



Civil Society Monitoring

on the Implementation of the National Roma Integration Strategy in

GERMANY

in 2012 and 2013

Civil Society Monitoring

on the Implementation of the National Roma Integration Strategy in
GERMANY
in 2012 and 2013

Prepared by a civil society coalition comprising the following organizations

Amaro Drom (lead organisation)

Amaro Foro ■ Roma Büro Freiburg ■ Sozialfabrik Research Centre



Amaro Drom e.V.



Amaro
Foro e.V.



Written by

Guillermo Ruiz Torres ■ Anna Striethorst ■ Dirk Gebhardt

Coordinated by

the Decade of Roma Inclusion Secretariat Foundation

in cooperation with the Making the Most of EU Funds for Roma Program of the Open Society Foundations



Published by

Decade of Roma Inclusion Secretariat Foundation
Teréz körút 46.
1066 Budapest, Hungary
www.romadecade.org

Design and layout: www.foszer-design.com

Proofreading: Christopher Ryan

©2014 by Decade of Roma Inclusion Secretariat Foundation

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any forms or by any means without the permission of the Publisher.

ISSN: 2064-843X

All civil society monitoring reports are available at www.romadecade.org/civilsocietymonitoring

This report was prepared by a civil society coalition comprising the following organizations: *Amaro Drom* (lead organization), *Amaro Foro*, *Roma Büro Freiburg* and *Sozialfabrik* Research Centre. The lead researcher of the coalition is Guillermo Ruiz Torres (*Sozialfabrik*) and the project manager is Emran Elmazi (*Amaro Drom*).

The authors of the report are: Guillermo Ruiz Torres (*Sozialfabrik*/Freie Universität Berlin), Anna Striethorst (*Sozialfabrik*/Freie Universität Berlin), and Dirk Gebhardt (*Sozialfabrik*/GRITIM-Universität Pompeu Fabra, Barcelona). The following researchers contributed to the report: Diana Botescu, Emran Elmazi, Merdjan Jakupov, Mirja Leibnitz, and Jonathan Mack. The editors of the report are: Guillermo Ruiz Torres and Emran Elmazi.

The following organizations have been involved in advising on the report: the Decade of Roma Inclusion Secretariat Foundation, the Central European University's Department of Public Policy, the European Roma Rights Centre, Habitat for Humanity, the Roma Education Fund, and from the Open Society Foundations: Making the Most of EU Funds for Roma program and the Roma Health Project.

In 2013–2014, the Decade Secretariat has supported reports from civil society coalitions in eight countries: Bosnia-Herzegovina, Croatia, France, Germany, Italy, Montenegro, Serbia, and the United Kingdom. In the pilot year of 2012, reports from the following countries were supported: Albania, Bulgaria, Czech Republic, Hungary, Macedonia, Romania, Slovakia, and Spain.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program. Funding for the project comes from the OSF Roma Initiatives Office.





DECADE OF
ROMA
INCLUSION
2005-2015

TABLE OF CONTENTS

Executive Summary	7
Recommendations	13
List of Abbreviations	23
Introduction	25
1. Structural Requirements	27
2. Anti-Discrimination	45
3. Education	57
4. Employment	69
6. Health	77
5. Housing	87
Bibliography	95
Annex	101





DECADE OF
ROMA
INCLUSION
2005-2015

EXECUTIVE SUMMARY

Structural Requirements

The German government has explicitly not developed a strategy for the social inclusion of Sinti and Roma; it has delivered a list of existing instruments designed to contribute to the social inclusion and equal treatment of Sinti and Roma as much as of any other social group. For this reason the report delivered by the German government has the title “Integrated Measures Packages for the Integration and Participation of Sinti and Roma in Germany” (*Integrierte Maßnahmenpakete zur Integration und Teilhabe der Sinti und Roma in Deutschland*). The Report was drafted without consulting the governments of *Länder* or cities. This is unusual, since as a general rule, the *Länder* are consulted during the development of such strategies or programmes.

There is no executive body to lead and coordinate inclusion policies targeting Sinti and Roma in the federal government, which corresponds to the general attitude of the German government that no targeted policies directed towards Sinti and Roma are needed. Nevertheless, Unit M II 4 (National Minorities, Regional Languages in Germany, European Minorities Policies) of the Ministry of the Interior has been appointed the national focal point for following the implementation of the strategy towards the social inclusion of Sinti and Roma. This unit neither designs nor coordinates any policies with other ministries, *Länder* governments or cities regarding Sinti and Roma. No additional staff or funding have been allocated to this unit to enable it to fulfil this task. The assignment of the role of “national contact point” in Germany therefore appears to be a mainly formal matter, rather than fulfilling a role of monitoring and coordination.

Following the attitude of the German government that no targeted policies directed to Sinti and Roma are needed there is no ministry coordinating such policies. Nevertheless, there are a few attempts at coordinating policies targeting Sinti and Roma:

1. The foundation named *Erinnerung, Verantwortung und Zukunft* (EVZ) (Remembrance, Responsibility and Future), coordinates a working group on the improvement of the participation and success of Sinti and Roma in the education system.
2. There has been a federal-regional working group named “Poverty Migration from Eastern Europe” which developed recommendations and proposals to the federal government.
3. The Association of German Cities (*Städtetag*) set up a working group named “Immigration by people from Romania and Bulgaria” in 2012, which developed a position paper about “immigration from Romania and Bulgaria”.
4. A working group named *Roma im ESF-Bundesprogramm Bleiberecht* within this ESF-programme was set up in 2012 bringing together 25 organisations working with Sinti and Roma and staff from public administration and politics in order to share good practice and experience in overcoming obstacles to integration.

Policies towards Sinti and Roma at the level of states (*Länder*) can be divided into two main areas which have little contact with each other. The first area includes policy responses to recent migration by vulnerable immigrants from Romania and Bulgaria, including Roma. The second covers efforts in some *Länder* to improve the status of autochthonous German Sinti and Roma as a national minority. These two types

of policies are pursued with degrees of intensity and political commitment which differ among German states according to political commitment and to the salience of Roma migration.

Länder usually have not responded in the form of integrated policy responses for all Sinti and Roma groups. Instead, policies are divided across sectors involving state departments, Ministries of Social and Employment Affairs, Ministries of the Interior and Ministries of Education and Culture. Nevertheless, there has been a growing perception of the need to find new policy responses in some states, as a result of which some new coordination mechanisms have been created. These approaches differ in their scope and degree of formality. Berlin is implementing an Action Plan for the Inclusion of foreign Roma; North-Rhine-Westphalia has a 10-point programme aimed at the inclusion of Roma from Romania and Bulgaria; the cities of Munich have a coordinating office for projects targeting Sinti and Roma; the city of Duisburg has set up a working group called "New EU citizens".

There are only a few officially recognized coordination and communication mechanisms between the government and Sinti and Roma organizations. Advisory committees for each national minority are established through the Ministry of the Interior, in order to facilitate contact between the minorities and the government and Parliament; however, no advisory committee for German Sinti and Roma has yet been established. German Sinti and Roma organizations are involved in the joint conference of the federal government and German states with the national minorities, which aims to assess the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

Discrimination

Discrimination against Sinti and Roma is a wide-spread phenomenon in Germany, corresponding to the strong presence of anti-gypsy resentment within the majority German society. Sinti and Roma organizations report specifically on discrimination in the housing sector where Sinti and Roma are rejected as tenants and point out that members of the Sinti and Roma communities face manifold forms of anti-gypsy discrimination in schools and at workplaces.

The arrival of Roma from Bosnia, Macedonia and Serbia seeking asylum and the migration of Roma from Bulgaria and Romania to Germany over the last five years have been accompanied by a wave of negative portrayals of Sinti and Roma in the media. Romani migrants have been depicted as people coming to Germany just to make use of the social security system. Media and politicians, among them influential figures such as the former Minister of the Interior, have stigmatized Roma by using expressions such as "social security abusers", "social tourists" and "poverty migrants".

The Central Council for German Sinti and Roma has been fighting for years for the prohibition of discriminatory practices through acts regulating the press law. One of the aims of the Central Council is to ban the ethnic identification of alleged criminals in press releases by the police and in the related media coverage.

The high prevalence of anti-gypsyism indicates that public efforts to fight it have so far been inadequate. There is no specific governmental programme addressing anti-gypsyism, racism and discrimination against Sinti and Roma in society and the German government has no policy of promoting awareness of their rights among Roma citizens. Nevertheless, efforts in this direction have been undertaken by national agencies such as the anti-discrimination office (*Antidiskriminierungsstelle des Bundes*).

There are gaps in the legislation on anti-discrimination that prevent successful prosecution in cases of discrimination. The General Equal Treatment Act as implementation of the Equality Directive 2000/43/EG on anti-discrimination only applies to labour and civil law. Thus, state schools are not subject of this law; besides, there are no adequate mechanisms for complaint or legal protection.

The General Equal Treatment Act makes an exception, too, with regard to housing that prevents tenants from filing complaints against discriminatory landlords. According to German legislation associations

which fight against discrimination (e.g. the Council of German Sinti and Roma) are also hindered from filing collective complaints on behalf of victims.

Education

The General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz* – AGG) does not cover public education because it does not apply to public law. Furthermore, according to the German Basic Law (*Grundgesetz*) public schooling falls under the competences of the *Länder*. No *Land* has passed corresponding legislation which would fulfil the requirements of the Racial Equality Directive. In the school legislation (*Schulrecht*) of the *Länder* there is no explicit prohibition of discrimination at school; there are no adequate legal protection mechanisms or mechanisms for filing complaints. This makes it difficult to combat discrimination faced by Sinti and Roma children and youngsters at school. The German National Equality Body has identified gaps in the anti-discrimination legislation with regard to the non-regulation of discrimination at state schools and it has demanded that *Länder* introduce such provisions in their school legislations.

Sinti and Roma children and youngster are over-represented in special education. In many cases placement in special schools and classes takes place without the agreement of the parents and the families are not properly informed about the negative consequences for children who attend special schools or classes. In most cases, children and youngsters who attend special schools for pupils with learning problems are not returned to regular schools later on.

Romani children from migrant backgrounds are often placed in special education because their insufficient knowledge of the German language is often misinterpreted as “language deficit” and thus, as “generally retarded development”. Not having attended a kindergarten may also be misinterpreted as “not being able to work in a group” and “lack of social skills”. Furthermore, as a rule, children are placed in special education when they are not able to follow the class, when they show peculiar behaviour or when they disturb the class. This is classified as a “learning problem”. Among many teachers, these problems are associated with the countries of origin of the children. An inclusive concept is progressively being applied; a certain number of children with disabilities or learning difficulties attend regular schools and classes where they receive additional specific support. Nevertheless, it is noticeable that foreign children are seldom placed in these inclusion classes.

The kind of school segregation experienced by Sinti and Romani children in Germany differs from the segregation faced by Roma in Central and Eastern Europe. In most cases foreign Roma children and youngsters do not have equal access to education; they do not have the language skills and are not familiar with the German school systems and methods. As a rule, cities which experience strong immigration flows have programmes to prepare foreign pupils who just have arrived in Germany to attend school. Although such preparatory classes are presented by the *Länder* and city governments as good practices of integration, they are criticised by education experts and Sinti and Roma activists for being segregatory and discriminatory. From their point of view, migrant children are kept separate from pupils attending regular schools instead of being supported within regular classes with additional teaching and pedagogical personnel.

One of the most effective instruments to improve the performance of Sinti and Roma children and youngsters has been the recruitment of school mediators. Sinti and Roma have been qualified as mediators, counsellors and teacher assistants since 1993. They work in kindergartens, schools and in vocational schools with the goal of establishing trust, and ensuring that Sinti and Romani pupils are entitled to equal participation in public education. In order for equal opportunities to be achieved, the educational counsellors are not only engaged upon school issues: their work also includes extracurricular issues such as the mentoring of parents.

Employment

Although no reliable data on the employment situation of Sinti and Roma in Germany are available, experts assume that the situation of many is characterised by a lack of integration into the labour market, both in qualitative and quantitative terms, poor formal qualifications and discrimination. For “tolerated” refugees, the situation is likely to be worse, as strong legal barriers prevent access to the labour market. In spite of their more favourable legal status, Romani migrants from EU countries are frequently subjected to exploitative and illegal working conditions on the informal labour market.

Also, there are no specific policies in place to tackle prejudice against Sinti and Roma on the labour market. In this regard, Sinti and Roma may have fall behind the situation of other minorities, as their discrimination is, to some degree, almost taken for granted.

The mainstream labour market policies have no specific tools to improve this situation, and have a reputation of low intercultural awareness. So far, it is only within selected ESF programmes and small-scale initiatives led by NGOs that the situation of Sinti and Roma could be addressed to some degree, but these initiatives remain few. Whether the government will manage, through the new Fund for European Aid for the Most Deprived, to increase measures for those Sinti and Roma that are furthest away from the labour market, and who cannot be supported through ESF, remains to be seen.

Sinti and Roma receiving unemployment benefits must be ready to accept training sessions offered by the employment agency. Beneficiaries can also apply for training courses. Through these courses the beneficiaries should improve their opportunities in the labour market, e.g. through language, accountancy or computer classes. These courses should suit the profile of the beneficiaries. Interview partners have stated that these courses often do not meet the needs of disadvantaged Romani migrants, refugees and asylum seekers. In many cases, the individuals in question have lived for years completely isolated from societal structures and do not have the necessary learning skills to attend language and vocational training courses.

Health

Research findings indicate that Sinti and Roma in Germany face increased health risks compared to the majority population. Cardiac problems, asthma and arthritis are more prevalent among Sinti and Roma than among the average population. These increased health risks can be traced back to ignorance about general health issues and health services among Sinti and Roma, exclusion and poor living conditions and discrimination and mistrust in medical institutions due to past discriminatory experiences. A significant number of Sinti and Roma cannot afford health insurance and therefore rely on welfare health care services.

Especially Romani migrants in Germany experience that they do not have the same opportunities to access health care as non-Roma. Manifold barriers that restrict access by migrants to the German health care system lead to the protraction of treatable illnesses; and migrants often do not receive necessary medical check-ups and vaccinations. By law, many refugees are denied health care services beyond emergency treatment and they need approval by a welfare officer before seeking medical help. EU citizens face significant financial and bureaucratic obstacles in attempting to obtain the statutory German health care insurance.

Sinti and Roma organisations offer individual counselling and interpretation services, accompany patients to medical offices and undertake crucial vaccination and awareness raising activities. Information activities have been very successful in increasing health cover among Romani migrants from other EU member states. Networks of volunteer doctors offer free medical consultation to people without insurance and, in many cases, without papers. However, both Sinti and Roma information centres and medical networks are chronically underfinanced by the state. They certainly cannot make up for the lack of systematic medical care through regular services.

Sinti and Roma organisations report cases of discrimination within the health care system, such as Sinti and Roma being rejected as patients or payment for treatment being demanded in advance. Some NGOs have

criticised local administrations for publicly targeting Sinti and Roma in measures such as awareness raising campaigns, vaccination and funding for medical treatment. In their view, such an approach will perpetuate anti-gypsy resentment and should therefore be abandoned in favour of satisfactory health care measures for all residents.

There is an evident lack of public information on the health situation of Sinti and Roma in Germany. More research would be necessary in order to assess particular health risks.

Housing

The German government has devoted little effort so far to trying to understand the housing situation of Sinti and Roma. This is reflected in the very sparse reporting under the EU framework. Evidence provided on a smaller scale through surveys and reports conducted by researchers and CSOs, however, demonstrates the weak position of many Sinti and Roma regarding housing in Germany. Its causes are discriminatory attitudes in mainstream society, anti-gypsy mobilisation in neighbourhoods where Sinti and Roma live, racist attacks on Sinti and Roma dwellings, an overall weak socio-economic position and the lack of policy measures to improve this situation.

For refugee and immigrant Roma, the housing situation is worse than for German Sinti and Roma, owing to their restricted access to social and housing rights. Some more inclusive local and regional examples, however, demonstrate that this situation also depends more strongly on the commitment of public authorities than on the legislative framework. This applies to housing for “tolerated” refugees as well as to the fight against exploitative housing conditions. In the current housing crisis for vulnerable migrants from Bulgaria and Romania, the federal government has, so far, showed little willingness to offer local and regional authorities incentives or support in providing assistance to this group, and in avoiding their marginalization on the housing market.

In spite of the lack of country-wide data, it can be said that Sinti and Roma, like other minority groups, live segregated to some degree. The interpretation of this situation, however, needs to be differentiated depending on whether segregation is forced (for instance, by housing market mechanisms or by law, as in the case of tolerated refugees) or voluntary, and whether the settlements with higher proportions of Sinti and Roma are separated or integrated into the wider urban and social fabric. Some participative housing projects with Sinti and Roma and participative regeneration projects within the Social City (*Soziale Stadt*) programme have demonstrated that small-scale segregation does not necessarily contribute to exclusion.

With the recent reinstatement of a serious Federal contribution, the *Soziale Stadt* programme can provide an important tool for integrated measures in the field of housing that also benefit Sinti and Roma. At present, however, the degree to which Sinti and Roma benefit of the programme cannot be assessed, and is only illuminated by evidence in a few cases. It would be useful to bring together more evidence about the effect that the *Soziale Stadt* programme has on the housing and living conditions of Sinti and Roma.

RECOMMENDATIONS

Structural Requirements

Key Short-Term Recommendations

National Authorities

National Focal Point

The national contact point should start performing its assigned tasks more actively and it should have coordination competences. It should take a more proactive approach and increase its visibility. In order to do so the national contact point would need a higher budget and more staff.

Initiate a Comprehensive Survey of the Living Conditions of German Sinti and Roma

The German government has no information on the social situation of the Sinti and Roma, but bases its policy on the assumption that this group is well integrated into German society. Empirical studies, however, suggest that this is not the case, and that the non-integration and discrimination of German Sinti and Roma is an important issue for parts of the national minority. In order to improve the knowledge and evidence base of policies, the German government should commission an independent survey on the living situation of Sinti and Roma. This survey should follow a participatory approach, and include civil society organisations and draw on state-of-the art methods to obtain a representative picture.

Comprehensive Recommendations

National and Sub-National Authorities

Multi-Level Cooperation

The federal organisation of Germany should not hinder the German government from showing more leadership in the protection of the national minority of Sinti and Roma and Roma immigrants, including through soft policy measures. The first timid efforts to improve multi-level coordination through joint bodies such as the committee of state secretaries and the “poverty migration” working group need to be extended and consolidated to tackle obstacles to Roma inclusion across all levels of government, and across the German territory.

Funding of Sub-National Activities

Funding for policies at sub-national level should be allocated according to the partnership principle and local challenges and should incentivise sub-national entities that are willing to promote Sinti and Roma inclusion.

Reliable Data on Impact of Funds

More reliable and representative data should be gathered on the reach-out of funds such as the European Social Fund to Sinti and Roma. Where necessary, specific measures need to be taken to ensure equal access for Sinti and Roma to social inclusion measures.

Monitoring of Effectiveness of Mainstream Policies

The effectiveness of mainstream policies to foster Sinti and Roma inclusion should be monitored. At present, the Federal Government argues that mainstream measures are sufficient to foster Sinti and Roma inclusion, without knowing whether or to what degree mainstream policy measures reach this group. By drawing on representative small-scale surveys, expert interviews and other tools, the government should assess whether its key mainstream policy instruments in housing, employment, education and health actually reach Sinti and Roma to the same degree as the rest of the population.

Access for Romani Refugees

Access for Romani refugees, in particular those with limited protection, to housing, health, education and employment should be improved. By defining minimum standards for all subnational entities and by highlighting best practices the federal government must ensure that human rights are not breached in refugee accommodation.

Capacity Building for Sinti and Roma Organisations

Capacity-building measures for Sinti and Roma organisations to improve their access to public contracts and tenders within mainstream social policies should be stepped up.

Discrimination

Key Short-Term Recommendations

National Authorities

Campaigns Against Anti-Gypsyism

The report recommends a governmental awareness-raising programme against anti-gypsyism to counteract the current rise of a negative image of Sinti and Roma in public discourses. Projects against anti-gypsyism must be given higher priority in public funding. Special funding should be given to projects that document current hate speech and anti-gypsy remarks by politicians.

Training

Funding must be allocated for training initiatives for Sinti and Roma organisations in how to promote rights awareness and support Sinti and Roma citizens in filing complaints against discrimination. Public agencies against discrimination must receive detailed expertise with regard to anti-gypsyism and discrimination of Sinti and Roma in Germany.

Comprehensive Recommendations

National and Sub-National Authorities

Legal Measures Against Discrimination in Education and Housing

Anti-Discrimination legislation in the framework of the General Equal Treatment Act and at the *Länder* level must establish and enforce mechanisms against discrimination in schools and in relations between landlord and tenant.

Right to File Collective Complaints

The General Equal Treatment Act must be changed in order to increase the scope for collective complaints. Like recognised associations in the fields of consumer protection, environmental issues and the rights of

persons with disabilities, associations that fight against discrimination must be able to file complaints on behalf of victims.

Improving the Legal Situation of Refugees

Current legislation concerning the right to asylum must be changed in order to abolish discriminatory and arbitrary practices that enforce exclusion, poor living conditions and loss of prospects among Romani migrants.

Free Movement of EU Citizens

EU citizens must be able to fully exercise their right to free movement within the EU. The German government must guarantee access to social benefits for EU citizens searching for a job in Germany and undertake measures for their inclusion into German society.

Intersectionality and Particularly Vulnerable Groups

Campaigns against discrimination should highlight the multiple discrimination experienced by Sinti and Romani women; and they should raise awareness for the particularly vulnerable situation of Romani migrants. Project funding should be shifted accordingly.

European Union

Monitoring

European anti-discrimination bodies should increase their activities in monitoring whether Germany meets standards in combating discrimination against Sinti and Roma, for instance on the housing market.

Public Media

Anti-Gypsyism in the Media

The German Press Council must clearly denounce and prosecute anti-gypsy media coverage. The ethnic identification of alleged criminals in press releases by the police and in the related media coverage must be banned. A media agreement should be established in order to outlaw racist and anti-gypsy reporting.

