAW ON SOCIAL PROTECTION AND SOCIAL SECURATION OF CITIZENS - Official Gazette of the Republic of Serbia, No.36/91

THE LAW ON THE PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES - Official Gazette of the FRY 2002

THE SERBIAN LAW ON REFUGEES- Official Gazette of Republic of Serbia, No. 18/92

Montenegro

Needs Assessment Study for the Roma Education Fund, MONTENEGRO, Saša Milić, PhD, 2004

Poverty Reduction Strategy Paper, Montenegro, 2002-2003

National Strategy for Resolving the Issues of Refugees and IDPs in Montenegro, October 2004.

Survey of Local Self-Government regarding the development of a National Strategy for resolving the issues of Refugees and IDPs in Montenegro, Institute for Strategic Studies and Prognoses, 2004

EC Stabilisation and Association Report 2004, Serbia and Montenegro {COM(2004) 206 final}

UNHCR, The Possibility of Applying the Internal Flight or Relocation Alternative within Serbia and Montenegro to Certain Persons Originating from Kosovo and Belonging to Ethnic Minorities There, August 2004

CEDEM Department for Empirical Researches Public Opinion in Montenegro - Value Orientations and Ethnical Distance, 2004

The ISSP survey on household expenditure of Roma, refugees and IDPs, October 2003 and ISSP&WB Research on Poverty and Living Standards in Montenegro, June 2003;

Regulation of the work of non resident persons, Official Gazette Montenegro No/94; 4/97

Statute of the Montenegrin Employment Agency, Official Gazette Montenegro, 43/2002

The Law on Civil servants and Public officials, Official Gazette of the Republic of Montenegro 21.04.2004

The Law on the Unique Methodology in Registrations in the Area of Labour and Forms of Applications and Reports, Official Gazette of the Republic of Montenegro

The Labour Law, Official Gazette of the Republic of Montenegro

The Law on Employment, Official Gazette of the Republic of Montenegro No 05/2, 79/04

“the former Yugoslav Republic of Macedonia”

Ohrid Framework Agreement, Article 4 of the Framework Agreement and Annex C, in particular Article 5 *Non-Discrimination and Equitable Representation*, 2001 seeks to address the issue of the inequitable representation of citizens from communities not in the majority in the areas of public administration, the military, the police and public enterprise.

Official Gazette of the Republic of Macedonia, No 53, Year 49, 26 August, 1993, Governmental decree No. 23-2293/1.

Law for stimulation of employment (Zakon za pottiknuvanje na vrabotuvanjeto) No. 07-1470, or so-called **Branko’s law** from 31 of March 2003, valid until 31 of December 2003.

The Law on Commerce (Zakon za Trgovija), Article 6 allowed only the sale of agricultural products, some foodstuffs and trinkets of various kinds, effectively banning outdoor sale of textile products. Official Gazette of the Republic of Macedonia, (Sluzben Vesnik na Republika Makedonija) (number 08-1626), No 23, pp. 523-529, 27th of April, 1995.

PRSP, “the former Yugoslav Republic of Macedonia” National Poverty Strategy, 2000

European Roma Rights Centre, No.3, 2003, Profile of One Community: “*A Personal Document Survey among the Romani Population of Kumanovo, Macedonia*”, Narrative project report of the Romani organisation Roma Community Center DROM.

European Roma Rights Centre, “*Police violence in Macedonian markets*”, Budapest, Autumn 1998

European Roma Rights Centre “*A Pleasant Fiction: the Human Rights Situation of Roma in Macedonia*”, ERRC, Budapest, 1998

EC Stabilisation and Association Report 2004, “the former Yugoslav Republic of Macedonia”, {COM (2004) 204 final}