Education

Key Short-Term Recommendations

State (Länder) Authorities

Working Group

A standing working group with the Conference of the Ministers of Education and Cultural Affairs should be established. The issue of national minorities in Germany should be an integral part of their activities as well as the inclusion of the corresponding minority organisations.

Compulsory School Attendance

Compulsory school attendance should be introduced for children and youngsters without residence permits (*sans papiers*) and for asylum-seeking children and youngsters and those with “tolerated” status in the *Länder* where school attendance is not yet compulsory.

Inclusive Classes at Regular Schools

The number of inclusive classes at regular schools for teaching disadvantaged Sinti and Roma children who are placed in special classes and schools should be increased. There is a need to provide these schools with the necessary pedagogical staff for supporting children with special needs to succeed at school.

Changes of Curricula

The topics of "Anti-gypsyism" and "History of the Sinti and Roma", as well as discussion about their present living conditions, should be mandatory components in curricula and in teacher-training programmes. For this purpose existing research results on Anti-gypsyism can be used so that corresponding materials and training programmes may be developed.

Comprehensive Recommendations

National Authorities

Mediators Programme

As required, mediators should be appointed in kindergartens, schools and in vocational schools, with a focus on establishing trust and ensuring equal participation of the Sinti and Roma in public education.

A transitional model would be recommended here, so that the Sinti and Roma are more strongly integrated than previously as stakeholders in pedagogical practice. Motivated and motivating Sinti and Roma should be recruited to work as educational counsellors at schools and kindergartens, even if at first they do not dispose of the formal qualifications as educators, social education workers and teachers, and have to obtain these qualifications while working. Such recruitment should in no case establish a permanent model by which the Sinti and Roma become teaching staff. These educational counsellors should be offered ways and possibilities of obtaining their formal qualifications at a later stage.

Parents' Education

Various studies have shown that successful schooling depends primarily on the educational level of parents and grandparents, which is also the case among the Sinti and Roma educational climbers. Therefore it is important to encourage the parents' interest in education by using different activities from the area of adult education, so that they become more actively involved in the educational process of their children.

Access to Education

Abolition of selection procedures based on random criteria, *numerus clausus* and other entrance restrictions to universities for Sinti and Roma (analogous to e.g. positive action programmes supporting ethnic Germans from the former Soviet Union).

Scholarship programmes for training and vocational education should be initiated, e.g. through an educational fund for the Sinti and Roma, one of the larger foundations. Such programmes should be developed in addition to the already existing funding structures and should be aimed specifically at the members of minorities living in Germany. A committee consisting of the minorities' representatives should decide on the awarding of scholarships.

Other measures should include:

Use of whole-day school facilities with good individualised teaching in regular classes. Targetted activities for attending kindergarten and pre-school classes, e.g. Article 24 (2) of Book I of the Social Security Code VIII, the future version; with simultaneous abolition of reasons for not sending children to kindergartens and pre-school classes. Any kind of fee for attending kindergarten should be abolished. Families receiving ALG II should have the opportunity to send their children to kindergarten full-time.

The encouragement of adult education, which addresses the needs and potential of Sinti and Roma, is thus necessary. It can be implemented in the form of tailor-made courses developed together with input from state associations, and facilitated by adult education centres or other educational institutions.

Overseeing the transition to higher levels of school and the transition from school to work.

Empowerment

Exchanges between the Sinti and Roma students should be encouraged (networking for mutual motivation).

Anti-Discrimination

In order to effectively combat discrimination faced by Sinti and Roma children and youngsters at school, the *Länder* should introduce provisions in their school legislations explicitly banning discrimination. Adequate legal mechanisms for protection and for filing complaints with regard to the school system should be set up.

An independent system of focal points offering advice and support for filing complaints on discrimination and racism, and on anti-gypsyism, should be provided. These focal points should be set up taking into consideration the needs of potential victims of discrimination and the specificities of the school system.

Anti-discrimination and anti-racism models should be introduced as constitutive parts of the school system. These models should be developed taking into consideration all dimensions in which discrimination and racism can take place.

Public authorities and politicians should be sensitised against anti-gypsyism. An educational programme focusing on a critique of racism is indispensable for all employees, both at schools and in the other areas of public administration, and especially with regard to the discrimination and persecution that the Sinti and Roma have experienced.

Employment

Key Short-Term Recommendations

National Authorities

Work Permits for Asylum Seekers

Changes in legislation affecting foreigners should be introduced so that asylum seekers can obtain a work permit. The restrictions on obtaining a work permit for refugees with "toleration" (*Duldung*) status should be abolished.

Support for Obtaining Jobs

The availability of support for Sinti and Roma in obtaining a job, an apprenticeship or an internship should be enlarged and strengthened. This should include support in application procedures and in occupational orientation. CSOs working for Sinti and Roma and employment agencies should set this goal as a priority.

Vocational Training Measures

The number of vocational training measures targeting Sinti and Roma should be increased. More funding should be directed at fostering vocational training measures.

Vocational training programmes for beneficiaries who are far away from the labour markets should be designed and implemented. These programmes should meet specific needs of beneficiaries who are not reached through existing programme and projects.

Fighting Trafficking in Human Beings

Measures to fight human trafficking of Romani migrants in the labour markets should be strengthened. More focal points providing advice and support for victims of human trafficking should be set up.

Comprehensive Recommendations

National Authorities

Access to Labour

The transition from school to the labour market should be improved. Models should be developed through which Sinti and Roma youngsters who have completed secondary education can support those who have not. Such schemes could help youngsters to find a job, an apprenticeship or an internship.

Procedures for the accreditation of diplomas awarded to Romani migrants in their countries of origin must be improved. A model needs to be developed through which certificates and knowledge that have been acquired through praxis could be recognised officially, enabling people to work. Vocational training measures specifically targeting Sinti and Romani women should be fostered. These measures should suit the needs and interests of the diverse communities of Sinti and Romani women.

Self-Employment and Micro-Credits

Mechanisms and provisions which impede self-employment of migrants should be abolished. Roma organisations have reported that officials in employment agencies are particularly strict when they control self-employed activity by Romani migrants from Bulgaria and Romania.

Micro-credit programmes for self-employed activities should be made accessible for Sinti and Roma. There is a high proportion of Sinti and Roma, especially Romani migrants, who are self-employed and do not have the resources to develop their businesses due lack of capital. The existing micro-credit programmes are not designed to support people in a very disadvantaged position.

Discrimination

Training must be fostered in anti-gypsyism and on the living conditions of Sinti and Roma in Germany and in Europe, and targeted at employees in the employment agencies. The report recommends awareness-raising campaigns on discrimination in the labour markets among Sinti and Roma organisations and for individuals. Such campaigns should provide them with the necessary knowledge to file a complaint on discrimination in the labour and services' markets and to support victims of discrimination among Sinti and Roma communities.

Health

Key Short-Term Recommendations

National, Regional and Local Authorities

Health Care Access for EU Citizens

Urgent measures must be established to respond to the inadequate access to health care for EU citizens in Germany. These measures are above all a public information campaign and increased counselling on

registration options with the German health insurance and on the risks of indebtedness from temporary non-payment of insurance contributions. A centralised clearing unit and an online database must be set up to support staff of medical and insurance offices in understanding the rights of EU citizens and in identifying their individual insurance status.

Consultation with Sinti and Roma Organisations

In order to assess existing needs and obstacles Sinti and Roma organisations and communities must be consulted in the ongoing discussions about proposals with regard to health care access for EU citizens. The report appeals to policy makers to examine whether their proposals or public statements reflect actual health care challenges and do not perpetuate stereotypes of the Sinti and Roma population.

Detailed Study on the Health Situation of Sinti and Roma

A detailed study is needed in order to analyse the health situation of Sinti and Roma in Germany. Such a study would be a crucial step towards identifying particular health risks both among the autochthonous Sinti and Roma and among migrants, and for understanding which legal, bureaucratic and financial barriers are causing these risks. There appears to be no alternative to empirical assessment for the development of appropriate policies for equal health care access for Sinti and Roma. Roma and Sinti organizations and communities should be involved in designing and carrying out such a study.

Comprehensive Recommendations

National, Regional and Local Authorities

a. Overall measures

Health Insurance Contribution Debts

As the 2013 Act against Health Insurance Contribution Debts has only had a marginal impact, the report recommends further legislative efforts to reduce the problem of insurance contribution debts and to increase the number of citizens with health insurance. The effective implementation and the impact of these laws should be monitored.

Funding for Information and Mediation

The report recommends increased funding for information centres and health projects by Roma self-organisations and welfare organisations. These are for instance initiatives that provide information about existing health prevention services such as programmes on healthy nutrition and vaccinations. Mediation and assistance projects should be extended in order to reduce fears of mistreatment and encourage the use of public health care services among members of the Sinti and Roma communities.

Anti-Discrimination

Sinti and Roma organisations should be supported financially in documenting cases of discrimination in the health sector. Funding should be provided for anti-discrimination training by Sinti and Roma organisations that target medical staff and health care officials.

Complaint Mechanisms

Effective mechanisms for complaint and redress of violations of health care rights should be put in place. It must be ensured that these mechanisms are accessible to marginalized and vulnerable people and that redress for victims is provided in a timely and efficient manner.

Integrated Measures Against Poverty and Discrimination

Poor living conditions, lack of prospects and discrimination are among the most relevant factors for the increased health risks of many Sinti and Roma.¹ As a crucial prerequisite for improving the health status of individuals the report recommends integrated measures against poverty and discrimination, e.g. through local intersectoral working groups.

Mental Health and Traumatisation

Like earlier reports² this report stresses the need for additional targeted services with regard to mental health, traumatisation and psychosomatic illnesses, resulting from experiences of exclusion and encumbering memories of persecution during National Socialism.

b. Third country nationals

Legal Health Care Access of Refugees

The report recommends legislative changes with regard to access by refugees to health care services. The current law on social services for asylum seekers (*AsylbLG*) needs to be reformed in order to provide full access to health care services regardless of the period of stay of an asylum seeker. Decisions as to whether treatment is necessary or not must be made exclusively by medical staff.

Information and Assistance

Funding must be increased for projects that inform and assist refugees in seeking medical treatment and that provide professional interpretation services for them. Particular attention needs to be given to providing adequate services to tackle traumatisation among refugees.

Welfare Health Services

Welfare health services for people without papers must receive more public funding to cope with the number of persons seeking medical support. A mechanism for obtaining individual and public health immunisation against infectious diseases should be offered to all asylum seekers.

c. EU citizens

Health Insurance Coverage of EU Citizens

The report recommends systematic communication and data exchange between German and European health insurance systems as foreseen by EC Regulation No 883/2004. The application procedure for the European Health Insurance Card needs to be simplified.

Information Centres and Information Campaigns on Rights of EU Citizens

Information centres in both the countries of origin and Germany must receive more funding in order to sufficiently support EU citizens in overcoming obstacles resulting from language deficits and lack of knowledge about inscription options into German health insurance schemes. The report recommends information campaigns for staff in hospitals and medical offices in order to reduce stereotypes and discrimination and in order to explain to them the legal status of EU citizens.

Access for EU Citizens to the German Social Security System

The report recommends changes in legislation by which the access of EU citizens to the German social security system would be extended. The report refers in particular to § 23 SGB XII, which currently denies

1 FRANET 2012: 46.

2 Kohlberg et al. 2012: 12.

social services to EU citizens seeking employment in Germany and which restricts the use of health services to mere emergency treatment. The report clearly denounces any ongoing attempts to discourage or further impede the use of social services and the free movement of citizens from other EU member states.

Housing

Key Short-Term Recommendations

National and Sub-National Level

Illegal and Improper Renting

The fight against illegal and improper renting practices affecting vulnerable EU-migrants, many of whom are Roma, should be continued and stepped up, also in terms of providing information and access to housing alternatives.

Neighbourhood Mediation

Significant financial means should be provided urgently for cities to set up participatory forms of neighbourhood mediation in areas with a high concentration of immigrant Roma.

Comprehensive Recommendations

National Level

Non-Discrimination Law

The clause in the German non-discrimination law that allows ethnic discrimination to avoid “social and cultural imbalances” should be abolished as it acts as a shield for discriminatory practices against Sinti and Roma and other minorities. Equality bodies, housing associations and government actors should envisage suitable campaigns for fighting prejudice against Sinti and Roma.

More Inclusive Minimum Standard

The government should work towards the acceptance of a more inclusive minimum standard of housing for “tolerated” refugees, banning segregated accommodation in all *Länder* and municipalities.

National and Sub-National Authorities

Integrated Housing Programmes

In the context of the Roma framework and/or the *Soziale Stadt* programme, participatory integrated housing projects with Sinti and Roma should be promoted by the state. The *Soziale Stadt* programme should be used to gather information on the housing situation of Sinti and Roma in disadvantaged areas and solutions that have been found to improve this situation in various programme areas.

Cities should design *Soziale Stadt* measures in Sinti and Roma neighbourhoods in a highly participatory way.

Tackling Housing Discrimination and Racist Mobilisation

Cities need to become more sensitive to housing discrimination of Sinti and Roma and anti-gypsy mobilisations at neighbourhood level, and use appropriate means such as mediation and awareness raising to address these issues.

LIST OF ABBREVIATIONS

ADS	Antidiskriminierungsstelle des Bundes (National Antidiscrimination Office)
AfD	Alternative for Germany
ALG I/II	Arbeitslosengeld I/II (Unemployment Payment I/II)
AG	Arbeitsgruppe (working group)
AGG	Allgemeines Gleichbehandlungsgesetz (General Equal Treatment Act)
ASMK	Arbeit und Soziales Minister Konferenz (Conference of Labour and Social Affairs of the Länder)
ARIC	Anti-racism Information Centre
AsylbLG	Asylbewerberleistungsgesetz (German social welfare law for asylum seekers)
BAMF	Bundesanstalt für Migration und Flüchtlinge (National Agency for Migration and Refugees)
BayEUG	Bayerisches Gesetz über das Erziehungs- und Unterrichtswesen (Bavarian Law on Education and Educational System)
BfDT	Bündnis für Demokratie und Toleranz gegen Extremismus und Gewalt (Alliance for Democracy and Tolerance against right-wing Extremism and Violence)
CDU	Christian Democratic Union
CSO	Civil Society Organisation
CSU	Christian Social Union
DGB	Deutscher Gewerkschaftsbund (German Trade Union Federation)
EC	European Commission
ECJ	European Court of Justice
EHIC	European Health Insurance Card
ERDF	European Regional Development Fond
ESF	European Social Fund
EU	European Union
EVZ	Stiftung Erinnerung, Verantwortung und Zukunft (Foundation Remembrance, Responsibility and Future)
FEAD	Fund for European Aid to the Most Deprived
FRA	Fundamental Rights Agency
KMK	Kultusministerkonferenz (Conference of Ministries for Education and Culture)
NGO	Non-Governmental Organisations
NPD	National Party of Germany

OECD	Organisation for Economic Cooperation and Development
SGB	Sozialgesetzbuch (Social Security Code)
SPD	Social Democratic Party
QUANGOS	Quasi-autonomous Non-governmental Organisations
RAA	Regional Arbeitsstelle
SOR	Schule ohne Rassismus (School without Racism)
UN	United Nations
UNICEF	United Nations Children's Funds

INTRODUCTION

This civil society monitoring report gives an overview on the policies and measures targeting Sinti and Roma in Germany since the publication of the “Integrated Measures Packages for the Integration and Participation of Sinti and Roma in Germany” in 2011, which were an answer to the request by the European Union to develop a strategy aiming at the inclusion of Sinti and Roma.

This report has been prepared by the *Sozialfabrik* research centre in cooperation with the Roma organisations *Amaro Drom* and *Amaro Foro*. The Roma organisation *Roma Büro Freiburg* and the *Otto Benecke Stiftung* have taken part in the advocacy activities of the consortium and in the distribution of this report. The monitoring project is funded by the Open Society Foundation. The project has been also financially supported by the Hildegard Lagrenne Foundation and by the Freudenberg Foundation.

The monitoring report has been developed taking into consideration societal and state structures in Germany. Firstly, as in most Western and Northern European countries, Germany’s Roma population falls into several groups: the autochthonous Sinti and Roma, Roma who came to Germany as “guest workers”, especially from the former Yugoslavia and Turkey, during the 60s and 70s; Roma who came in the 90s as asylum seekers during the Yugoslav Civil wars, mobile EU citizens who came to Germany mainly during the last 10 years, especially from Romania and Bulgaria and Roma who came in the last three years as asylum seekers mainly from Macedonia and Serbia. In this report, measures affecting all these groups are analysed.

A second and related particularity is due to the federal structure of the country. In some of the policy fields (in particular education) that are covered by the “Integrated Measures Packages” of the German government the Federal government is not or only partly responsible and did not report on initiatives conducted by the *Länder* and the local authorities. This means that particular attention must be paid to all levels of government when monitoring German policy responses.

Thirdly, the “Integrated Measures Packages” of the German government do not indicate any objectives and indicators. This makes it difficult to assess strategy implementation; the assessment of programmes and projects implemented at local level will be of relevance for the monitoring of measures affecting Sinti and Roma. The research has covered the whole of Germany, but it has focused on the following *Länder*: North-Rhine-Westphalia, Berlin, Baden Württemberg, Bavaria, Hessen, Rhineland Palatinate and Lower-Saxony. This geographical scope is related to the *Länder* where Sinti and Roma populations are concentrated and to the number of measures targeting those communities.

Within the monitoring research the following policy areas have been analysed: structural requirements (institutional arrangements), anti-discrimination, education, employment, housing and health. The research has been oriented to a detailed research template developed by the Open Society Foundation, which contains a series of specific questions on the aforementioned policy fields.

This report reflects the important role that sub-national entities play in many of the areas of interest. Thus, the report itself follows a decentralised approach and gives an insight into the situation not only at the national level, but also in the regions with the highest share of the Sinti and Roma population in Germany.

This report relies on qualitative research which has been based on the analysis of literature and on interviews with stakeholders. The following types of documents have been analysed: legal and policy documents, parliamentary enquiries, reports from city administrations, civil society organisations (CSOs) and studies conducted by research centres and CSOs. Structured and semi-structured interviews have

been conducted with the following stakeholders: representatives of the governmental agencies at national and *Länder* level, of municipalities, of Sinti and Roma organisations, of CSOs working for Sinti and Roma and researchers.

Information was also gathered through the network of individuals composing the Roma organisations which are part of this consortium who gave information especially on the effectiveness of measures analysed through this monitoring research. This monitoring report includes recommendations for improvements in the design and implementation of policies and measures towards Sinti and Roma.

The scientific coordination for this report was assumed by Guillermo Ruiz Torres. The report was compiled by the researchers Guillermo Ruiz Torres, Anna Striethorst and Dirk Gebhardt. Emran Elmazi was responsible for the overall management of the monitoring coalition. Contributions have been delivered by Emran Elmazi, Diana Botescu, Jonathan Mack, Merdjan Jakupov and Mirja Leibnitz.

We would like to thank all the involved organisations, authors and stakeholders who have been willing to share their expertise in interviews and written contributions.

1. STRUCTURAL REQUIREMENTS

Sinti and Roma in Germany

As in most Western and Northern European countries, Germany's Roma population falls into distinct groups differing in their history and legal status.³ The group of autochthonous German Sinti and Roma is estimated at around 70,000 individuals of whom 60,000 are Sinti.⁴ A recent report estimates this number at 80–120,000.⁵ This group is recognised by the constitution as a national minority.

The second groups are Roma among foreign workers, the so-called *Gastarbeiter* who immigrated to Germany in the 1960s and 1970s in the context of agreements between Germany and the government in their country of origin. Many of this group never revealed their ethnicity, so data on their numbers and living conditions are largely unavailable.

The third group are immigrant Roma who came to Germany as refugees during the Yugoslav Civil wars. According to estimates, 2007 this group consisted of 40,000–50,000 individuals.⁶ Even after a long stay in Germany most members of this group only enjoy subsidiary protection under the status of "toleration" (*Duldung*). In recent years, following the signing of a repatriation agreement with Kosovo, a significant part of this group has been deported to Kosovo.

A fourth group are mobile EU citizens, mainly from Bulgaria and Romania, most of whom have come to Germany over the last ten years. This group includes tens of thousands of individuals but cannot be estimated more precisely with existing data.⁷ A fifth group is composed of Roma who have arrived in the last three years as asylum seekers, mainly from Macedonia and Serbia. All of these figures are estimates, as ethnic affiliation is not recorded in official statistics.

Framework Convention for the Protection of National Minorities

Together with the Danish, Friesen and Sorben, Sinti and Roma are recognised by the German state as a national minority. However, the German state gives this status only to German Sinti and Roma, and not those with migration background. One of the most important instruments for safeguarding the rights of Sinti and Roma is the Council of Europe's Framework Convention for the Protection of National Minorities, which Germany has ratified.

The Framework Convention contains a series of principles and rights that bind Germany to safeguard minority rights, including the prohibition of discrimination, requirements for the promotion of effective equality, the maintenance and development of the essential elements of the particular identity of minorities, the right to use minority languages in private or public and to receive instruction in the minority

³ In the report the denomination "Sinti and Roma" is used because Sinti have been historically the largest group in Germany. This is used officially too by state institutions, media, NGOs and Sinti and Roma organisations. In this report, this denomination comprises all groups: German Sinti and Roma, Roma migrants and those with migration background, Roma refugees, asylum seekers and sans papiers. When reference is made to a particular group, it is specified which group is referred to, e.g. "Roma migrants" or "Roma refugees".

⁴ Federal Government 2011: 12.

⁵ Strauß 2012.

⁶ Zentrum für Antisemitismusforschung 2007: 9.

⁷ The fact that in 2011 and 2012 around 130,000 citizens from Bulgaria and Romania registered for the first time in Germany gives a rough idea, although only a minority of them are Roma. Roma also come from other EU countries.

language. Further responsibilities concern the right to effective participation in cultural, social and economic life and in public affairs and the prohibition of measures which cause forcible assimilation of persons belonging to national minorities.⁸

Germany, like every other state that has signed the Framework Convention, has to deliver a state report on the implementation of the convention. An advisory committee formulates an opinion on the report. The advisory committee does not share the position of Germany which affirms that the Framework Convention applies only to German Sinti and Roma. The Advisory Committee believes that the Framework Convention should also protect migrants and asylum-seekers, possibly also Roma from south-eastern Europe.⁹

So far Germany has delivered three state reports, in 2002, 2006 and 2010. In the three corresponding opinions there have been criticisms of the implementation of the Framework Convention with regard to ethnic profiling, negative portrayal of the Roma in the media and problems in equal access to education. In its third opinion the advisory committee called on the German government:

*...to take measures to bring about a significant increase in participation in public life by the Roma and Sinti with regard for the cultural diversity found within these groups; promote and support projects and initiatives which will contribute to improving their participation in social and political life and take resolute action without delay to end the unjustified placing of Roma and Sinti pupils in "special schools."*¹⁰

German Policies Within the EU-Roma Framework

The German government has explicitly not developed a strategy towards the social inclusion of Sinti and Roma. It has stated that:

*"...a specific Roma strategy is not required in Germany. Nor is a national strategy necessary for those foreign Roma who come to Germany as immigrants or refugees and have right of permanent residence. This is because these people have access to the same integration programmes as other groups of foreign nationals."*¹¹

The German government has delivered a list of existing instruments that should contribute to the social inclusion and equal treatment of Sinti and Roma as much as of any other social group. For this reason the report delivered by the German government has the title "Integrated Measures Packages for the Integration and Participation of Sinti and Roma in Germany" (*Integrierte Maßnahmenpakete zur Integration und Teilhabe der Sinti und Roma in Deutschland*). Nevertheless, in order to improve the readability of this document, in this report the word "Report" will be used when referring to the German document.

The Report was drafted without consulting the governments of *Länder* (federal states) or cities. This is unusual, since as a general rule, the *Länder* are consulted for the development of such strategies or programmes. The Report has been drawn up by the permanent federal secretariat of the Conference of Ministries for Education and Culture, the *Kultusministerkonferenz* (KMK), in spite of its overarching character (including fields such as employment, health, housing and social security issues). Even the units responsible for culture within the federal state governments were not consulted or informed about the contents of the Report. No Sinti and Roma organisations were consulted during the drafting of the Report.

In the German Report there is no analysis of the living conditions of Sinti and Roma in Germany. It is stated that there is a lack of information on Sinti and Roma communities although studies on the subject do in fact exist.¹² There is no mention of the discrimination and social exclusion faced by Sinti and Roma. With

8 Framework Convention 1995.

9 Hoffman 2011: 170.

10 Third Opinion 2010.

11 Bundesministerium des Innern 2011: 29.

12 Antidiskriminierungsstelle des Bundes, Bevölkerungseinstellungen zu Sinti und Roma (2014); Zentrum für Antisemitismusforschung, Zur Lage von Kindern aus Roma-Familien in Deutschland. Im Auftrag von UNICEF (2007); Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher, Ergänzungsbericht von Vertreter/innen der Roma Zivilgesellschaft und anderer Interessenträger und Expert/innen zum Bericht der Bundesrepublik Deutschland an die Europäische Kommission zum EU-Rahmen für Nationale Strategien zur Integration der Roma bis 2020 (2012); FRANET National Focal Point, Social Thematic Study. The situation of Roma 2012. German Institute for Human

regard to the German Sinti and Roma it is stated that there is no need for action towards the inclusion of their communities.

The Report does not make any reference to the fact that Roma asylum seekers are continuously expelled to Kosovo although Roma face extreme poverty, discrimination and racist violence there. There is also no mention of measures for Romani migrants, but only a reference to existing measures offered to migrants in general, for example language courses. Many of these instruments and measures have been either insufficient or deficient; Romani migrants have only limited access to them. No new instruments for the struggle against the discrimination, social exclusion and racism faced by Sinti and Roma in Germany are developed in the strategy.

The Central Council of German Sinti and Roma has expressed the position that policies for Sinti and Roma have to take into consideration the diversity of the communities:

Distinct policies and measures are therefore necessary: for German Sinti and Roma with German nationality, to ensure the effective implementation of the 'Framework Convention for the Protection of National Minorities' through specific measures relating to recognition, participation and support; (and) for refugees and immigrants, which involve the appropriate resolution of questions of status/the determination of rights of residence and naturalisation, support in the fields of education, training and employment and social protection measures, in particular in connection with health and housing.¹³

The Central Council has developed a set of recommendations comprising the thematic fields of measures for holocaust survivors, participation of the minority in politics and society, anti-discrimination policy, improvement of the anti-discrimination laws and measures, the police coming to terms with its past and training for police officers, promotion and facilitation of access to all levels of education, securing resident status for Romani refugees from the former Yugoslavia, especially from Kosovo, and promoting their inclusion and implementing inclusion policies targeting Romani migrants, EU citizens and third country nationals.¹⁴

In order to draw up a complementary report to the German strategy, developed by Roma and civil society organisations, 26 Sinti and Roma federal associations, organisations running education projects, experts and activists were interviewed. The interviewed partners contradict the position of the German government that German Sinti and Roma feel well integrated in society and that Romani migrants have no difficulty in accessing the measures that are provided for all groups of foreign nationals.¹⁵

This complementary report also stated that there is an urgent need to implement inclusion programmes especially targeting disadvantaged Sinti and Roma families. Interviewees affirm that Sinti and Roma do not have the same opportunities in the education system or in the labour and housing markets as citizens from the majority population, as the German government claimed in its Report.¹⁶ These statements have been confirmed by the Sinti and Roma organisations that have been interviewed in the framework of this monitoring research.

Since the adoption of the Report, the German government has published two implementation reports. The first was an 11-page report published in late 2012 comprising an exemplary list of initiatives and projects through which social inclusion of Sinti and Roma should be fostered. This report does not even reflect the real number of initiatives and projects aiming at Sinti and Roma inclusion at *Länder* and city level.

The second implementation report has been published in January 2014 and comprises a longer list of exemplary projects and initiatives implemented at *Länder* and city level in the fields of anti-discrimination,

Rights (2012); End, Markus, Gutachten Antigypsyismus. Herausgegeben von Daniel Strauß. RomnoKher – Haus für Kultur, Bildung und Antigypsyismusforschung (2013); EUROCITIES, The Berlin mobile contact point for EU migrant workers and Roma from the perspective of the service providers (2011); EUROCITIES, Roma School Mediation, Peer Review Report (2011).

13 Central Council of Sinti and Roma 2011: 2.

14 Central Council of Sinti and Roma 2012.

15 Bundesarbeitsgemeinschaft RAA et al. 2012: 4.

16 Ibid.

education, employment, health and housing.¹⁷ This report (66 pages) is more comprehensive and gives a more adequate picture of existing initiatives, projects and funding devoted to fostering the inclusion of Sinti and Roma. Nevertheless, it is again no more than a list of existing projects which are still far from constituting a new approach in terms of planning and funding schemes. It merely represents the more effective collection of information through the national focal point.

In its 2013 assessment of the German policies towards Roma, the European Commission criticises, among other elements, a general lack of information regarding the situation of Roma in Germany, and the lack of involvement of sub-national entities and civil society organisations.

The National Focal Point for Implementing the German Report

There is no executive body dedicated to leading and coordinating inclusion policies targeting Sinti and Roma in the federal government. This reflects the attitude of the German government when it claims that that no targeted policies directed towards Sinti and Roma are needed. Nevertheless, Unit M II 4 – National Minorities, Regional Languages in Germany, European Minorities Policies¹⁸ at the Ministry of the Interior has been appointed as the “national focal point” for following the implementation of the strategy towards the social inclusion of Sinti and Roma. According to the German government this unit does not have the competence to design or to coordinate any policies with other ministries, *Länder* governments or cities regarding Sinti and Roma. No additional staff or funds have been allocated to this unit to fulfil its tasks.¹⁹ The assignment of the role of “national contact point” in Germany therefore appears to be a formality, rather than a real attempt to ensure monitoring and coordination.²⁰

Interviewed representatives of the *Länder* governments and city administrations have stated that they do not know what the national focal point is doing.²¹ There is no coordination, or even communication, with *Länder* and city administrations although they have requested this from the central government. Again, this behaviour corresponds to the position of the central government that no strategy is needed for promoting social inclusion and equal treatment of Sinti and Roma in Germany.

For the latest progress report, however, the contact point requested information at *Länder* level and with the Association of German Cities.

The focal point is in charge of drawing up the implementation report on the strategy that has to be submitted to the European Commission on a regular basis. In order to draw up the report, the responsible unit asks various ministries, national programmes, *Länder* governments and cities for information on measures and projects targeting Sinti and Roma. Most Sinti and Roma organisations do not even know about the existence of this unit.

The German government has recently announced that the national focal point will set up a Federal-*Länder* working group that will tackle the implementation of the “Integrated Measures Packages for the Integration and Participation of Sinti and Roma in Germany”. This working group is to meet once a year.²²

Coordination

Reflecting the general attitude of the German government that no targeted policies directed towards Sinti and Roma are needed there is no ministry coordinating such policies. Nevertheless, there are a few attempts at coordinating policies targeting Sinti and Roma.

¹⁷ Bundesministerium des Innern 2013.

¹⁸ Referat M II 4 – Nationale Minderheiten und Regionalsprachen in Deutschland, Europäische Minderheitenpolitik.

¹⁹ Bundestag 2014: 14.

²⁰ Interviews with the Berlin Integration Office, Christoph Leucht.

²¹ Interview with the Berlin Integration Office.

²² Bundestag 2014: 15.

One of these is carried out by the foundation called *Erinnerung, Verantwortung und Zukunft* (EVZ) (Remembrance, Responsibility and Future), which is a public foundation and has initiated a working group on the improvement of the participation and success of Sinti and Roma in the education system (*Arbeitskreis zur Verbesserung der Bildungsbeteiligung und des Bildungserfolges von Sinti und Roma in Deutschland*). This working group is composed of representatives from Ministries, Sinti and Roma organisations, organisations working with Sinti and Roma and other public institutions concerned with policies targeting Sinti and Roma such as the *Städtetag* (Association of German Cities). Here, it should be stressed that a representative of the Ministry for Labour and Social Affairs responsible for the management of European Social Funds (ESF) has started to participate in this working group.

Furthermore, a federal-regional working group called “Poverty Migration from Eastern Europe” has been formed. This working group had several meetings in 2013 and drew up recommendations and proposals to the federal government. With a similar approach, the Association of German Cities (*Städtetag*) set up a working group called “Immigration by people from Romania and Bulgaria” in 2012, which developed a position paper about “immigration from Romania and Bulgaria” (see below under *The role of cities in designing policies for Sinti and Roma*).

Finally, a working group on Roma within this ESF programme (*Roma im ESF-Bundesprogramm Bleiberecht*) was set up in 2012, bringing together 25 organisations working with Sinti and Roma and staff from public administration and the political sphere in order to share good practice and experience in overcoming obstacles to integration.

Even the National Office for Integration (*Integrationsbeauftragte*) does not have specific fields of activity targeting Sinti and Roma. The National Action Plan for Integration does not include a single reference to Romani migrants.

Although there are some initiatives to coordinate measures targeting Sinti and Roma implemented by national and regional authorities and cities and to foster interaction with CSOs, especially with Sinti and Roma organisations, there is a need for sustainable coordination at all levels. The national focal point argues that it does not have coordination competences and that it cannot intervene in the areas of competence of other Ministries, *Länder* or cities.²³ This is certainly connected to the federal structure of the German state. Nevertheless, it also reflects a lack of political will on the part of policy makers in the central government to introduce such coordination processes. The aforementioned initiatives show that there is a will among certain policy makers in several national and regional ministries and cities to exchange information and coordinate policies. These initiatives could get a stronger impulse from the national government to improving coordination, design and involvement of Sinti and Roma organisations in decision making processes.

Policies Towards Sinti and Roma at Sub-National Level

Germany is a federal country in which the sub-national level has significant competences. Sixteen *Länder* (federal states), which include the three city-states of Berlin, Bremen and Hamburg, have their own constitutions and enjoy comparatively strong powers in many fields that are relevant for Roma inclusion. Municipalities, as the third layer of government, are self-governing entities within the limits set by the law. For the German policies towards Sinti and Roma this setup implies that while the national level coordinates the strategy policy, implementation crucially depends on coordination with the other layers of government.

Policies towards Sinti and Roma at the level of states (*Länder*) can be divided into two main areas which have little contact with each other. The first area covers policy responses to recent migration of Roma, in particular from Romania and Bulgaria. The second covers efforts in some *Länder* to improve the status of

autochthonous German Sinti and Roma as a national minority. These two types of policies are pursued with levels of different intensity and political commitment in the different German states according to political commitment and the salience of Roma migration.

Policies Towards Romani Migrants in German States (Länder)

Länder have not usually responded in the form of integrated policy responses for all Romani groups. Instead, policies are divided across sectors involving state departments, ministries of Social and Employment Affairs, Ministries of the Interior and Ministries of Education and Culture.

Nevertheless, there has been a growing perception of the need to find new policy responses in some states, as a result of which some new coordination mechanisms have been created. These approaches differ in their scope and degree of formality.

ACTION PLAN FOR FOREIGN ROMA – BERLIN

Berlin constitutes the only case of a Land that has developed a formal policy plan targeting Roma, although with a clear focus on non-German Roma. The Berlin government has a unit within the office for integration (Integrationsbeauftragte Berlins) which designs, implements and coordinates policies targeting Sinti and Roma, especially Romani immigrants. This unit has developed an action plan for the inclusion of foreign Roma (Berliner Aktionsplan zur Einbeziehung ausländischer Roma) which was adopted by the Berlin Parliament on 19 July 2013 and which has been implemented starting from 1 January 2014.

The Berlin action plan is the first – and so far the only one of its type – to have been adopted at Länder level. It is independent of the German government. The plan comprises a set of measures focusing on education, health, housing, youth, community building and integration and has a budget of 12m EUR for the period 2014–2015.

Within the process a steering group (Lenkungsausschuss) was established gathering representatives from various units of the Berlin and the district administration. This steering group has working groups on education, health, housing, youth and social services which delivered input for drafting the action plan. Representatives of civil society organisations, including Roma organisations, were invited to meet the aforementioned working groups and to provide them with their input to the draft of the action plan. Four Roma organisations are funded for carrying out specific activities within the action plan. For example, Amaro Foro runs a contact point for Roma immigrants.

Roma organisations in Berlin have welcomed the Berlin Action Plan for supporting targeted measures such as counselling offices, language mediation, the implementation of empowerment strategies and community building, as well as documentation of anti-Roma incidents. Yet, at the same time they expressed criticism on specific points such as the course of the consultation process, the process of distribution of funds, the ambivalence of the goal setting and the ethnicisation of certain fields of intervention.

For instance, separate classes were established for Roma pupils from Romania and Bulgaria and counselling offices for Romani women working in prostitution were set up. These measures have been perceived by Roma organisations as fostering segregation and anti-Roma stereotypes.²⁴

Horizontal and Vertical Policy Coordination on Migrant Integration – North-Rhine-Westphalia

Since 2010, around 80,000 Bulgarians and Romanians have moved to North Rhine Westphalia. At the same time people are also moving back to these countries, so the actual population growth has been about half of this figure.²⁵ Romanian and Bulgarian citizens, many of whom are Roma, live in major cities such as Duisburg, Dortmund, Dusseldorf and Cologne. The North Rhine Westphalian government officially does not design policies for Roma as an ethnic group, but the greater part of many coordinated efforts for the integration of immigrants from Bulgaria and Romania eventually focus on this group.

The state has created an inter-ministerial working group called “Immigration from South Eastern Europe” under the leadership of the Ministry for Social Affairs. As a state with a long tradition of immigration, North Rhine Westphalia mostly draws on existing structures to provide a wide spectrum of initiatives in response to this recent migration without targeting Roma in particular. There is a lively exchange between the *Land* government, the federal government and local authorities. An integration conference, several parliamentary hearings and questions have addressed the issue. The *Land* government is very active in seeking federal support and in promoting common initiatives, too.²⁶

In order to support local authorities, a focal point will be set up to provide information about existing funds and to support networking among local authorities. Further, the *Land* aims to promote networking among cities through an already existing network of 160 local integration agencies.

Targeting Sinti and Roma with Selected Measures – Hamburg

Under the coordination of different units of the Ministry for Work, Social Affairs, Families and Integration (*Behörde für Arbeit, Soziales, Familie und Integration*), the state of Hamburg has a relatively wide range of measures in place which target both autochthonous and immigrant Sinti and Roma in selected sectors. Most of the measures targeting Sinti and Roma are implemented by NGOs and Sinti organisations that are funded by the Hamburg administration. The administration supports mediation, advice and capacity-building for Romani migrants from Bulgaria and Romania and institutional support for Sinti organisations. An important share of the funding comes from the European Social Fund. A project on advice in the education context which is linked to a qualification programme for Roma has been running since the 1990s and has recently been extended. Through the ESF, the city state funds projects for school-work transition of Sinti and Roma. Finally, also funded through ESF, Hamburg has several advice centres for Sinti and Roma and for migrants from Bulgaria and Romania in general.

Institutionalisation of Minority Rights at Länder Level

The second trend in terms of coordination of policies for Sinti and Roma at *Länder* level is consolidating the rights of autochthonous Sinti and Roma as one of the four officially recognised national minorities in Germany (together with the Frisian, Sorbian and Danish minorities). For a long time, many *Länder* have provided institutional funding (usually several hundred thousand Euros per year) for regional associations (*Landesverbände*) of German Sinti and Roma. This funding focuses on institutional development, and, in some cases awareness-raising against racism and anti-gypsyism. It is not primarily directed towards inclusion measures.

The new development consist of recognising minority status in state constitutions and contractual agreements and thereby granting a stronger status for German Sinti and Roma in policies that fall within the competences of states, such as education, culture and media.

In 2012, the state of Schleswig-Holstein recognised Sinti and Roma as a national minority in its constitution. Thanks to this new status, regional Sinti and Roma organisations expect an improvement of the situation of

25 Bundeministerium des Innern & Bundesministerium für Arbeit und Soziales, Zwischenbericht des Staatssekretärsausschusses zu „Rechtsfragen und Herausforderungen bei der Inanspruchnahme der sozialen Sicherungssysteme durch Angehörige der EU-Mitgliedstaaten“ (2014), p. 104–105.

26 Interview with Ministry for Employment, Integration and Social Affairs of North Rhine Westphalia.

Sinti and Roma in the education system (including a stronger presence of Sinti and Roma in school curricula), better framework conditions for cultural expressions of Sinti and Roma, a stronger fight against racism and anti-gypsyism and a stronger societal and political participation of Sinti and Roma.

Following a different approach, in December 2013, the parliament of Baden Württemberg adopted a state convention (*Staatsvertrag*) that the government has signed with the Regional Association of the Sinti and Roma. Through this agreement, Sinti and Roma will be recognised as a minority and the Regional Association of Sinti and Roma will receive around half a million Euros per year. The convention also defines the task of the association as providing services to facilitate the integration of immigrant Sinti and Roma.²⁷ Baden-Württemberg's state convention also institutionalizes a council for German Sinti and Roma Affairs that is to be coordinated by the state ministry and to involve various departments. The council's mandate is to advise on project and support measures and to decide upon recommendations to the state government and parliament on all issues that are relevant for Sinti and Roma.

Both the constitutional approach in Schleswig Holstein and the contractual approach in Baden-Württemberg concern German Sinti and Roma. Other Sinti and Roma are not directly covered.

At present, the state of Hesse is also preparing a contractual type of agreement on Sinti and Roma to be signed with the official organisations for Sinti and Roma, notably the regional branches of the Central Council. The act is announced in the coalition agreement of the new *Land* government. According to information from the state department,²⁸ the contract will be signed in summer 2014. Although the government is not willing to comment on the act at present, it can be expected follow the same direction as the developments in Baden-Württemberg.

Similar treaties are under discussion in the *Länder* of Rhineland-Palatinate and Bremen. In Lower Saxony, the failure to agree on who can be considered as a member of the Sinti community and who can speak on its behalf is still seen as a major obstacle to a similar agreement at present.²⁹

In Rhineland-Palatinate, an agreement (which is less binding in character than the models presented above) was signed in 2005 between the *Land* and the Regional Association of Sinti and Roma (*Landesverband der Sinti and Roma Rheinland-Pfalz e.V.*). A similar agreement has also been signed with the Sinti Union. The Ministry for Interior Affairs is in regular contact with the associations. It is responsible for monitoring the implementation of the framework and approves measures for Sinti and Roma within its scope.

The Role of Cities in Designing Policies for Sinti and Roma

German cities have not (or have barely) been involved in the German policy response to the EU framework on Roma inclusion. Nevertheless, a number of cities have been instrumental in putting the topic of immigration of EU citizens from South-Eastern Europe, including Roma, onto the national policy agenda. Without support from the national (and in some cases, regional) level, many cities were the first to develop policy responses to this new type of immigration. Regarding the integration of German Sinti and Roma, however, there is hardly any political awareness in cities.

According to the information we have collected, cities have been consulted very seldom in the German contribution to the EU framework for Roma inclusion. Cities have not been consulted in the first contribution or in the first progress report. For the 2014 progress report, the Association of German Cities has been asked by the national government to contribute best practice examples from cities.³⁰

City representatives have been invited to participate in the "Poverty Migration from Eastern Europe" federal-regional working group (one representative of the Association of German Cities; one representative of the city of Dortmund) although they did not have any decision-making power in the group.

²⁷ *Landtag von Baden-Württemberg* 2013.

²⁸ Interview, state department of Hesse.

²⁹ Interview, Ministry for Social Affairs, Women, Family, Health and Integration of Lower Saxony.

³⁰ Interview, *Deutscher Städtetag*.

The working group held several meetings in 2013 and drew up recommendations and proposals to the federal government.

Some German cities have been critical about putting the topic of immigration of vulnerable EU citizens, including Roma, on the political agenda, blaming the lack of support by the national state for local inclusion policies. This migration has been quite selective, connecting well-defined regions of origin in Romania and Bulgaria with a few major cities such as Berlin, Cologne, Dortmund, Duisburg, Frankfurt, Hamburg or Offenbach.

Quantitative data are only available based on the register of foreigners according to countries of origin, and therefore includes Roma and non-Roma, migrants with higher and lower formal qualifications etc. According to these data, in 2013 Duisburg received the highest increase of citizens from Romania and Bulgaria (5,100), followed by Frankfurt (4,200), Munich (3,500), Offenbach (2,500) and Hamburg (1,700).³¹

These cities witnessed particular challenges in the accommodation of the new migrants regarding access to social services, access to housing, exploitative working conditions and neighbourhood cohesion.

Voicing the concerns of cities, the Association of German Cities set up a working group called "Immigration by people from Romania and Bulgaria" in 2012. This group developed a position paper about "immigration from Romania and Bulgaria" which was published in January 2013. It proposed:

- Federal support for cities' expenses related to the integration of vulnerable immigrants.
- A federal clearing centre to clarify the legal situation regarding entitlements of immigrants to health care (taking into account potential entitlements in the countries of origin).
- Better targeting of ESF programmes to support immigrants who are furthest away from the labour market, and to support the cities and regions which are the main destinations of vulnerable immigrants.
- Stronger regulation of access to different types of assistance (social benefits and child allowances) for immigrants.
- Measures against exploitative working conditions.
- Pressure to be put on countries of origin to step up their fight against exclusion and discrimination.

Building on this position, sixteen cities signed the "Duisburg Declaration" in November 2013, asking the new German government, which was about to constitute itself, for immediate financial support for cities from the federal government.

These positions were also taken up in several proposals in the federal-regional working group on "Poverty Migration from Eastern Europe". The federal level, however, rejected most of the proposals that the cities were particularly interested in, including the clearing centre on health care entitlements, a support fund for local authorities and better targeting of ESF measures. One of the possibilities discussed was making access to child benefits conditional on school attendance. This proposal, however, was rejected on legal grounds in an expert review commissioned by the government.³²

According to the latest report of the newly formed committee of state secretaries, however, the new federal government seems to be making more commitments to the claims of cities, for instance by providing funding for cities that have witnessed greater inflows of vulnerable EU citizens.³³

Local Policies Addressing Roma Migration

In spite of -so far- rather sparse support from the federal government, many cities have developed policies towards Sinti and Roma.

31 Bundesministerium des Innern & Bundesministerium für Arbeit und Soziales 2014: 19.

32 Kindergeld darf nicht an Schulbesuch geknüpft werden. Die Zeit, 15.1.2014. <http://www.zeit.de/politik/deutschland/2014-01/auslaender-kindergeld-schulbesuch>.

33 Bundesministerium des Innern & Bundesministerium für Arbeit und Soziales 2014.

The city of Munich has a unit within the Office for Housing and Migration dealing almost exclusively with Sinti and Roma affairs. This unit coordinates a network of German Sinti and Roma organisations. The network members come together 2–3 times each year to discuss issues of relevance for the community, and to speak about new developments and community needs.

The unit coordinates measures targeting Romani migrants, especially from Bulgaria and Romania. Several contact points for Romani migrants are funded by city funds. The unit coordinates meetings between stakeholders, including Sinti and Roma organisations, when there is an issue that concerns Sinti and Roma, e.g. conflict resolution in neighbourhoods.

At a higher level within the administration there is a round table for discussing policies targeting Sinti and Roma. At this stage a strategy targeting the communities is being discussed; however, there is no information yet as to when this strategy will be approved by the city council.

While Munich's policies include measures addressing German Sinti, most other cities have become active mostly on questions of immigration.

The city of Duisburg has around 10,000 new residents from Bulgaria and Romania accounting for roughly 2% of the overall population.³⁴ The city has set up a working group named "New EU citizens" and developed a strategy in dialogue with welfare organizations in order to adapt local services to the new immigration, without specifically targeting Roma. The steering of activities is carried out by the local integration centre, which also offers workshops and training sessions for city employees. Civil society networks such as "Network Integration" fight discrimination and give practical support to immigrants.³⁵

In spite of all coordinated activities the city faces several structural challenges: so far the authorities have not been able to involve the immigrants themselves in the debates. Efforts to build up confidence in public authorities are regularly hindered by the lack of mediation and by the strong presence of police and public order officials in neighbourhoods with many immigrants. Furthermore, being one of the poorest cities in Germany, Duisburg currently only has an emergency budget, which significantly restricts the scope of action and cannot keep pace with the rising numbers in residents in certain neighbourhoods, e.g. with regard to increasing capacities in schools.³⁶ Systematic and efficient steps to fight the poverty of many of the immigrants are still prohibited by federal law.

Similar structures have been created in Dortmund, where the city has created a "Network EU Poverty Immigration".

Many cities have dealt with the new immigration of vulnerable EU citizens through policing, putting the local offices for public order (*Ordnungsamt*) in charge of tackling issues of unsuitable housing, irregular working conditions and local social cohesion.

Conclusions

The sub-national level has, in part, reacted more effectively to Sinti and Roma issues than the federal government. Some of the German states have recently strengthened their support for German Sinti and Roma, and others have, together with cities, developed dedicated policies for vulnerable EU citizens, including Roma, who are becoming an important group of new citizens in some areas of Germany.

In their efforts, sub-national entities have received little to no support from the federal government so far. Rather, the contributions from members of the national government and national parties have jeopardised local efforts (see section II). The exception is the European Social Fund, which is, however, not sustainable and not sufficiently targeted to meet the needs of the most vulnerable migrants. The Federal government has, however, announced the establishment of a Federal-Länder working group

³⁴ *Ministerium für Arbeit* 2014: 1.

³⁵ Interview, *Integrationszentrum Duisburg*.

³⁶ *Ibid.*

to better coordinate integrated Roma policy measures within the EU Roma framework. The group is to meet annually.³⁷

It is not surprising that policies for German Sinti and Roma and policies for mobile EU citizens have developed as separate strands at sub-national level, too, as the inclusion of members of the national minority and the inclusion of newcomers demand different types of efforts, which do not necessarily reinforce each other.

It remains to be seen how far the new momentum created by formalising minority rights in state constitutions and state conventions can also contribute to making a difference for immigrant Roma. So far, there seems to be little will for this to happen.

Even within these two strands, coordinated policy responses are scarce, with exceptions such as the states of Berlin and North-Rhine-Westphalia and a few cities such as Munich and Duisburg. Neither the federal government nor most states do enough to ensure that coordinated policy responses seeking to improve the situation of Sinti and Roma become a more general phenomenon in Germany.

The Participation of Civil Society Organisations and Sinti and Roma Organisations

The relationship between German governmental institutions and Sinti and Roma organizations has traditionally been characterized by a closed democratic system, which in practice did not support public participation by minorities, in particular Sinti and Roma. As the historic process of post-war developments shows, it was strong advocacy pressure by Sinti and Roma survivors and self-organizations that led to the recognition of the Central Council of German Sinti and Roma and its state level associations, as well as of the Sinti Allianz Germany. While the degree of recognition varied widely between the states, mostly according to the advocacy power of the self-organization, institutions mainly supported Sinti and Roma in fulfilling a social function and delivering services to the community for the state, rather than in participating as active stakeholders of a multi-level system of governance. Regarding non-German Sinti and Roma, there has been a shift in the past 10–15 years in German society and politics which started to give greater emphasis to migrant self-organization and political participation.

There are few officially recognized coordination and communication mechanisms between the government and Sinti and Roma organizations. Advisory committees for each national minority are established with links to the Ministry of the Interior, in order to facilitate contacts between the minorities and the government and Parliament; however, no advisory committee for German Sinti and Roma has yet been established. Moreover, regarding the National Roma Integration Strategy, which is coordinated by the Focal Point in the Unit M II 4 – National Minorities, Regional Languages in Germany, European Minorities Policies at the Ministry of the Interior, no coordination and communication mechanism has been established. Although there was no consultation process in the drafting of the German strategy, the Central Council of German Sinti and Roma was invited to add a position paper.

German Sinti and Roma organizations are involved in the joint conference of the federal government and German states with the national minorities which aims to assess the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. With the support of the chairman of the Committee of Interior Affairs, a discussion group of the German Bundestag facilitates exchange between parliamentarians and representatives of the national minorities on a regular basis, a few times a year. The Central Council criticizes the lack of participation mechanisms and requests guaranteed participation and consultation in the relevant parliamentary committees and sections with and without voting rights, for instance in the preparation of decisions of the Bundestag.³⁸

37 Response to the Parliamentary Request by Volker Beck, 2014, p. 15.

38 <http://zentralrat.sintiundroma.de/content/downloads/stellungnahmen/4Erlaeuterungen.pdf>.

The federal government moreover recognizes and emphasizes the work of the “Secretariat of Minorities” (*Minderheitensekretariat*), which was founded in 2005 in Berlin and jointly represents the interests of minority self-organizations, including the German Council of Sinti and Roma. As the most widely recognized and representative body, the Central Council of German Sinti and Roma is invited to various conferences and meetings; however, no formally established advisory bodies and committees can be identified. The Central Council participated in 2012 in a round table about racism organised by the Ministry of the Interior and the Ministry of Family Affairs, Seniors Citizens, Women and Youth. Furthermore, since 2012 the Ministry of the Interior has consulted the Central Council in discussions on how to combat online hate speech and hate crime.

The Central Council of German Sinti and Roma and the Centre for Documentation and Culture of German Sinti and Roma received institutional funding to the tune of 1,842,000 EUR in 2013. The funding is earmarked for the institutions to support diverse initiatives which improve the participation of Sinti and Roma in social and economic life, and combat prejudices and discrimination; moreover, the documentation centre has the specific task of documenting the history of Sinti and Roma in Germany, in particular their persecution under the Nazi regime.

At *Länder* and city level, there are different consultation levels with Sinti and Roma organisations. The involvement of civil society in policies regarding Sinti and Roma, however, is in most cases not a priority for the public authorities. With a few exceptions there is no evidence of an active approach to implementing the principle of inclusive planning or creating a transparent mechanism through which Sinti and Roma advocacy is channelled. Due to the lack of formal consultation, coordination and communication mechanisms, the transparency and inclusiveness of the mechanisms channelling the voice of Roma communities is very limited, and they do not ensure representation of the wide spectrum of Roma communities, taking into account specifically Romani women and youth, as well as migrant communities.

In Berlin, although there is no official consultation mechanism, Roma organisations have been consulted within the framework of working groups drawing up the Berlin Action Plan targeting Romani migrants. They were also invited to provide input to a draft of the action plan. According to the Berlin Senate, Roma organisations will be invited to take part in the working groups that will monitor the implementation of the action plan. At district level, there are in several district administrations working groups dealing with Roma migration issues. Roma organisations and CSOs are invited to participate in discussions about specific topics of relevance for the communities in the framework of these working groups.

In North-Rhine-Westphalia, there have been meetings between the Minister and the representative of the Federal Association of Sinti and Roma and there are contacts between the *Land* and other self-organisations such as *Amaro Kher* and *Terno Drom*. In contrast to the well-practiced advocacy by autochthonous Sinti and Roma, so far there is no representation by Romani migrants. Thus, the responsible administration within the Social Ministry aims to support such structures via recently allocated funds for the self-organisation of migrants.

In Lower Saxony, there are few links between the *Länder* and city authorities and the Sinti and Roma organisations. It seems that the public authorities do not consider the self-organisations as essential partners in providing competence or in mediating between the authorities and the minority. The Social Ministry finds that the Regional Association of Sinti and Roma in Lower Saxony is not representative. It has therefore demanded that a network of local organizations be created first as a prerequisite for coordinated interaction and an increase in funding.³⁹

In Baden-Württemberg the state contract mentioned above, signed in December 2013, institutionalizes a formal consultation and communication body, the council of affairs of German Sinti and Roma in Baden-Württemberg (*Rat für die Angelegenheiten der deutschen Sinti und Roma in Baden-Württemberg*). The regional association of German Sinti and Roma, based in Mannheim, maintains relations with local Sinti

39 Interviews the Ministry for Social Affairs, Women, Family, Health and Integration of Lower Saxony, *Beratungsstelle für Sinti und Roma in Niedersachsen*.

communities and organizations, as well as sporadically with Roma organisations such as the *Roma Büro e.V.* in Freiburg.

In Hamburg, interviewed Sinti and civil society organisations stated that they are in regular contact with the units of the city administration that are responsible for managing the funds they receive. A representative of the Cinti Union stated that there is communication with representatives from the political sphere and the administration when required. There is no direct involvement of Sinti and civil society organisations in developing policies affecting Sinti and Roma.

The city state of Bremen concluded a framework agreement with the state association of German Sinti and Roma in July 2012, which specifically emphasizes the participation of Sinti and Roma in cultural, social and economic life, as well as in public affairs; however, no clear mechanism has been developed.

HILDEGARD LAGRENNE FOUNDATION

The day after the inauguration of the monument to the European Sinti and Roma murdered under National Socialism, the Hildegard Lagrenne Foundation for education, inclusion and participation of the Sinti and Roma in Germany was founded in memory of Sinteza Hildegard Lagrenne from Mannheim, who died in 2007.

The newly founded educational foundation is financed and run by Sinti and Roma. It actively advocates and promotes education and inclusion of Sinti and Roma in Germany. The Foundation therefore organised a culture week called "Would you mind, this is us!" in 2014, with the focus on the diversity of the Sinti and Roma minority in Germany. Furthermore Sinti and Roma youngsters on their educational pathway are supported with small one-off grants.

The Hildegard Lagrenne Foundation actively cooperates with the Allianz Cultural Foundation and is supported by the Freudenberg Foundation, the Remembrance, Responsibility and Future Foundation and by the Manfred Lautenschleger Foundation.

Discrepancies Between Mainstream and Targeted Policies

The official position of the German state is that policies do not generally target specific groups, but follow a mainstream philosophy.⁴⁰ Furthermore, the government's assumption that German Sinti and Roma are well integrated into society is used to justify the claim that no targeted policies are needed for this group. Following a similar logic, the argument of sufficient mainstream policies is also used for the different categories of Romani migrants and refugees, who are believed to be sufficiently served through the relevant mainstream integration policies.⁴¹ The official rationale for this position is that it avoids fostering segregation within minorities and migrant communities.

This position of the government, however, is not founded on solid evidence that the different Roma groups are really reached through mainstream policies and that they enjoy equal opportunities in life. The government repeatedly refers to the fact that ethnic characteristics are not recorded in official census and register data.⁴² It does not acknowledge the evidence presented in studies pointing out that Sinti and Roma are exposed to particularly high risks of social exclusion and shows no intention of con-

40 Response to Parliamentary Question by Volker Beck, 2014: 4.

41 *Ibid.*; Bundesministerium des Innern 2011: 29.

42 See the statement of the federal government in its response to the Parliamentary Request by Volker Beck (2014), page 4: "No assertion can be made about the discrimination of immigrant Roma because the Central Register of Foreigners does not record ethnic affiliation." (editor's translation).

tributing to data collection (for instance through surveys) that would allow a better understanding of the situation of Sinti and Roma in Germany.⁴³

In certain cases, tailored (but not exclusive) policies are developed at the *Länder* and city level. Berlin has a Roma Action Plan targeting Roma immigrants; North-Rhine-Westphalia does not target Sinti and Roma as a specific group, but a large number of coordinated measures aiming at the integration of immigrants from Bulgaria and Romania eventually focus on Roma. Examples of targeted policies can also be found in Munich and Duisburg. These isolated measures will not succeed if they are not coordinated and complemented by mainstream policies also targeting Sinti and Roma.

For example, projects aiming at the improvement of Sinti and Roma children's experience of school will not achieve real success as long as framework conditions negatively affect the school performance of children coming from disadvantaged groups, especially when in many schools there is a lack of will, funding or resources to support children with particular needs. All-day schools should be encouraged and children from families receiving social security support should have the right to attend the kindergarten throughout the day, in the same way as those from families with employment.

The relevant measures and policies need to be assessed with regard to their outreach to Sinti and Roma. In spite of their special status as a national minority, even for German Sinti and Roma no reliable information on their educational attainment exists.

Funding for Sinti and Roma Policies

Apart from mainstream social policies, for which no Roma-specific data are available, funding for Roma inclusion in Germany stems from two main sources: institutional grants for capacity building of (mostly German) Sinti and Roma organizations and funding for training and employment-related measures through project funding such as ESF programmes. Before going into more detail about these two main sources of funding, it is important to stress that a third important strand, funding for the provisions of social services beyond projects (e.g. in the youth, employment or education sectors) is of great importance for NGOs in Germany. For a number of reasons, including a lack of capacity, but also the difficulty of competing with highly professional QUANGOS and NGOs, Sinti and Roma organisations and minority and immigrant organisations are only present in this area in a few localities.

As a recognised national minority, the group of German Sinti and Roma receives institutional grants for their main representations at federal and regional level. According to the latest information provided by the German government⁴⁴ the Central Council for Sinti and Roma received 526,000 EUR of institutional support in 2013, plus 1.3m EUR for the Centre for Documentation and Culture of German Sinti and Roma, which is run by the Council.

In many states, regional associations of German Sinti and Roma also receive institutional support, usually to the tune of several hundred thousand Euros. In the case of Baden-Württemberg, institutional support includes funding for providing integration support for Roma immigrants.⁴⁵

The second source of funding for Roma inclusion consists of project grants. In Germany, there is no direct allocation of funds to Sinti and Roma at the level of Federal programmes, nor are there data available as to how far Sinti and Roma are reached by such funds. There is, however, some degree of targeting in some of the ESF programmes and there are some ESF-projects targeting Roma in particular, which allow us to make statements about funding for Roma inclusion.

⁴³ Response to Parliamentary Request by Volker Beck, 2014.

⁴⁴ Response to Parliamentary Request by Volker Beck, 2014, p.6.

⁴⁵ Article 3.3 of the state convention, see Landtag von Baden-Württemberg, Mitteilung der Landesregierung, Information über Staatsvertragsentwürfe; Entwurf des Vertrages des Landes Baden-Württemberg mit dem Verband Deutscher Sinti und Roma, Landes.

According to information from the Federal government, the national ESF programme for labour market support of immigrants and refugees (*ESF-Bundesprogramm zur arbeitsmarktlichen Unterstützung für Bleiberechtigte und Flüchtlinge mit Zugang zum Arbeitsmarkt*) has had a measurable effect on Roma with refugee status. The programme offers advice and training and has reached, according to the government, 3,000 Roma between 2008 and 2014.⁴⁶ A working group on Roma within this ESF-programme (*Roma im ESF-Bundesprogramm Bleiberecht*) was created in 2012, bringing together 25 organisations working with Sinti and Roma and staff from public administration and the political sphere in order to share good practice and experience in overcoming obstacles to integration. This constitutes the only approach so far through which Sinti and Roma organisations and Sinti and Roma inclusion experts have been involved in discussions about using funding for Roma inclusion. As this ESF programme will not continue beyond 2014, it is not clear what will happen to the working group.

According to the national government, projects in Berlin, Hamburg and Lower Saxony targeting Sinti and Roma have been supported within the national ESF XENOS ("Integration and Diversity") Programme. An interregional project, "Sinti and Roma – Education work as a profession: Establish Sinti and Roma in pedagogical, social and other jobs", is supported by XENOS in Mannheim, Berlin and Munich for the period 2012–2014. The goal of XENOS is to empower young people to find jobs by lowering institutional barriers. In its reply to a recent parliamentary request, the state government mentions a total amount of 3 million Euro being used to support the four specific Roma projects under the XENOS programme from 2007 to 2013.⁴⁷

Some other ESF programmes target labour market inclusion, school-to-work transition and social work with young people. These programmes are, in theory, open to different status groups of Sinti and Roma, but there is no information available as to the degree to which these groups have been reached.

In cities such as Hamburg and Munich, Sinti and Roma organisations receive funding for running advisory contact points that often support Roma immigrants from Bulgaria and Romania. Some of this funding is provided through the ESF. For example, in Hamburg the civil society organisation working for Romani women, *Karola*, and the Federal Association of Sinti receive funds from the ESF.

Only a few states, including Berlin, Hamburg and Nordrhein-Westfalen, have managed to bind project funding together efficiently in an integrated strategy to support Sinti and Roma. The Berlin Action Plan for immigrant Roma mobilised a total of 140,000 EUR of ESF and EFRE funding to enable four Roma organisations to carry out activities targeting Roma immigrants. The fact that ESF-funding in Germany will be reduced by half in the new funding period jeopardizes some of the successful projects of the last funding period.⁴⁸

For the new funding period of the ESF (2014–20), the federal government has announced some restructuring of the national programmes, e.g. in the form of a stronger focus on skill recognition in the context of new German legislation. The government emphasises that most programmes can be used for the different status groups of Sinti and Roma, and stresses in particular the role of the new programme called "*Integrationsrichtlinie Bund*" ("Federal Integration Directive"). Within this programme, up to 20m EUR will be dedicated to bridging the qualification gap between EU migrants and mainstream employment policies and other ESF programmes.⁴⁹ The government also argues that local and regional government can contribute to a better match for the different groups of Roma in precarious labour market situations by providing targeted advice and co-funding.⁵⁰

In spite of the prominent role that ESF-programmes play in federal government reporting on Roma issues, local authorities hold that ESF programmes are too strongly focused on the labour market to meet the

46 *Bundesregierung* 2014: 37.

47 Response to Parliamentary Request by Volker Beck, 2014, p.7.

48 Interview with Berlin Administration.

49 Response to Parliamentary Request by Volker Beck, 2014, p.4.

50 ESF – *Programme des Bundes 2014 bis 2020*.

needs of the most vulnerable EU migrants.⁵¹ In the federal-regional “Poverty Migration” working group, regional representatives stressed that the national ESF programmes do not allow them to support basic integration measures for vulnerable immigrants from Eastern EU member states, as such measures are not eligible within ESF due to their lack of immediate labour market orientation.

Local government representatives also complain that co-funding often depends on programme participants receiving social or unemployment benefits, which is not the case for many of the vulnerable migrants.

The government acknowledges in its 2014 progress reports that the ESF programmes are not efficient for groups which have more basic needs regarding housing and health and who lack basic skills such as reading or a basic knowledge of maths. The report mentions the possibility of covering such training needs in the future, e.g. through the EU Asylum and Migration fund.⁵² This, however, would not allow support for immigrants from within the EU who are not eligible under the Asylum and Migration Fund.

While funding within ESF or other programmes is, in theory, accessible for Roma, in most cases it is impossible to assess the degree to which Sinti and Roma are actually reached and supported. This is due to the fact that – apart from the XENOS refugee programme mentioned above – no data are gathered on how far wider programmes manage to reach Sinti and Roma. In this regard, the total budgets of ESF programmes mentioned in the 2014 progress report of the German government⁵³ are not very insightful. The good reasons for not registering ethnic affiliation and for avoiding ethnically exclusive policies in Germany are a weak excuse for the existing lack of understanding of the situation of Roma – including the official national minority group of German Sinti and Roma – and their participation in support measures.

What can be said with certainty is that ESF programmes are difficult to access for Sinti and Roma organizations who want to develop projects within this framework, unless local and regional authorities make a specific effort, as happens in Berlin or Hamburg. The accessibility of targeted support for German Sinti and Roma, beyond institutional grants, remains particularly obscure due to a grave lack of information from government officials on this group.

A second important problem regarding the funding situation for Roma inclusion is a support gap for the most vulnerable immigrant groups which are in need of support beyond labour market measures.

Even where ESF programmes are suitable, they are not sustainable due to their short-term, experimental character. There is little evidence (with the exception, for instance, of funding Roma advisors in Hamburg’s school system) of sustainable (regular) funding being made available for Roma inclusion policies.

When Sinti and Roma organisations participate in projects, their financial and professional role is often a minor one due to the lack of institutional capacity and formal qualifications (in particular regarding migrants). There is a clear need to provide further support at all levels for Sinti and Roma organisations to build capacity for accessing funding and managing projects.

Recently, the federal government announced plans to dedicate the new EEU Fund for European Aid to the Most Deprived (FEAD – the total budget for Germany will be 79m EUR for 2014–2020) also to measures that are relevant for Romani migrants and to dedicate 10m EUR from the programme for “*Soziale Stadt*” disadvantaged areas in those municipalities that experience a strong inflow of migrants.⁵⁴ It remains to be seen how far these means can empower EU citizens and support cities in fostering the inclusion of Romani migrants.

⁵¹ Interview, *Deutscher Städtetag*.

⁵² *Bundesregierung* 2014.

⁵³ *Ibid.*: 60.

⁵⁴ Response to Parliamentary Request by Volker Beck 2014, p.5.

Policy Monitoring and Evaluation

In line with the position of the German government of not having a strategy for the inclusion of Sinti and Roma, there are no monitoring and evaluation mechanisms. So far, two implementations reports for the EU Roma framework have been issued. The first was published in 2012 and the second in January 2014. While the second progress report provides a description of programmes and projects carried out at Federal, *Länder* and cities level the report does not present an approach to monitoring the situation of Sinti and Roma or the effectiveness of policies. It does not present an analysis of the situation, goals, indicators and benchmarks and therefore does not allow us to assess whether the programmes and projects have succeeded or not.

In view of the publication of a variety of scientific research and policy reports on the social inclusion of Sinti and Roma in Germany (cited in this monitoring report), it is surprising that the German Report does not draw on these results to provide a situation analysis.

Approaches of policy monitoring can be found in some specific plans and programmes at sub-national level. At *Länder* level, the Berlin administration plans to set up a monitoring committee (*Aussichtsgremium*) to monitor the implementation of the Berlin Action Plan for the inclusion of Roma immigrants. Another effort of monitoring policies targeting Sinti and Roma represents the previously mentioned working group on the improvement of the participation and success of Sinti and Roma in the education system run by the Remembrance, Responsibility and Future Foundation.

In order to ensure appropriate reporting on the socio-economic inclusion of Sinti and Roma a real monitoring strategy is needed, based on a study of the socio-economic situation of Sinti and Roma with qualitative and quantitative goals, time-frames, indicators and benchmarks. There is a need for a baseline assessment which could provide a critical reference point for assessing changes and impact comparing the situation before and after policy implementation.

It is also necessary to ensure that mainstream policies reach out to Sinti and Roma. For this purpose, monitoring of the particular life situations and needs of the communities is needed. Only when this information is available, will it be possible to tell whether those mainstream policies succeed or fail, whether they can reach out Sinti and Roma communities or not. For example, in an evaluation of the programme for labour market support of immigrants and refugees of the Ministry for Labour and Social Affairs it is stated that there are problems reaching out to Roma through the programme measures.⁵⁵ A key element in ensuring the success of targeted and mainstream policies is the involvement Sinti and Roma organisations and experts in all stages of programme or project implementation, from design to evaluation.

55 Mirbach; Triebli; Farrokzhad 2013.

2. ANTI-DISCRIMINATION

Lack of Registration and Identity Papers

Sinti and Roma in Germany do not face the same problems related to the lack of identity papers as they face in countries such as Romania or the successor states to former Yugoslavia. Nevertheless, the problem does exist and is related to residence status. In recent years, Germany has been expelling Roma who had an exceptional leave to remain (*Duldung* – see below) to Serbia and especially to Kosovo. In some cases, Roma families threatened with expulsion are going underground and living as *sans papiers*. Once they are *sans papiers*, these families do not have access to social benefits or to any education and health care services. They live in a state of illegality and are persecuted by the police.⁵⁶

A more common problem among Roma is the lack of registration in the registry office (*Einwohnermeldeamt*). Registering at the registry office is obligatory in order to access a number of rights and services. Once registered, a person can exercise the right to vote (for EU citizens in the communal and European Parliament elections), can register their children easily at school and has access to social benefits such child and parenting allowances (*Kinder und Elterngeld*), and – under certain circumstances – to unemployment payment, health care insurance and social housing. Many Roma coming from Bulgaria and Romania do not register; as a consequence, they are excluded from these rights and benefits.⁵⁷ A significant proportion of Roma cannot register because they do not have a permanent home. Hence, they do not obtain a tenancy agreement, which is a prerequisite for registering at the registry office. In most cases, Roma face discrimination in the housing market, and in some cases Roma lose their accommodation, and in consequence the tenancy agreement, because they cannot afford the increasing rent. In this case, they might lose their registration (*Anmeldung*) and all the aforementioned rights and benefits.⁵⁸

Since the adoption of the Integrated Measures Packages for Sinti and Roma Inclusion by the German government, no steps have been taken to solve the problems faced by Roma due to the lack of identity papers and/or registration.

Antidiscrimination Legislation and Policies in Germany

The Racial Equality Directive (2000/43/EG) on anti-discrimination is implemented in Germany through the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz* – AGG).⁵⁹ Due to gaps in the directive's transposition into national law, the European Commission called upon the German government to bring the AGG up to EU standards in 2007. In 2010, after Germany declared that it had adequately transposed the directive, the EC stopped the infringement procedure against the German government. Nevertheless, experts still identify gaps in the AGG. One critical point is the fact that state schools are not covered by the AGG. This is because the AGG applies to labour and civil law; public education falls under public legislation which is not covered by the AGG. Furthermore, public education, according to the German Basic Law (*Grundgesetz*) falls under the competences of the *Länder*. No *Land* has passed corresponding legislation

⁵⁶ Interview, Roma Center Göttingen, *Roma Förderverein Frankfurt am Main*.

⁵⁷ *Bezirksamt von Neukölln* 2013: 7.

⁵⁸ Information provided by *Amaro Foro and Förderverein Roma*.

⁵⁹ See the AGG under: http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/EN/publikationen/agg_in_englischer_Sprache.pdf;jsessionid=5D01BFD6A0983A9AC1FEDA4B4502DCC4.2_cid340?__blob=publicationFile.

that would fulfil the requirements of the Racial Equality Directive. The legal framework for preventing discrimination at school is the German Basic Law.⁶⁰ Nevertheless, in the school legislation (*Schulrecht*) of the *Länder* there is no explicit prohibition of discrimination at school; there are no adequate legal mechanisms for protection or for filing complaints.⁶¹ This makes it difficult to combat discrimination faced by Sinti and Roma children and youngsters at school. The German National Equality Body has criticised gaps in the anti-discrimination legislation with regard to the non-regulation of discrimination at public schools and demanded that the *Länder* introduce such provisions into their school legislation.⁶²

The AGG makes another exception with regard to housing. According to the AGG, differential treatment is not discriminatory when it serves to “create and maintain stable social structures for inhabitants and balanced settlement structures, as well as balanced economic, social and cultural conditions.”⁶³ This provision might have negative consequences for ethnic minorities since landlords are often reluctant to rent apartments to people from a migrant background.⁶⁴ This development has been confirmed through interviews with Sinti and Roma organisations that have stated that Sinti and Roma families and even organisations have serious difficulty obtaining a dwelling or an office.⁶⁵ The Special Rapporteur on Racism and the CERD recommended amending Article § 19(3) because it *de facto* allows for direct discrimination.⁶⁶

The AGG recognizes multiple discrimination but does not prescribe a higher amount of compensation for a victim of multiple discrimination. In interviews only one court ruling was mentioned in which the judge recognized multiple discrimination. Positive action is allowed but not obligatory. Examples are the participation law (*Teilhabe-Gesetz*) of Berlin which allows, for instance, the application of diversity criteria in public sector employment and HR procedures.

German legislation restricts the right to file collective complaints (*Verbandsklagerecht*) to recognised associations (*Verbände*) in the fields of consumer protection, environmental issues and protection of the rights of persons with disabilities. The AGG does not recognise the right to file collective complaints. While anti-discrimination associations can support victims of discrimination in court cases (*Beistand*) they cannot file complaints on their behalf.⁶⁷ The Central Council for German Sinti and Roma has been demanding for years the right to file collective complaints but has not been successful.

As in most continental law systems, the case law of the European Court of Human Rights, including that related to Sinti and Roma, does not provide binding precedents; it only serves as a reference for jurisprudence. So far there has been no court decision on discrimination faced by Sinti and Roma people in spite of the evidence that Sinti and Roma are among the most discriminated groups in Germany.

The anti-discrimination office of the central government (*Anti-Diskriminierungsstelle des Bundes* – ADS) is the German National Equality Body required by the Race Equality Directive. The ADS does not have any specific mandate to support the strategy of the German government towards Sinti and Roma. There has not been any communication between the ADS and the national focal point for the implementation of the strategy. The Central Council of Sinti and Roma has been a member of the advisory board (*Beirat*) of the ADS since 2008.

The ADS offers advice to people who feel that they have been discriminated. Four attorneys offer advice by phone. When the attorneys assess a case as discrimination, 1) they support the potential victim by writing a letter to the agent of discrimination (e.g. the employer or the landlord) demanding that he or she stop the discriminatory practice; or, 2) they send the potential victim to NGOs or municipal advice offices which support victims by filing complaints in court.

60 Article 3°: No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.

61 *Deutscher Bundestag* 2013b: 70.

62 *Ibid*: 163.

63 AGG, Article §19(3).

64 Hermanin, de Kroon 2013: Annex I, 23.

65 Interview with Inge Weiss, *Land Association of Sinti in Hamburg*; information from *Amaro Foro*.

66 Special Rapporteur on Racism 2010: Germany, §80.

67 Egenberger 2012.

The ADS strives to obtain an amicable arrangement; it plays a mediating role. If the agent of discrimination is a state institution, it normally replies to the ADS with an official statement. The ADS is not entitled to bring cases to court. So far, there have been only two requests for advice regarding cases of discrimination against Sinti and Roma.⁶⁸

In September 2013, a workshop on anti-gypsyism was carried out by the ADS with several Sinti and Roma organisations. With this workshop, the ADS wanted to get better acquainted with Sinti and Roma organisations, to learn about their interests, expectations and fields of work; and to raise awareness among these organisations regarding anti-discrimination legislation and instruments. In June 2014, a workshop on anti-discrimination legislation and instruments targeting Sinti and Roma organisations was carried out in the framework of the "Fight against Racism" thematic year of the ADS.

A study of the attitudes of the German population towards Sinti and Roma has been carried out by the *Zentrum für Antisemitismusforschung* for the ADS. The partial results of this study were presented recently and show that the majority society does not have much knowledge about Sinti and Roma. According to the study only 8% of the interviewees knew the words Sinti and Roma; 5% could distinguish between Sinti and Roma; and, 19% knew about the persecution of Sinti and Roma by the Nazis.⁶⁹

The ADS aims to raise awareness of anti-discrimination legislation and instruments, e.g. through media campaigns. In this context, the ADS has been inviting Sinti and Roma organisations to face-to-face meetings in order to provide information on the work of the ADS and on anti-discrimination legislation and instruments. Furthermore, the ADS supports regional networks of organisations working against discrimination through a temporary programme. Thereby, the office strives to contribute to the improvement of the capacities of NGOs fighting against discrimination, in particular in regions where the public administration has, so far, not been very active on discrimination issues.

One of these regional networks is the Hesse network, which brings together 70 organisations, mainly cultural associations and local immigrant councils and which offers a support hotline and measures for awareness raising and training. The regional branch of the central Council of German Sinti and Roma and the *Förderverein* Roma association in Frankfurt are members of this regional network.

The Hesse network knows of widespread prejudice against both German and Non-German Sinti and Roma. The network's support hotline has received complaints from Romanian citizens who were refused a mobile phone contract. The network has also supported actions against posters put up by the racist NPD party, which mobilised against Roma during the campaign for regional elections in 2013.⁷⁰

Interviewed Sinti and Roma organisations are interested in taking a more active part in the fight against discrimination by filing complaints and supporting victims. Nevertheless, most Sinti and Roma organisations do not have the capacities or skills to handle complaints about discrimination. The Berlin-based *Amaro Foro* is one of the very few Roma organisations carrying out specific activities on anti-discrimination. Since 2013, it has been registering discrimination cases faced by Sinti and Roma in Berlin.

Due to the federal and decentralised structure of the German government there are anti-discrimination offices at *Länder* governments and city councils. These offices have no institutional link to the ADS. At *Länder* level there are offices in Baden-Wuerttemberg, Berlin, Brandenburg, Rhineland-Palatinate, Schleswig-Holstein and Thuringia. The few cities with anti-discrimination offices include Bremen, Frankfurt, Munich, Hannover and Nuremberg. All of them provide victims with advice and some of them with support in filing complaints.

68 Interview, ADS.

69 Read the partial report at: http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Umfrage_Sinti_Roma.pdf?__blob=publicationFile.

70 Interview, Anti-Discrimination Network Hesse.

The Fight against Racism Among Public Authorities and Civil Society

According to a recently published study by the University of Leipzig on right-wing tendencies in society, anti-Gypsyism has been increasing within the majority population: 55.4% of Germans would have problems if Sinti and Roma were close to them; 47.1% think that Sinti and Roma should be banned from the city centres; 55.9% believe that Sinti and Roma tend towards criminality.⁷¹ Nevertheless, according to the response by the German government to an inquiry by the Green parliamentary group, there is no specific governmental programme addressing anti-gypsyism, racism and discrimination against Sinti and Roma in society.⁷²

Even the National Office for Integration (*Integrationsbeauftragte*) does not have specific activity fields targeting Sinti and Roma. The National Action Plan for Integration does not include a single reference to Romani migrants.⁷³

The National Action Plan to Fight Racism, Xenophobia, Anti-Semitism and related Intolerance from 2008 does not include any specific measure for fighting anti-gypsyism in society; this Action Plan has never been updated.⁷⁴ It must also be noted with regret that the integration plan published by the German Government in 2013 does not include a single reference to Romani migrants.⁷⁵ This is even more surprising in view of the fact that some federal states and cities have stated that they are facing difficulties in providing services for vulnerable migrants, including Roma, especially from Bulgaria and Romania.

There is no policy of the German government to promote rights awareness among Roma citizens. Nevertheless, efforts in this direction have been undertaken by some national agencies and city councils. For example, the anti-discrimination office (*Antidiskriminierungsstelle des Bundes*) has started to invite Sinti and Roma organisations to take part in information sessions on anti-discrimination legislation and instruments. There is no information at the moment as to the extent to which Sinti and Roma organisations are exploiting this opportunity.

Federal Programmes

There are national programmes with framework measures through which the equal treatment of Sinti and Roma should be fostered. These programmes do not design and implement their own activities but fund projects and activities by other organisations. One of the largest programmes in the area of integration is the Alliance for Democracy and Tolerance against Extremism and Violence (*Bündnis für Demokratie und Toleranz gegen Extremismus und Gewalt – BfDT*), which has been funding activities by Sinti and Roma organisations. This includes for instance projects by the Central Council of Sinti and Roma aimed at keeping alive the memory of the genocide against Sinti and Roma and at fostering networking and empowerment of Sinti and Roma.⁷⁶

Another key programme is Fostering Tolerance Strengthening Skills (*Toleranz Fördern Kompetenz Stärken*), within the responsibilities of the Ministry for Family Affairs, Senior Citizens, Women and Youth. Through this programme framework projects are carried out involving and targeting Roma people. For example, the Regional Association of Sinti and Roma Baden-Württemberg is taking part in the advisory committee (*Begleitausschuss*) of the implementation programme in the city of Mannheim. According to information provided by the *Toleranz Fördern Kompetenz Stärken* programme twenty projects have been carried out that focused on Sinti and Roma communities. These projects involved 5,024 participants and eighteen more are planned with 1,652 participants.

⁷¹ Decker; Kiess; Brähler 2014: 50.

⁷² Bundesregierung 2011.

⁷³ Bundesregierung 2013.

⁷⁴ Ministry of the Interior 2008: 77–78.

⁷⁵ Bundesregierung 2013.

⁷⁶ BfDT 2012: 24–25.

Within the framework of the same programme the city of Darmstadt supported a series of activities focusing on remembrance of the genocide against Sinti and Roma by the Nazi regime in the region.⁷⁷ In the city of Duisburg, a project was set up to solve conflicts in neighbourhoods where Roma are facing hostility by the autochthonous population.

The latter programme is implemented through local action plans that are run by city and district administrations which previously applied to take part in this national programme. Cities like Bremen or Duisburg with a population of approximately half a million inhabitants have a yearly budget of 90,000–100,000 EUR for carrying out activities and funding projects.

The funding is allocated to projects focusing on Sinti and Roma only if an NGO submits an application for such a project and obtains the grant. This means that projects for Sinti and Roma are carried out only as outcomes of civil society initiatives. As far as we know there is no directive from the central administration of the programme to give priority to projects focusing on Sinti and Roma despite the commitment of the German government to contribute to the social inclusion of Sinti and Roma. The amounts devoted to these projects bear no relation to the need to counteract the current rise of a negative image of Sinti and Roma in public discourse.

Regional and Municipal Activities

No specific measures have been undertaken by the German government to fight discrimination and racism against Sinti and Roma and to raise awareness for anti-gypsyism among public authorities and service providers. Despite the lack of such a central directive various institutions, ministries, national agencies and city administrations have implemented soft measures to promote the recognition of diversity and build intercultural organisations. Among them are the National Academy for Public Administration (*Bundesakademie für die öffentliche Verwaltung*), the National Agency for Migration and Refugees (*Bundesanstalt für Migration und Flüchtlinge* – BAMF) and the Anti-discrimination Office of the Berlin Administration (*Landesstelle Berlins für Gleichbehandlung gegen Diskriminierung*). The cities of Munich and Berlin are probably the most advanced within the German administration in moving towards an intercultural organisational profile and a clear commitment against discrimination.

At regional level, the Berlin Action Plan towards the Inclusion of Romani Migrants includes a systematic documentation of anti-gypsy incidents and the deployment of targeted actions and empowerment strategies for the victims. The action plan will be implemented in close cooperation with the Berlin Anti-Discrimination Network. The measure is accompanied by a campaign against anti-gypsyism which consists of information sessions for a wide audience, targeting media including social media, public administration, the education system and civil society representatives. Topics include, among others, the situation of Roma in Berlin, access to public services for Bulgarian and Romanian citizens, EU citizenship and its implications for social rights, anti-gypsy stereotypes in the media, access to health insurance and equal access to education for all children.

The campaign against anti-gypsyism is a continuation of the campaigns of 2012 and 2013 which were also already financially supported by the Berlin Senate for Integration and the *Land* Office for Equal Treatment against Discrimination. The campaigns of 2012 and 2013 had an international dimension, too.⁷⁸

The Senate of Berlin also funds district-oriented projects focused on fighting discriminatory practices in the residential market against Roma families and improving their access to regular housing through empowerment strategies and information on tenants' rights. The Senate envisages financial support for legal aid projects.

The government of North-Rhine-Westphalia supports the ARIC (Anti-racism Information Centre) focal point in Duisburg and five decentralised service points that offer advice against discrimination. Anti-gyp-

⁷⁷ <http://www.vielfalt-in-darmstadt.de>.

⁷⁸ In 2012, the Awareness Raising Campaign on antigypsyism was linked to the EU culture Project Romanistan (http://www.romanistan.net/Romanistan_en/Concept.html). In 2013, the campaign facilitated the organisation of a conference on inclusive education with international experts in the field of inclusion.

syism is tackled mainly through the *Land* Agency for Civic Education (*Landeszentrale für Politische Bildung*). As a measure against institutional racism the agency is about to develop a concept for training against anti-gypsyism to be offered to the municipalities. Anti-gypsyism is also a topic within a network combating right wing extremism and racism which the *Land* provides in cooperation between authorities and civil society. Within an approach aiming at an intercultural opening the government intends to reflect on its recruitment practice and wants to employ more migrants and members of minorities.⁷⁹

The Regional Association of Sinti and Roma of North-Rhine-Westphalia occasionally registers complaints about cases of discrimination, which are usually followed up by the authorities. In other cases they offer mediation, e.g. on incidents in schools. However, due to scarce resources the Regional Association cannot respond to all services that are expected from it, such as offering courses in intercultural competence, giving advice to authorities, counselling victims and reporting cases of discrimination.⁸⁰

Another initiative at regional level that seeks to reduce stereotypes against Sinti and Roma is the “Fair Stay” (*FairBleib*) project in Southern Lower Saxony. In the framework of the project training on the topic “Unknown co-citizen Roma” has been given to around 260 teachers, social-workers and civil servants.⁸¹

DOCUMENTARY AND CULTURAL CENTRE OF GERMAN SINTI AND ROMA

The Centre is the institution with the most documentation on the history of German Sinti and Roma, especially of the genocide perpetrated by the Nazi regime, on which it has a permanent exhibition. The Centre aims to keep alive the history and culture of German Sinti and Roma through lectures, film screenings, exhibitions, concerts and excursions.

It has four departments:

1. Consultation department, focusing on raising awareness on anti-Gypsyism.
2. Education department, gathering information on state and private education services, devising seminars for teachers and preparing teaching materials, analysing schoolbooks and formulation recommendations.
3. Dialogue department, taking care of the permanent and mobile exhibitions, holding conferences, seminars and training for teachers on anti-Gypsyism and staging musicological conferences.
4. Documentation department, documenting the genocide, recording the memories of survivors on tape and video, reviewing and analysing literature on the topic and collecting pieces of personal evidence from survivors and their relatives.⁸²

Anti-Gypsyism in Media and Politics

The arrival of Roma from Bosnia, Macedonia and Serbia seeking asylum and the migration of Roma from Bulgaria and Romania to Germany in the last five years has been accompanied by a wave of negative portrayals of Sinti and Roma in the media. In several media reports Romani migrants have been portrayed as people coming to Germany just to make use of the social security system. Stigmatisation through expressions such as “social security abusers”, “social tourists” and “poverty migrants” can regularly be found in the media, especially since 2013.⁸³

⁷⁹ Interview, Ministry for Employment, Integration and Social Affairs of North Rhine Westphalia.

⁸⁰ Interview, Federal Association of Sinti and Roma in North Rhine Westphalia.

⁸¹ Interview, Educational Cooperative South Lower Saxony.

⁸² <http://www.sintiundroma.de/en/home.html>.

⁸³ End 2014: 117.

The media coverage of Roma migration has been particularly intensive around the debate on the right to free access to the German labour market for Romanians and Bulgarians, which they have been able to exercise since 1 January 2014. In many cases, citizens from these countries are equated with Roma. The negative portrayal of Sinti and Roma in the media is not a new phenomenon. The Central Council of German Sinti and Roma has been fighting for years for the prohibition of discriminatory practices through acts regulating the press law. One of the aims of the Central Council is to ban the ethnic identification of alleged criminals in press releases issued by the police and in the related media coverage.

The Central Council of German Sinti and Roma has been filing complaints with the Press Council (*Presserat*) because of the negative portrayal of Sinti and Roma in the media. 53 complaints have been filled since 2010; 20 of them were successful. Since 1993 the Central Council of German Sinti and Roma has demanded the inclusion of representatives of the minority in the supervisory bodies of the public service broadcasting companies ("*Rundfunkräte, Fernsehräte*"). At present, the Central Council of Jews represents the interests of the Central Council of Sinti and Roma in a few of the bodies. The federal branch of the Central Council of Sinti and Roma of Rhineland-Palatinate will be a member of the supervisory body of the "*SÜDWESTRUNDFUNK (SWR)*" when the state broadcasting treaty passed last year comes into force. This organisation is also a member of the "*Landeszentrale für Medien und Kommunikation*", the supervisory board for private media in the federal state.⁸⁴

The Central Council of German Sinti and Roma has also been filing complaints with the Press Council (*Presserat*) because of the negative portrayal of Sinti and Roma in the media. At present, the Central Council of Jews represents the interests of the Central Council of Sinti and Roma. The federal branch of the Central Council of Sinti and Roma of Rhineland-Palatinate is a member of the *Landeszentrale für Medien und Kommunikation*, the supervisory board for media in the federal state. Thus, the Sinti and Roma federal association has the chance to complain against negative portrayal of Roma in the media within the supervisory board.⁸⁵

The negative image of Sinti and Roma is reinforced within political discourse. The Central Council of Sinti and Roma has demanded that the political parties refrain from instrumentalising the topic of Sinti and Roma. The spread of a negative picture of Sinti and Roma from Bulgaria and Romania, however, ranges from extreme right-wing parties to politicians from the three ruling parties, the Social Democratic Party (SPD), the Christian Democratic Union (CDU) and the Christian Social Union (CSU), to a new party, Alternative for Germany (AfD), that is characterised in the mainstream press as a populist anti-EU-party.

The extreme right-wing party National Party of Germany (NPD) went as far as defaming Sinti and Roma with slogans like "More Money for Grandma instead of for Sinti and Roma" (*Mehr Geld für die Oma anstatt für Sinti and Roma*). Several Sinti and Roma and civil society organisations have filed complaints on the grounds of hate speech (*Volkshetze*) against the NPD because of this defamatory campaign. With regard to mainstream parties, several politicians from the aforementioned parties have spoken publicly about the "threat through the immigration of Roma from Bulgaria and Romania coming to abuse the German welfare state"; another expression used was "the invasion of Roma from Eastern Europe". The most representative case has been that of the former Federal Minister of the Interior, Hans-Peter Friedrich (CSU), who several times during 2013 called upon authorities to expel "poverty migrants" from Romania and Bulgaria "abusing the German social systems". *Amaro Foro* organised a campaign supported by several members of the Bundestag demanding that Friedrich stop making public statements of this kind.⁸⁶ Such discourses have been strengthening the negative image of Sinti and Roma and have fostered prejudices within the majority society.⁸⁷

So far there has been no official statement from the German government calling on the parties and media up to stop spreading a negative picture of Sinti and Roma in public discourse. Many interviewed Sinti and Roma organisations have criticised the absence of such a statement.

84 Information provided by the Central Council of Sinti and Roma.

85 Interview with federal association of Sinti and Roma in Rhineland-Palatinate.

86 <http://www.amaroforo.de/friedrich-es-reicht-schluss-mit-der-rassistischen-hetze-0>.

87 End 2012: 19.

Measures Targeting Roma Children

The German government has not implemented specific measures to improve the situation of Roma children and to strengthen their rights. The most vulnerable groups among Sinti and Roma include Roma children from families that are asylum seekers, those with the “tolerated” status of subsidiary protection and those who are immigrants. Toleration is a suspension of deportation, i.e. individuals with “tolerated” status have not been granted asylum but have not been expelled for various reasons, for example because they have no passport or are unable to travel due to their medical condition.

It is especially in education and health care that Roma children from the aforementioned groups experience discrimination and exclusion. Children who are “tolerated” have difficulty performing successfully at school, e.g. due to the psychological pressure which they face because they can be expelled at any time. Furthermore, primary education is not compulsory for refugees with “toleration” status or asylum seekers in Hessen, Saarland and Baden-Württemberg. This creates obstacles to these children attending school. Besides, many Roma children from migrant families, especially from Bulgaria and Romania, are not registered at the registry office (*Einwohnermeldeamt*) and as a result they are not subject to compulsory education in all *Länder*.

In a recently published study on the situation of Roma families that have come to Germany as asylum seekers or immigrants, the Centre for Anti-Semitism Research makes recommendations for the improvement of the situation of Roma children in the education system. These recommendations include conceding permanent status to “tolerated” Roma families, which would grant Roma children the unrestricted right to education, including access to childcare.⁸⁸ Since education is an exclusive competence of the *Länder*, such an initiative would have to be introduced by them. Neither at the level of the central government nor at the level of the *Länder* have serious steps been taken to improve the situation of Roma children in the education system.

Nevertheless, there are various initiatives funded at regional and local level through which Sinti and Roma should be supported at school. For example, in Berlin, Bremen and Hamburg there are successful programmes of school mediation targeting Sinti and Roma children. The overall positive outcomes of these school projects, however, do not correspond to the needs of Roma children (for more information see under Section III “Education”)

Roma children from the aforementioned groups are also disadvantaged in the area of health care. Many Roma children from immigrant families do not have health insurance and have to pay for medical treatment. Roma children with “tolerated” status have the right to restricted basic health care services. They must request vouchers from the competent social care administration in order to obtain medical treatment. Many Roma migrant children from Bulgaria and Romania and those with “tolerated” status obtain medical treatment through special GP consulting services or from mobile health-care units, which exist in some cities. Such initiatives rely on local initiatives and insecure funding and in most cases are not supported by local, regional and federal administrations.⁸⁹

Measures Addressing the Multiple Discriminations Faced by Romani Women

There are no specific central government programmes or measures aiming at improving the living conditions and fostering equality for Sinti and Romani women. Even at *Länder* and city level such measures are scarce and mainly small-scale. In interviews, representatives of public authorities pointed out that they are aware of multiple discrimination and that they see the specific needs of Sinti and Romani women. Lower levels of education, even illiteracy and gender-based discrimination, are mentioned among the most urgent problems that need to be addressed.⁹⁰

⁸⁸ Zentrum für Antisemitismusforschung 2007: 36–37.

⁸⁹ Interview, *Förderverein Roma*; information provided by Amaro Drom.

⁹⁰ Interview with Ministry for Social Affairs.

In some cases, labour market qualification training is offered to women in particular as a means to respond to cultural or gender-specific needs. Some of the local advice centres for Roma, for instance in Hamburg-Wilhelmsburg, offer low-threshold training programmes targeting women in particular.⁹¹ Mediator programmes within the education sector and a wider neighbourhood context have, in some places such as Berlin and Hamburg, created labour market opportunities for women while at the same time supporting social inclusion.

Sinti and Romani women often face difficulties in having any impact on political decision-making affecting their minority, and they only play a minor role in self-organisations. There are Sinti and Romani women's organisations and networks such as *Romane Romnja* in Cologne, the *Agora-Network* for Sinti and Romani women in Germany and *Iniomnja* in Berlin.

In addition, most Sinti and Roma organisations have Sinti and Romani women among their activists. *Amaro Foro* in Berlin has a women's group within its structures; the *Roma Center Göttingen* has set up *Buvero – Romani women's Live Network* which offers capacity-building activities such as, for instance, media and journalism training. The *Karola* civil society organisation in Hamburg works exclusively with Romani women originating from Serbia. They focus on giving advice on social issues and on empowerment. *Iniomnja* receives small-scale funding from the Berlin Action Plan towards Inclusion of Romani migrants and *Karola e.V.* is supported through the European Social Fund.⁹²

Non-Discrimination and the Right of Free Movement of Sinti and Roma within the EU

Issues of free movement of EU citizens are currently the most salient topics regarding immigration in Germany. They concern particularly the mobility of vulnerable, low-skilled immigrants from Bulgaria and Romania to Germany. Although distinctions are made between this group and Roma in the political and wider public debate, both groups are often seen as closely related, for instance in press reports.

Directive 2004/38 was transposed into German law through the Freedom of Movement Act as part of the Immigration Act in 2005. In 2013, the Act was renewed, abandoning the former obligation of EU citizens to have a particular registration document (*Freizügigkeitsbescheinigung*). The restriction which Germany had imposed on citizens of Romania and Bulgaria in accessing the German labour market was lifted in January 2014.

The federal government has regularly stated its commitment to the values of non-discrimination and freedom of movement within the EU. However, against the background of immigration from Romania and Bulgaria since 2007, the government coalition argues that in order to uphold the acceptance of these European values fraudulent attempts to abuse the social system must be persecuted.⁹³ In 2012, 439 Romanians and 251 Bulgarian citizens were ordered to leave Germany for reasons that were not further specified and 232 Romanians and 74 Bulgarians were deported.⁹⁴ There are discussions on how EU citizens can be obliged to prove that they seek employment or have sufficient means to secure their livelihood without violating Directive 2004/38.⁹⁵

In 2013, the then Minister of the Interior Hans-Peter Friedrich claimed that many immigrants enter Germany in order to receive social benefits. He called publicly and in a letter to the European Commission for harsh restrictions to combat the abuse of the welfare system and he demanded barriers against the re-entry of EU citizens who have been expelled earlier.⁹⁶ This and other proposals by Friedrich were reflect-

91 Interview, Regional Association of Sinti Hamburg.

92 Interview, Karola e.V.

93 CDU et al. 2014: 108.

94 *Deutscher Bundestag* 2013b: 1.

95 For a legal assessment see *Deutscher Bundestag* 2012.

96 *Zeit* online 2013.

ed, too, in the coalition treaty of the new grand coalition.⁹⁷ The statements were further taken up by other politicians and by the media, which in many cases conveyed negative perceptions of Roma to the German population. The dominance of a biased and moralising tone of panic in the majority of media reports on “poverty migration” was the subject of a more systematic analysis by the TV programme ZAPP on the public television channel ARD.⁹⁸

In the media, the local affluence of vulnerable Romani migrants in cities such as Dortmund and Duisburg was highlighted to such an extent that this phenomenon now stands as symbol for the overall immigration of Roma or Romanians and Bulgarians. Statistical evidence, however, indicates that Romanian and Bulgarian citizens are below the national average in claiming social and unemployment benefits and that they are far below the group of non-nationals.⁹⁹

German Social Law in its current form restricts the reception of social benefits for EU citizens. EU citizens who have permanent residence in Germany and seek employment currently only receive child benefits but are excluded from benefits for job seekers.

As a consequence, there have been political and legal disputes on whether Germany fulfils its obligation with regard to the non-discrimination of EU citizens. Several courts have recently decided in favour of the right of EU citizens to receive social benefits. At present around 300 cases have been taken to court¹⁰⁰ and the authorities await the ruling in a particular case that has been transferred to the European Court of Justice.

In 2013, within a dispute between the German government and the European Commission the latter specified the rules of free movement within the EU. It demanded proof of the claim that the number of recipients of social benefits from other member states has reached a level that could exceed the capacities of the German social system and thus justify restrictions.¹⁰¹

Obstacles to Migration and Inclusion Measures for Romani Migrants

The scope of action for providing services to vulnerable immigrants is usually in the hands of regional local authorities. Certain cities, such as Dortmund, have built local networks between authorities and civil society organizations in order to assess the needs of immigrants and to support them, e.g. in finding housing. Sometimes additional courses are provided for immigrant children. However, cases have also been reported where local authorities have offered tickets for transport or given financial incentives to encourage EU citizens to return to their countries of origin.¹⁰² With a few exceptions, integration measures target vulnerable EU immigrants in general and not Roma alone, although it is explicitly or implicitly acknowledged, that Roma constitute a significant proportion of vulnerable EU migrants.

Local authorities demanded federal government to create a right for EU citizens to access German integration courses, in particular their language training elements. At present, the access of EU citizens to such courses depends on whether there are places that have not been taken by third-country nationals. In the federal-regional working group “Poverty Immigration from Eastern Europe”, regional ministers for social affairs requested the federal government to check legal and procedural possibilities of making child allowances conditional on whether children regularly attend schools and preventing benefits acting as a pull factor for immigrants. Furthermore, the Association of German Cities (*StädteTag*) publicly demanded a special fund for cities with a high affluence of immigrants.

97 CDU et al. 2014: 108.

98 www.ndr.de/fernsehen/sendungen/zapp/medien_politik_wirtschaft/roma123.html.

99 Brücker et al. 2013.

100 FAZ 2014.

101 Zeit online 2013.

102 Interview with *Landesverband der Sinti und Roma* in Niedersachsen.

According to the experience of the Berlin contact point for mobile EU workers and Roma (EUROCITIES 2011) and research conducted by *Diaconia* in Dortmund, the main obstacles which Romani migrants from EU countries face in Germany are:

- An often precarious financial situation and indebtedness.
- Difficult access to the housing market and often precarious housing status (subletting and housing exploitation).
- Exploitative labour conditions (improper salaries, bogus-self-employment etc.).
- Difficulties in registering as residents, due to irregular housing status.
- Access to health insurance, in particular when migrants were not insured in countries of origin as previous insurance is a pre-condition, and in cases when migrants are not registered.

Support services for mobile EU migrants were taken up first by local civil society actors and by local governments in those cities that received higher inflows of vulnerable immigrants from new EU member states. Hamburg was one of the first cities to set up a counselling point (*Beratungsstelle*).

In the capital, the Berlin Action Plan towards the Inclusion of Romani Migrants foresees financial support for the continuation of the "Contact Point for European Roma. Conflict intervention against anti-gypsyism" Project. This project is designed to provide counselling on social rights to Romanian and Bulgarian citizens residing in Berlin, in the Bulgarian, Romani and Romanian languages.

At the same time, language mediation helps to facilitate access to public services. In this way the beneficiaries of the project can overcome indirect discrimination resulting from a lack of German language knowledge or limited access to information. The project started in 2011 and is financed on a yearly basis. The years prior to 2014 were marked by structural underfunding and the activities were mainly carried out on a voluntary basis. Within the action plan the project has received a more sustainable financial framework.

There are contact points for Romani migrants especially from Bulgaria and Romania in several other cities such as Duisburg, Hamburg, Frankfurt and Munich. These contact points are mostly funded by the city administrations and provide information on social services, on education and health issues, on opportunities in the labour and housing markets and on issues related to residence and work Permits.

In the "Poverty Immigration from Eastern Europe" working group the federal government has announced the setting-up of connected advice offices in Bulgaria, Romania and Germany to be funded by the European Social Fund. These offices would have the task of providing information about rights and duties in the context of EU mobility and about the situation in Germany. A proposal that was made in the same working group by regions and city representatives to set up a clearing point for questions of health insurance in an intra-European context was rejected by the federal government.¹⁰³

The ESF "fair mobility" project, through which the German Federation of Trade Unions offers advice to mobile EU citizens, supports offices in immigrant languages in the six cities of Berlin, Dortmund, Frankfurt, Hamburg, Munich and Stuttgart.

The new working group of state secretaries on legal questions of access to social services of EU citizens¹⁰⁴ is working on a variety of measures to improve coordination across levels of government, in particular by improving support for the local level, but also on restricting access to social rights such as family support, child benefits and parental benefits for EU citizens.

Overall, the immigration of Roma citizens from south-eastern EU countries has met different kinds of responses. On the one hand it has given rise to a racist debate in politics and the media, which once more revealed deep-rooted anti-gypsyism within German society. Further, the response by the German authorities has demonstrated so far that there is not yet a joined-up approach to the integration of EU citizens and that public service providers lack the capacities needed to ensure that EU citizens can exercise their rights.

¹⁰³ *Arbeits- und Sozialministerkonferenz 2013.*

¹⁰⁴ *Bundeministerium des Innern & Bundesministerium für Arbeit und Soziales 2014.*

On the other hand the efforts by authorities to increase these capacities and to develop local coordination mechanisms to support immigrants offer interesting potential for the overall integration of migrants. Further, in some cases these efforts have raised awareness, too, of the existence of a German Sinti and Roma population with its particular needs and interests.

Policies towards Refugees from South Eastern Europe

Roma refugees in Germany consist of two major groups: people who fled Kosovo during the 90s and more generally Roma from countries from the Western Balkans who immigrated (back) after visa liberalisation in 2010. The situation of both groups has been shaped by the rejection of the right to permanent residence and various attempts at deportation. In the case of the Kosovo Roma an official goal was set in 2009 to deport around 10,000 individuals in the four following years, in spite of serious protests by civil society and international human rights bodies.

At this moment most Roma from Kosovo find themselves with the legal status of “toleration” (*Duldung*). This means that their application for asylum has been rejected and that they are in constant risk of immediate deportation. The restricted access to work, to higher education and qualification and the fact that they are obliged to remain in their *Land* or even their region of residence all have a highly negative impact on their living conditions and chances for integration.

Several steps have been taken to give long-term asylum seekers a prospect of permanent stay. In 2007, §104 of the national Residence Act awarded asylum seekers the right of residence if they had been living in Germany since the year 1999 (respectively 2001) and if they met certain criteria such as continuous employment and a good knowledge of German. §25a of the Residence Act foresaw the right of residence for “well integrated youth”.

Currently, there is a process under way which may lead to changes in the national law. In particular, it would no longer be necessary for a person to have lived in Germany since the years mentioned above in order to be granted the right of residence. Further, changes in §25a Residence Act are planned that would extend access to the right of residence for young refugees. In spite of these changes the majority of Roma refugees remain with “tolerated” legal status. A law from 2012 on the recognition of vocational qualifications has only played a marginal role for most Roma refugees, too.¹⁰⁵

Many decisions concerning refugees are within the competence of the *Länder*. There have been humanitarian steps taken by certain *Länder* such as stopping deportations to Kosovo during wintertime or informing refugees about their upcoming deportation. Lower Saxony, for example, has extended application of the hardship provision and it has included a member of the refugee council in the hardship commission. Other *Länder*, however, have maintained continue a strict policy towards refugees, using all legal means to pressurise them and to deport as many people as possible.

In response to recent immigration from countries of the Western Balkan the treaty of the new grand coalition firstly foresees the shortening of the asylum procedure to three months. Secondly, the government wants to declare Bosnia-Herzegovina, Serbia and Macedonia as safe countries of origin.¹⁰⁶ As a consequence, asylum claims from residents from these countries would be considered as a rule to be unfounded.

Refugee support organizations describe how refugees find it particularly difficult to understand the functioning of the local authorities. Thus they provide information e.g. on the hardship provision and in some cities like Hamburg there are general counselling points for migrants. At present there are no nationally coordinated, targeted measures for Roma refugees. Within the framework of the XENOS programme on integration into the job market seven of 28 civil society organizations provide services to Roma. They are loosely connected within the “Roma AG” network.¹⁰⁷

¹⁰⁵ Interview, *Bildungs-genossenschaft Niedersachsen*.

¹⁰⁶ CDU et al. 2014: 109.

¹⁰⁷ Interview, *Bildungs-genossenschaft Niedersachsen*.

3. EDUCATION

Structure of the Education System in Germany

The basic school (*Grundschule*) in Germany covers between four and six years depending on the *Land*. Until a few years ago secondary education comprised three types of school: the *Hauptschule* (fundamental school) preparing pupils for vocational education; *Realschule* which gives a broader basic education for intermediate pupils and prepares them for higher vocational education; and the *Gymnasium* preparing pupils for higher education.

In recent years, reforms have taken place in several *Länder* so that the above-mentioned school model no longer exists in its classical form. The *Hauptschule* exists in only five *Länder*;¹⁰⁸ *Hauptschulen* and *Realschulen* have been merged into so-called *Gesamtschulen* (mixed schools) or *Sekundärschulen* (secondary schools) in the rest of the "old" *Länder* (*alte Bundesländer*). In addition to these three secondary school types, there is a fourth type of school for children with learning difficulties. These schools used to be called "special schools" (*Sonderschulen*) and nowadays they are known as *Förderschulen*. In several *Länder*, more children are being sent to special classes (*Förderklassen*) which are formed within regular schools.

Children are sent to special schools and classes in cases of alleged learning difficulties and emotional and social disparities. Children who have completed their education in special schools and classes are excluded from further education opportunities and from the labour market. An inclusive concept is progressively being applied; children with disabilities or learning difficulties attend regular schools and classes where they receive additional specific support. Currently, 44% of these children attend regular primary schools and 23% secondary schools.^{109,110} It is noticeable that foreign children are seldom placed in inclusion classes.¹¹¹

Special Education

The German school system does not have the capacities needed to fulfil the needs of children with special needs. Often, the placement of children with special needs in special schools and classes takes place without considering the additional support that would enable them to stay in a regular school. For example, in many cases children with dyslexia are placed automatically in special schools or classes.¹¹² The likelihood of being placed in special schools or classes is much higher for children and youngsters from socially disadvantaged backgrounds. Most Sinti and Roma children belong to this group.¹¹³ According to experts, the risk of being discriminated against in placement in special education is much higher among children with migration background than among children of the majority society.¹¹⁴

108 The *Hauptschule* still exists in Bavaria, North-Rhine-Westphalia, Lower-Saxony, Rhineland-Palatinate and Hesse. After the reunification of Germany 1990, the *Hauptschule* was not introduced as a school form in the "new" *Länder*, which formed part of the German Democratic Republic (GDR).

109 See report under: http://www.bildungsbericht.de/daten2014/bb_2014.pdf.

110 *Autorengruppe Bildungsberichterstattung* 2014: 9.

111 *Ibid*: 179.

112 Interview with experts.

113 *Zentrum für Antisemitismusforschung* 2007: 30.

114 *Deutscher Bundestag* 2013: 85.

In many cases this placement takes place without the consent of the parents and the families are not properly informed about the negative consequences of children attending special schools or classes.¹¹⁵ In most cases, children and youngsters who attend special schools for pupils with learning difficulties (*Lernbehinderung*) are not later returned to regular schools (ibid: 32). For every two placements in special schools due to all types of needs there is only one placement back in a regular school.¹¹⁶ Three quarters of children who have attended a special school or class never obtain a basic school leaving certificate (*Hauptschulabschluss*).¹¹⁷

Children from migration backgrounds are often placed in special education because their insufficient knowledge of the German language is often misinterpreted as “language deficit” (*Sprachdefizit*) and thus, as “generally retarded development” (*allgemeine Entwicklungsverzögerung*). Not having attended a kindergarten can also be misinterpreted as “not being able to work in a group” (*mangelnde Gruppenfähigkeit*) and “lack of social skills” (*nicht angemessenes Sozialverhalten*).¹¹⁸

Furthermore, as a rule, children are placed in special education when they are not able to follow the class, when they exhibit peculiar behaviour or when they disturb the class. These are classified as “learning problems”. Among many teachers, these problems are associated with the countries of origin of the children. The attempts to identify which resources the school should put in place to provide these children with additional support are largely insufficient.¹¹⁹

These factors also lead to Sinti and Roma children being placed in special education. Often, Roma children with migration background are placed in special schools and classes because they lack the necessary knowledge of the German language. Sometimes they are placed there, too, because they cannot follow the lessons as they are not used to receiving frontal teaching. In many cases, teachers are not able to manage such cases and therefore send Roma children with migration background to special education.¹²⁰

In the case of German Sinti and Roma, other factors have played a role for their high share in special education. After the genocide against Sinti and Roma carried out by the Nazi regime, Sinti and Roma survivors had to live in a society where the perpetrators continued exercising public functions. Sinti and Roma were in many cases denied the right to attend school or did not find proper and secure conditions for doing it. As a consequence, many German Sinti and Roma did not attend school or did not complete it.

Afterwards, when special education was institutionalised, many Sinti and Roma children were sent to special schools due to discriminatory classifications or because they had grown up in an environment where they could not acquire learning tools for the German school system. Many German Sinti and Roma children also preferred to stay in special schools because they felt more secure among their peers and did not face the high levels of discrimination and racism they would experience in regular schools.¹²¹

The procedure for placing a child in a special school or class varies from *Land* to *Land*. As a rule teachers recommend placement in a special school or class. If the school principal supports this recommendation s/he requests the *Schulamt* (supervisory school authority) to officially place the child in a special school or class. In some cases, the *Schulamt* engages a special teacher who has to establish what problems the child has, what kind of special education has to be provided and for how long. The parents have the right to appeal against this decision. In most cases, parents from socially disadvantaged milieus, as most Sinti and Roma families are, accept the decision of the placement in special education. The parents have the right to file a complaint against this decision before the court.

115 Zentrum für Antisemitismusforschung 2007: 30.

116 Autorengruppe Bildungsberichterstattung 2014: 181.

117 Ibid.

118 Ibid: 86.

119 Ibid.

120 Interview, Rom e.V.

121 Interview, Dokumentations- und Kulturzentrum deutscher Sinti und Roma.

According to German legislation no statistics on ethnic grounds are collected. Yet, all our interview partners have stated that there is an overrepresentation of Sinti and Romani children in special schools (*Förderschulen*) and special classes (*Förderklassen*) throughout all *Länder*.

According to information of the German Statistics Office (*Statistisches Bundesamt*) for the year 2008, the proportion of pupils from countries such as Vietnam, Iran or Ukraine in special schools and classes is the same as among German children. The proportion of pupils from Serbia and Albania in special education is three times higher than among German children.¹²² There is no indication of the ethnic background of those pupils but it can be assumed that some children from those countries are Roma. If this is the case, these statistics correspond to the information gathered through our interviews.

In the course of a survey on the situation of German Sinti and Roma belonging to three generations, 10.7% of 275 interviewees stated that they had attended a special school. The proportion is 9.4% for the group between 14 and 25 years of age and 13.4% for the group between 26 and 50.¹²³

20% of Sinti interviewed in the framework of a study on the situation of Sinti in the education system in Lower-Saxony stated that they had attended special schools.¹²⁴ According to this study, the proportion of Sinti attending special schools has fallen over the last 10 years from 30% to 20%. The proportion of children attending special school and classes is 5%, of those with migration background between 6 and 8%.¹²⁵

The proportion of Sinti children sent to special schools and classes in Lower-Saxony on the grounds of emotional and social problems is as much as five times higher than among children from migration background.¹²⁶ According to information provided by interview partners, 80% of Roma children who are asylum seekers or have “tolerated” status in Cologne attend special schools and classes.¹²⁷

According to official information, the proportion of children in special education remained constant, at 4.9% of all pupils in the school system, from 2001 until 2010.¹²⁸ This figure rose to 6.6% in 2014.¹²⁹ There is no official information on the proportion of pupils of Sinti and Roma origin in this respect, but according to the aforementioned studies, the proportion of Sinti and Roma children has fallen in recent years. According to interview partners, the proportion of Sinti and Roma children in special schools and classes in Hamburg has fallen due to the success of the school mediators programme. Unfortunately, there is no estimate of the percentage of this decrease.¹³⁰

No specific measures have been taken to address the wrongful placement of Sinti and Romani children and youngsters in special schools and classes. In some cases Sinti and Romani children who are assessed as suffering from learning difficulties are placed in regular classes with an inclusive concept and they have additional pedagogic staff supporting them. Unfortunately, there are no official data in this regard.

There are almost no official initiatives to promote the transfer of children, especially Sinti and Romani children and those with migration background, from special schools and classes to regular schools. School mediation programmes targeting Sinti and Roma children should be mentioned in this context. In some cases, Sinti and Roma children and youngsters who have been targeted by school mediation programmes are transferred from special schools and classes into regular schools.¹³¹ Unfortunately, there are neither data or nor estimates on the number of Sinti and Roma children who have been moved from special education to regular schools.

122 *Bundestag* 2013: 85.

123 *Strauss* 2012: 39.

124 *Erchenbrecher; Gardenim* 2012: 18.

125 *Ibid.*: 22.

126 *Ibid.*

127 *Interview, Rom e.V.*

128 *Deutscher Bundestag* 2013: 81.

129 *Autorengruppe Bildungsberichterstattung* 2014: 9.

130 *Interviews, Karola e.V., Bildungsverein der Roma zu Hamburg, Regional Association of Sinti in Hamburg.*

131 *Interviews, Diakonie Hasenberg, Roma Förderverein.* See also reference to school mediation programmes below under point 3.

It is surprising that despite the high proportion of Sinti and Roma children attending special schools and classes, organisations working for Sinti and Roma do not focus specifically on this problem. CSOs could intensify their information campaigns targeting parents so that they are better informed on the extremely negative consequences of attending special schools and classes for the educational and employment prospects of their children. Parents often also need support against school authorities in order to avoid their children being placed in special schools and classes.

The ratification of the UN Convention on the Rights of Persons with Disabilities by Germany in 2009 has affected the system of special education. According to the Convention, all disabled persons have the right to attend a regular school under UN Convention on the Rights of Persons with Disabilities Article 24.¹³² Although the Convention was ratified by Germany in 2009 the *Länder* have been taking a long time to implement it in their school legislations. For example, North-Rhine-Westphalia implemented the Convention in 2013 so that children with disabilities will have the right to attend a regular school from summer 2014 onwards. Although this *Land* has serious difficulty in implementing this legal disposition because of the lack of financial and logistical resources, experts predict that at least a third of special schools which focus on learning and emotional difficulties, which most Sinti and Roma children attend, will close in the medium term.

In contrast, Bavaria has introduced limitations to the UN Convention in its school legislation. For example, parents can decide whether their child should attend a regular or a special school. Nevertheless, this right is denied when the development of the child might be damaged or when the rights of the school community are considerably affected.¹³³ However, this UN Convention represents a valuable instrument for transforming special education in Germany, eradicating or at least reducing its segregatory character. There is no assessment on this process in relation to the placement of migrant and Sinti and Roma children into special education.^{134,135} Here, it should be stressed that most of the Sinti and Roma children who are placed in special education do not suffer from any disability; they are placed there because they lack knowledge of the German language (in the case of Roma with migration background) or are classified as suffering from "emotional trouble" by the school administration.

Completion of Compulsory Education

Sinti and Roma have been qualified as mediators, counsellors and teaching assistants since 1993. They work in kindergartens, schools and in vocational schools with the goal of establishing trust, and ensuring that the Sinti and Romani pupils are entitled to equal participation in public education. In order for equal opportunities to be reached, the educational counsellors are not only engaged with regard to school issues, but their work also includes extracurricular issues such as the extracurricular mentoring of parents.

According to experts, this way of cooperating with the Sinti and Roma as educational mediators has led to positive developments with regard to regular class attendance and going to school, to school achievement and to contacts with the families.¹³⁶ The most ambitious mediators' programmes are carried out by the city administrations of Hamburg (see flagship initiative below) and Bremen. These public programmes have not been evaluated so far. In various *Länder* organisations working for Sinti and Roma such as the RAA e.V. in Berlin,¹³⁷ *Bildungsverein der Roma zu Hamburg*, *Diakonie-Hasenberg*, *Madhouse* in Munich, *Roma Förderverein* in Frankfurt am Main and *Rom e.V.* in Cologne and are carrying out projects helping Sinti and Roma children and youngsters to perform better at school. However, it must be borne in mind that in most

132 Read Convention under: <http://www.un.org/disabilities/convention/conventionfull.shtml>.

133 Bayerisches Gesetz über das Erziehungs- und Unterrichtswesen (BayEUG): <http://www.gesetze-bayern.de/jportal/portal/page/bsbay-prod.psm!showdoccase=1&doc.id=jlr-EUGBY2000rahmen&doc.part=X:35> (accessed: 02 July 2014).

134 *Autorengruppe Bildungsberichterstattung* 2012: 70.

135 Read report under: <http://www.bildungsbericht.de/img/bb12cover.pdf>.

136 Interview, *Bildungsverein der Roma zu Hamburg*, Leucht, information provided by Amaro Drom.

137 Information on school mediators program of the RAA e.V. in German: <http://www.raa-berlin.de/Neu2011/Roma-Mediatoren-Projekt.html>.

cases these projects are not being evaluated; hence there are no reliable figures that could show how successful the programmes are. Moreover, it has yet to be recognised that for the most part educational mediators are badly paid and lack opportunities to be integrated into pedagogical practice.

The school mediators' programme of the RAA e.V. was evaluated in 2012. According to the evaluation report, this school mediation programme is widely accepted among teachers, children and parents and has contributed to better performance by Roma children at school.¹³⁸ EUROCITIES, the largest network of European cities, organised a peer-review on school mediation in Berlin in 2011 through which practice and experience from Roma mediation projects at Berlin schools carried out by the RAA e.V. were discussed with representatives from nine EU cities and from NGOs. The following outcomes from the peer-review should be mentioned: the Roma school mediation programme improves access for Roma families to public institutions and social services; Roma mediators are role models for Roma pupils; official qualification opportunities should be offered to Roma mediators; there is a need of an evaluation framework for analysing the baseline situation and monitoring the outcomes of mediator schemes.^{139,140}

In this context, a project aiming at the improvement of school mediation programmes targeting Sinti and Roma children and youngsters should be mentioned, namely the *Sinti und Roma-Bildungsarbeit als Profession* project ("Sinti and Roma's education work as profession") carried out by RAA – Berlin e.V., Madhouse and *Romno Kher*. The project, which is funded by ESF, aims to develop and confer upon Sinti and Roma mediators a professional qualification which will have a positive effect in their personal prospects, professional performance and work outcomes.¹⁴¹ The Roma association *Bildungsverein der Roma zu Hamburg* also aims to improve the quality of school mediation programmes through the "Arkana" project. This project builds a network of all actors who are involved in the implementation of school mediation programmes targeting Sinti and Roma children and youngsters in Hamburg and offers further training for the mediators.¹⁴²

There is no single model in this field and no official monitoring of the programmes and projects. The working group on education coordinated by the EVZ and Sinti and Roma organisations and those working with Sinti and Roma that we interviewed in Hamburg and Berlin have positively assessed these programmes.¹⁴³ It has been stated that there is a need to strengthen the capacity-building of mediators, to conduct awareness-raising programmes on anti-gypsyism targeting school personnel and to foster networking between mediators and centres carrying out capacity-building for mediators at local, federal and national levels.¹⁴⁴

One has to bear in mind that the aforementioned mediators programmes cannot be considered as measures which would ensure that the youngsters finish school. It can also be concluded that there are no special initiatives that assist Sinti and Romani children in completing their schooling. However, they can use the general services that are available. The full-day schools may be regarded as one such service. These schools are organised at both primary and secondary levels. Besides the morning classes there is a full day's programme offered at least three days in a week, which includes at least seven full hours. However, the federal states do continue the development of full-day schools, so the parents' needs for such a school system are not met.

There is a programme called "second chance learning", through which the *Länder* make better offers. Within this programme German citizens have the chance to resume their studies in order to obtain a state-recognised qualification. In this regard there are different educational institutions and learning methods available, including evening classes, adult education centres, distance learning, etc. However, this second chance learning not only requires time and commitment, but also involves costs which most people from the Sinti

138 Kyuchukov 2012.

139 EUROCITIES 2011: 11.

140 Petrlic; Servant 2013. For the peer review report see: http://nws.eurocities.eu/MediaShell/media/Report_PR_Roma_school_mediation.pdf.

141 Project information at: http://www.f-bb.de/fileadmin/Veranstaltungen/131202-03_XENOS_Verstetigung_und_Transfer_-_wie_geht_das_/Petrlic_Servant_Zertifizierung_Sinti_und_Roma_Bildungsarbeit.pdf.

142 Interview, *Bildungsverein der Roma zu Hamburg*. Information on the "Arkana" project at: <http://www.romaedu.org/de/content/arkana-projekt>.

143 Interview, *Bildungsverein der Roma zu Hamburg*, Karola e.V., Madhouse, Leucht.

144 Outcomes from the working group on education of the EVZ, information provided by Amaro Drom.

and Roma minority cannot afford. These measures have been completely inadequate in terms of improving the educational situation of Sinti and Roma who live in Germany.

In this context, the Berlin Action Plan for the Inclusion of foreign Roma should be mentioned. It includes measures aimed at fostering the success of Roma children at school. These include establishing learning groups for new pupils without command of the German language focussing on Roma, additional educational activities outside regular school times, holiday courses and activities aiming at strengthening the school competences of Roma children and their families.¹⁴⁵ These measures have not yet been evaluated so their impact is not known at all. In Cologne, the *Roma e.V.* NGO carries out a programme targeting Roma refugees' children. The children living in refugees' houses receive specific support in order to enable them to attend a regular school or to leave special school and attend a regular school.¹⁴⁶

SCHOOL COUNSELLORS' PROGRAMME, HAMBURG

The programme is implemented by the Institute for teacher training and school development (Landesinstitut für Lehrerbildung und Schulentwicklung) of Hamburg, and is financially supported by the Hamburg Land. Within the programme framework, Sinti and Roma youngsters receive one year of training to become school counsellors for Sinti and Roma affairs. Once the trainees have successfully completed their training they are engaged as counsellors under similar conditions and with the same rights as regular teachers.

The counsellors interact with pupils, families and the school in order to create better framework conditions for the success of Sinti and Roma children at school. Indicators are: school attendance; school leaving certificates; and culture and language as part of the school's programme. Sinti and Roma organisations have taken part in concept development and in determining training programme contents. According to interview partners, the proportion of Sinti and Roma children in special schools and classes has been falling in recent years, thanks to the successful implementation of this programme.

School Segregation

School segregation of Sinti and Romani children in Germany differs from the kind of segregation faced by Roma in Central and Eastern Europe. In Germany, Sinti and Roma often face spatial segregation because they live in deprived neighbourhoods. The same problem is faced by children from migration backgrounds. In neighbourhoods with a high proportion of people from migration backgrounds, the schools are attended almost exclusively by children from the same backgrounds. Academic performance at these schools is often very poor because the German school system is not designed to meet the pedagogic needs of children coming from disadvantaged families.¹⁴⁷

In this context it should be explained that as a rule children are obliged to attend the school in their neighbourhood. There are exemptions to this, but it is often difficult to meet the requirements for those exemptions. In particular, families from migration backgrounds are often not informed about this possibility or do not possess the tools to use it.

Roma migrant children often face another form of segregation. In most cases foreign Roma children and youngsters do not have equal access to education; they do not have the requisite language skills. As a rule,

¹⁴⁵ Berliner Senat 2013: 8.

¹⁴⁶ Interview, *Roma e.V.*

¹⁴⁷ Ruiz Torres; Schlambach 2004.

cities with strong immigration flows have programmes to prepare foreign pupils who just have arrived in Germany to attend the school. These programmes aim at providing pupils with the necessary language skills and basic knowledge for getting into regular school.

In several schools in North Rhine Westphalia, for example in Duisburg, which has strong immigration flows from Bulgaria and Romania (mostly involving Roma), preparation programmes are claimed to satisfy the needs of children and youngster from these countries.¹⁴⁸ In Berlin, in the framework of the Action Plan for the Inclusion of foreign Roma, so-called “welcome classes” (*Willkommensklassen*) have been implemented for preparing Roma children and youngster from Bulgaria and Romania.¹⁴⁹

Although such preparatory classes are presented by *Länder* and city governments as good practices of integration, they are criticised by education experts and Sinti and Roma activists as segregatory and discriminatory practices.¹⁵⁰ From their point of view, children from migration backgrounds are kept separate from pupils attending regular school instead of being supported within regular classes with additional teaching and pedagogic personal.

For example, the “welcome classes” in Berlin are criticised because no time frames or other clear criteria are set for keeping children and youngster in these “welcome classes”. Roma children and youngster are kept often for longer periods than children from other migration backgrounds.¹⁵¹ Instead of including these migrant children in regular classes equipped with additional pedagogic personnel, the tendency in Germany is to expand these segregated preparatory classes for migrant children.

Discrimination at School¹⁵²

There are discriminatory structures and patterns in access to education which affect Roma communities. In all *Länder*, education is not compulsory (*Schulpflicht*) for children who lack the obligatory documents (*sans papiers*) and in Hessen, Saarland and Baden-Württemberg primary education is not compulsory for refugees with “toleration” status or asylum seekers. Only children who do not have a residence permit and are also “tolerated” asylum seekers have the right to attend school. This unequal access to education hampers the school attendance of many Roma children.

Most parents of *sans papiers* children do not send their children to school because they are afraid that school authorities will denounce them to the police. In many cases, schools do not provide children with the aforementioned status with a place, alleging that the school does not have the necessary capacities.¹⁵³ Romani children, even with EU citizenship, who are not registered at the residence registration office also have difficulty obtaining school placement. CSOs such as Refugee Councils and Sinti and Roma organisations are supporting Romani families so that their children obtain school placement.¹⁵⁴

Most Roma children who are asylum seekers or have “toleration” status live under very disadvantageous societal conditions. They often live in fear of being expelled from the country, and sometimes they are obliged to change their residence, which affects school attendance, too. Their families do not receive any support to overcome problems related to their status of refugees. These factors hamper regular school attendance by Roma children with that status and put them at a disadvantage in comparison to other children.¹⁵⁵

148 *Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein Westfalen* 2013: 14.

149 *Bezirksamt Neukölln von Berlin* 2014: 14.

150 Interview Jonuz; position *Amaro Foro*.

151 Information provided by *Amaro Foro*.

152 See discussion on implications of anti-discrimination legislation in the education system above under II. Discrimination – Antidiscrimination Legislation and Policies in Germany.

153 *Bundestag* 2013: 79; information provided by *Amaro Foro*.

154 Information provided by *Amaro Foro*.

155 *Rom e.V.* 2013: 4.

Interviewed Sinti and Roma organisations have stated that Sinti and Roma children face discrimination at school. In many cases, they are prohibited from speaking in Romani.¹⁵⁶ In various cases, Sinti and Romani children are harassed by other groups of children and teachers are prejudiced towards Sinti and Roma.¹⁵⁷

Unfortunately, discrimination at school faced by Sinti and Roma is also fostered by the discourse of policy makers. In the 2011 and 2012 status reports on foreign Roma by the council of the *Neukölln* district in Berlin stereotypes are strengthened by embedding Roma academic underachievement in their socio-cultural background. In these reports it is stated that most Roma pupils are illiterate or under-developed in respect of their age and have no prior educational experience.¹⁵⁸ Moreover, the report notes that “many” of the migrants’ children are Roma,¹⁵⁹ although the collection of data about ethnicity is prohibited.

In order to combat the various patterns of discrimination faced by Sinti and Roma at school, there are some initiatives aiming at combating anti-Gypsyism and discrimination against Sinti and Roma. One of these is the *Schule ohne Rassismus – SOR* (School without Racism). Programme.¹⁶⁰ in which schools commit themselves to fighting racism and discrimination and to carrying out activities in order to achieve this goal.

This *SOR* programme is implemented by the *Aktion Courage e.V.* NGO in approximately 1,400 schools throughout Germany. In the framework of *SOR*, several workshops addressing anti-gypsyism have been held in schools, targeting both teachers and pupils. These workshops are designed as outcomes of the initiatives of teachers and pupils and have in several cases been held in cooperation with Sinti and Roma organisations and activists.

Inclusive Education

Overall, the Sinti and Roma topic occupies no more than a small niche in German school teaching. This does not mean that there is no interest in the topic itself, but that most teachers know nothing about it. The topic of Sinti and Roma is absent from teacher training in almost all of the *Länder*,¹⁶¹ though the topic, often accompanied by widespread anti-gypsyism, is occasionally presented within the framework of education on anti-racism.

The topic of Sinti and Roma, including the genocide inflicted on this minority, is also rarely and inadequately made a subject of discussion in the curricula. In this regard it has to be mentioned that the Central Council of German Sinti and Roma has initiated talks with representatives of the *Kultusministerkonferenz*, which includes the *Länder* ministers of education and culture. The Central Council has advocated for the introduction of the history of Sinti and Roma and the genocide perpetrated against them by the Nazi regime in the official school curricula.¹⁶² The Regional Association of Sinti and Roma of Hessen also engaged in a dialogue with the Hessen Ministry for Education, in order to make the history and the genocide against Sinti and Roma an official part of the curricula.¹⁶³

Beyond the regular school programme there is a variety of activities predominantly aimed at the Sinti and Roma minority. For example, the *Roma e.V.* association of Cologne has offered Romani classes for the past several years. In addition, story-telling (narrative) is offered and integrated music lessons with Roma songs are offered by qualified teachers, so that in this way children acquire a new self-awareness with regard to their mother tongue and their culture. Another result of this activity is that the youngsters improve their language skills through the language courses in a short period of time and can

¹⁵⁶ Interview, Landesverband der Sinti in Hamburg.

¹⁵⁷ Interview, *Roma e.V.*

¹⁵⁸ *Bezirksamt von Neukölln* 2011: 6.

¹⁵⁹ *Ibid*: 5.

¹⁶⁰ <http://www.schule-ohne-rassismus.org/start.html>.

¹⁶¹ Interview, *Dokumentations- und Kulturzentrum deutscher Sinti und Roma*.

¹⁶² Interview, *Dokumentations- und Kulturzentrum deutscher Sinti und Roma*.

¹⁶³ Interview, *Roma Förderverein*.

thus participate better in the classes. Similar results have also been confirmed by other institutions. Such experiences were shared by the *Schaworalle* (Roma Promotional Association), *Mulingula* (Münster) und *Amaro Kher* (Rom e.V.).

However, this practice cannot be considered as healthy in the long run. Many of these initiatives are offered in different institutions and they are focused only on Roma youth with learning difficulties. Thus, these youngsters do not participate in the regular classes. Furthermore, very few institutions which offer this kind of special support know how many youngsters have been transferred to a regular school. Nor are the programmes inclusive, since the activities are focused only on one group and to some extent they prepare the youngsters for life in their countries of origin. Further, there are no inclusive activities in which youngsters from both the minority and majority societies could take part together.

Preschool Education

The state authorities are also well aware of the importance of early child development. Consequently, as of the 1 August 2013 the children have a legal right from their first year onwards to 'early child development in a day care facility or in a child day care.' This regulation is part of the Social Security Code: Article 24 (2) of Book I of the future version, and means that the bodies responsible for youth welfare services must provide a place for the child.

A legal provision establishing the legal right to a place in kindergarten is in place; however, this does not guarantee a place in the kindergarten for every child. It often happens that the number of places in kindergartens or day nurseries is not increased quickly enough, due to the shortage of preschool teachers or because of complaints about the construction of kindergartens and day nurseries reflecting the fear that children would make too much noise.

Moreover, parents who have not taken advantage of their right to use public facilities such as kindergartens are entitled to the childcare supplement in the second and third year of their child's life. The child care supplement is paid to the parents, regardless of whether they work or not. A child born on 1 August or afterwards can be granted a child care supplement in the period between the beginning of the 15th month and the end of the 36th month of its life. The amount ranges from 100 to 150 Euros.

In connection to this, the Centre for European Economic Research (ZEW) in Mannheim criticises the child care supplement provided by the state. Their research has shown that the child care supplement is distributed to immigrant families, families with lower incomes and to low-skilled parents. This money provides incentives for these categories to give up on the newly created care facilities. As a result many children do not go to the care institutions, and they are the ones who would benefit the most from day nurseries and similar facilities. Again, this group includes many members of the Sinti and Roma minority.

In this context the positive aspirations of the organisations need to be pointed out, as they make efforts to ensure early child development for the Sinti and Roma. The *Roma Förderverein e.V.* in Frankfurt is committed in this area. With the "*Schaworalle – Hello, children*" project the association has operated a kindergarten since 1999, which is financed by the City of Frankfurt am Main. Besides, there is a possibility for the 40 Roma youngsters to attend the day care centre for free.¹⁶⁴ This concept has also been successfully adopted by the *Amaro Kher* Association in Cologne.

164 This concept should not be considered as segregation because the project aims successfully at placing Roma children in regular schools, which is the project's main objective. Here, it should be mentioned that there are still not enough places in kindergartens to satisfy demand in Western Germany. That means that it is very likely that disadvantaged Roma families will find it very difficult to obtain such places.

Vocational Training

Since the adoption of the German Report in 2011 there have been no new initiatives in the field of vocational training targeting Sinti and Roma, nor have existing ones been scaled up. Nevertheless, some initiatives should be mentioned.

In Cologne, foreign Roma can benefit from the International Promotion Classes (*Internationale Förderklassen*) programme through which they can acquire necessary skills to access the labour market. This programme aims at providing and improving command of the German language, at improving general knowledge/culture and at acquiring basic knowledge in several professional fields (*Berufsfeldern*) such as economics, building, beauty treatment, health, household economics, auto mechanics, information technology, textile and metal technology. This programme is coordinated by the communal integration centre in Cologne.¹⁶⁵

It is surprising that the Berlin Action Plan for the inclusion of foreign Roma, which is the most progressive attempt regarding policy making in the field, does not include vocational training programmes targeting young foreign Roma above the age of 16, for whom school attendance is no longer compulsory.

As a rule, NGOs carry out vocational training projects targeting Sinti and Roma. One of these projects is implemented by the *Roma Förderverein* in Frankfurt am Main, which offers vocational training for 15 young foreign Roma between 14 and 27 years of age. In the framework of this project, Roma attend courses which enable them to pass the exam of the basic school (*Hauptschule*) and to acquire skills to learn a trade. This project is carried out in cooperation with the employment agency and with the youth and social departments of Frankfurt's city administration. It also offers young Roma the opportunity to complete internships in enterprises.¹⁶⁶ The *Rom e.V.* NGO based in Cologne has applied for funding for carry out a vocational training programme.¹⁶⁷

In this context, the *Migovita* project also deserves mention. *Migovita*, which is implemented out by the *Otto Benecke Stiftung* foundation, aims at strengthening the participation opportunities for young people with a migration background. One of the project partners is *Amaro Drom*, targeting Sinti and Roma. The project focuses on developing the skills of multipliers in the development and implementation of preventive measures against discrimination and exclusion in vocational education, in the labour market and in society. Through the project, the multipliers should acquire the necessary skills for their job-related training assistance and youth work. The medium-term goal is to enable migrant organisations to participate in local integration initiatives related to participation, school and the labour market with new services. This project ends in December 2015. No follow up has so far been planned.¹⁶⁸

Despite the high levels of unemployment among young Sinti and Roma, vocational training programmes are modest. The existing projects only reach small numbers of youngsters. Often, young Sinti and Roma do not know that they can apply vocational training courses. Existing vocational training programmes do not meet the needs of disadvantaged migrants and Sinti and Roma youngsters. The requirements for attending these programmes are often so high that Sinti and Roma stay away from them.

165 *Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein Westfalen* 2013: 15.

166 Interview, *Roma Förderverein*.

167 Interview, *Rom e.V.*

168 See project website at: <http://www.migovita.de/en/project-in-english>.

EVZ WORKING GROUP

Erinnerung, Verantwortung und Zukunft (EVZ) (*Remembrance, Responsibility and Future*), which is a public foundation, has founded a working group on the improvement of the participation and success of Sinti and Roma in the education system (Arbeitskreis zur Verbesserung der Bildungsbeteiligung und des Bildungserfolges von Sinti und Roma in Deutschland). This working group is composed of representatives from ministries, Sinti and Roma organisations, other organisations working with Sinti and Roma and other public institutions involved in policies targeting Sinti and Roma such as the Städtetag (Association of German cities). Here, it should be stressed that a representative of the Ministry for Labour and Social Affairs responsible for the management of European Social Funds (ESF) has started taking part in this working group.

The working group aims to draw up recommendations for the improvement of school conditions for Sinti and Roma on the basis of gathering information about their situation at school and considering the capacities of the different actors in the relevant field. This working group represents the first attempt to mobilise key actors, to compare various practices and policy approaches and to draw up comprehensive and concrete recommendations for improving the situation of Sinti and Roma in the education systems. Since its establishment, the working group has met four times, during 2103. The recommendations will be addressed to the national government, Länder, municipalities, NGOs and Sinti and Roma organisations.

In order to properly analyse specific aspects of the situation of Sinti and Roma at school two sub-groups have been set up: 1). The “mentors and advisers” group aims at developing a mediators model that can be implemented at national level. It also explores how Sinti and Roma can be more closely involved in pedagogical processes. 2) The “data collection” group focuses on the ethics of data collection, discussing whether the prohibition on collecting data on ethnic background is appropriate to current developments and, when collecting data, which role ethical principles can play.

The working group is identifying the weak points of existing programs, assessing that the latter are insufficient and that they are not designed in cooperation with the targeted communities.

4. EMPLOYMENT

In June 2013, there were 34 million people in Germany in employment. Around 11% were foreigners. About 2.95 million people were unemployed; 5% of them were EU citizens.¹⁶⁹ Since there is no data collection divided up by ethnic origins in Germany, there is no official information on employment among Sinti and Roma. According to information provided by Sinti and Roma organisations and experts on the subject, the proportion of unemployment and irregular employment among Sinti and Roma is very high. In the EU Sinti and Roma work, as a rule, in unskilled, badly paid jobs and face poor working conditions.¹⁷⁰

The figures given above are even worse in the case of Roma asylum seekers with “tolerated” (*geduldet*) status from the former Yugoslavia. Among Roma from Romania and Bulgaria who have migrated to Germany in recent years, the proportion in precarious employment is extremely high; they are often victims of human trafficking in the labour market, and work for very low wages mainly in the construction and cleaning sectors. Low educational levels, lack of formal education, discrimination on the labour and services markets and legal restrictions on obtaining a work permit are the main factors determining the disadvantageous position of Romani refugees in employment and self-employment.

Services Provided by the Public Employment Agency

The Public Employment Agency (*Agentur für Arbeit*) provides support for finding a job or acquiring further qualifications when a person receives unemployment benefits. In Germany, there are two types of unemployment benefits: ALG I and ALG II. A person can access ALG I-type benefits after working for at least twelve months and paying social security contributions for the same period. The payment of ALG I is limited to a period of minimum six months to maximum two years depending on how long a person has contributed to the social security scheme. ALG II can be received by those who have no job and are not able to afford basic essential living costs of expenses.

In both cases, individuals receiving unemployment benefits must be ready to accept training offered by the employment agency. Beneficiaries can also apply for training courses. Through these courses the beneficiaries are supposed to improve their chances on the labour market, e.g. through language, accountancy or computer classes. These courses should suit the profile of the beneficiaries. Interview partners have stated that these courses often do not meet the needs of disadvantaged Romani migrants, refugees and asylum seekers. In many cases, affected individuals have lived for years completely isolated from societal structures and do not have the required learning skills for attending language and vocational training courses.¹⁷¹ When a beneficiary refuses to attend a training course, his or her unemployment benefits can be reduced.

People receiving ALG II are, as a rule, obliged to accept any job offer. If a job offer is rejected by the beneficiary without grounds which are considered reasonable by the employment agency, unemployment benefits can be suspended or reduced, too. Beneficiaries of ALG II also have the opportunity to improve their income by doing low-skilled jobs. According to interview partners, there are many Sinti and Roma stuck in these kinds of low-paid job structures.¹⁷²

169 Bundesministerium des Innern; Bundesministerium für Arbeit und Soziales 2014: 21.

170 Bartlett, W., Benini, R., Gordon, C. 2011: 129.

171 Interview, Roma Förderverein.

172 Information provided by Amaro Foro.

In recent years, Romani migrants have been stigmatised in the media and in political discourses as abusers of the German welfare system. Nevertheless, interview partners have stated that Roma often do not apply for unemployment payments and social benefits because they do not know their rights or they do not know how to deal with the complex bureaucratic structures of the public employment agencies.¹⁷³

The public employment agency does not run specific training programmes targeting migrants or Sinti and Roma. There are different public work schemes in the various *Länder*. The most extensive public work scheme is the *Arbeitsgelegenheit mit Mehraufwandsentschädigung* (job opportunity with compensation), the so called “*Ein-Euro-Job*” (one-euro-job). Beneficiaries of ALG II can be obliged to accept a job paying at least one euro an hour in work of public interest. This measure should help unemployed people to re-enter the labour market. In fact, however, jobs on offer are usually so lowly skilled that unemployed people do not acquire any additional qualifications that would improve their chances of getting a job. Normally, beneficiaries of ALG II do “one-euro-jobs” to improve the social benefits they receive. According to our interview partners, Sinti and Roma who are beneficiaries of ALG II do more one-euro-jobs than other beneficiaries, but there are no formal data available on Sinti and Roma doing one-euro-jobs.

Self-Employment

A large number of Roma arriving in recent from Romania and Bulgaria work as self-employed people. As EU citizens, they have to apply for a trade license (*Gewerbeschein*) in order to be able to work in this way. Once an individual has the trade license, they can apply for additional support (*ergänzende Leistungen*) from the employment office if they cannot afford the expenses needed for their own or their family’s subsistence.

EU citizens can receive the aforementioned additional support only on condition that they themselves have already earned a minimum income which has been set by the European Court at around 170 euros per month. This minimum income is not as low as it may seem, particularly in view of the extremely precarious situation of most of the Romani migrants from Bulgaria and Romania. Furthermore, as a measure against “false” self-employment the public employment office often expects these self-employed people to have different clients. This rule makes the submission of such applications much more difficult.¹⁷⁴

According to conservative politicians and media, migrants, especially from Bulgaria and Romania (referring mainly to Roma) are abusing the welfare state. The figures, however, do not bear out these public statements. According to studies, the number of migrants from Bulgaria and Romania who are registered as self-employed persons and receive benefits from employment offices was not significant (1,500 self-employed people) in 2013. There is no information on the proportion of Roma among them.¹⁷⁵ Nevertheless, in clear contradiction of the aforementioned figure, the government has announced plans to introduce higher requirements for obtaining the trade license in order to further the fight against illegal employment and “false” self-employment.¹⁷⁶

As mentioned above, many German Sinti and Roma face precarious conditions for self-employment. Given the fact that many foreign and German Sinti and Roma are self-employed, it is surprising that there are not more initiatives supporting self-employment among them. One of the most ambitious of such projects that do exist should be mentioned. It is implemented by the Regional Association of Sinti in Hamburg, which runs a sewing workshop where Sinti and Romani women can learn an occupation

173 Interview, Educational Cooperative South Lower Saxony.

174 Information provided by *Amaro Foro*.

175 Brückner; Hauptmann; Vallizadeh 2013: 5.

176 *Scheinselbständigkeit, Bundesministerium des Innern; Bundesministerium für Arbeit und Soziales* 2014: 95.

and produce articles to sell at the same time. This project also aims to foster self-empowerment among Sinti and Romani women.¹⁷⁷

Programmes Fostering Employability Among Sinti and Roma

The Ministry for Employment and Social Affairs does not have large programmes targeting Sinti and Roma in particular. There are various ESF programmes which Sinti and Roma can benefit from and the Ministry stresses that programmes are available to all Sinti and Roma groups. These ESF programmes target migrants, youngsters and unemployed people and they focus on:

- providing them with the necessary skills to succeed in the labour markets;
- facilitating the recognition of migrants' education in their countries of origin;
- measures fostering the development of deprived urban areas;
- measures providing disadvantaged youngsters from deprived areas with better access to employment and education;
- measures supporting youngsters without school leaving certificate in accessing employment or vocational training;
- supporting structural changes in enterprises for improving capacity building of employees in the framework of demographic changes and the lack of skilled employees.¹⁷⁸

In the framework of these programmes calls are published which NGOs can apply for, and various *projects* specifically targeting Sinti and Roma have been implemented.

The "ESF-national programme for supporting people with right of residence and refugees to access to the labour market" (*ESF-Bundesprogramm zur arbeitsmarktlichen Unterstützung für Bleibeberechtigte und Flüchtlinge*) of the Ministry of Labour and Social Affairs has been one of the main programmes through which Sinti and Roma, not exclusively but as well as others, have been targeted. According to official information, 1,700 Roma were reached in the first funding period (2008–2010) and 1,300 in the second funding period (2010–2014) until the end of 2012. For this programme 87.9 million Euro were invested.¹⁷⁹ There is no information as to how many of the Roma who were reached could be integrated into the labour market. Furthermore, there are no indicators as to what the notion of "reach" means in such contexts. Attendance at one workshop can be interpreted as "reached".

There has been a positive development regarding the aforementioned programme. The Ministry for Employment and Social Affairs had announced that it would be discontinued. CSOs working for Sinti and Roma advocated maintaining the programme, through which projects targeting Sinti and Roma are implemented. The Ministry decided to maintain the programme for the next funding period 2014–2020.¹⁸⁰

¹⁷⁷ Interview, Regional Association of Sinti in Hamburg.

¹⁷⁸ Bundesministerium des Innern; Bundesministerium für Arbeit und Soziales 2014: 72.

¹⁷⁹ Deutscher Bundestag 2014: 7.

¹⁸⁰ Interview, Leucht; information provided by Amaro Drom.

In the funding period 2007–2013, in the framework of the ESF-programme “*Xenos-Integration und Vielfalt*” (Xenos-Integration and Diversity) four projects that aimed at increasing the employability of Sinti and Roma have been funded. The funding of these projects can be tabulated as follows:

Organisation	Project	Duration	Total funding	ESF	Sources of the national government
RAA e. V.	Sinti and Roma educational work as profession: to foster employment of Sinti and Roma in pedagogical, social and other professions	01.06.2012 – 31.12.2014	1,220,060,63 EUR	610,030,32 EUR	240,000 EUR
Südost Europa Kultur e. V.	Young Roma in Berlin – vocational orientation towards a better integration into the labour market/Measures against exclusion and discrimination	01.01.2012 – 31.12.2014	1,501,399,87 EUR	748,951,43 EUR	375,349,97 EUR
KAROLA – Internationaler Treffpunkt für Frauen und Mädchen e. V.	“Ajde” (come with us) – positive learning experience and self- dependent life-planning against resignation and lack of prospects among Roma youngsters	01.04.2009– 31.03.2012	188 833,20 EUR	94,416,60 EUR	37,767,96 EUR
Institut für angewandte Kulturforschung e. V.	Labour Market for Roma	01.06.2009– 31.05.2011	247,843,88 EUR	122,686,11 EUR	495,69,86 EUR

Source: Bundestag 2013: 7

An informal network of organisations carrying out projects in the framework of this ESF-Xenos programme has been set up. This network holds meetings at least once per year to exchange information and experiences and to discuss possible joint initiatives.

Some *Länder* make use of ESF to fund projects for improving the employability of Sinti and Roma. Berlin uses ESF funds to implement measures targeting foreign Roma in the framework of its Action Plan for the Inclusion of Foreign Roma; these funds are allocated to the districts implementing measures. For the last five years Hamburg has been publishing calls for implementing projects fostering the inclusion of Sinti and Roma in the labour markets which are implemented by CSOs. North-Rhine-Westphalia also makes use of ESF to fund projects aiming at inclusion of Sinti and Roma. Other *Länder* do not make use of ESF to foster inclusion of Sinti and Roma in the labour market. Interviewed CSOs in Frankfurt am Main, Munich and Cologne stated that they do not know about the existence of ESF. This represents a challenge for CSOs which have to advocate for the implementation of ESF for Sinti and Roma inclusion in the labour markets.

The national government has announced that it will use the Fund for European Aid for the Most Deprived (FEAD) to support unemployed people and those with a low level of education who could not be successfully reached through ESF projects.¹⁸¹ It is expected that Sinti and Roma will be beneficiaries of FEAD measures.

Vocational training for Sinti and Roma is not only funded through ESF but also through national, *Länder* and municipal resources. Several CSOs working with Sinti and Roma, including *Diakonie-Hasenberg* and *Madhouse* in Munich, *Roma Förderverein* in Frankfurt, *Karola* in Hamburg and *Bildungsgenossenschaft* in Lower-Saxony, carry out projects supporting Sinti and Roma in (re-) entering the labour markets. These and other CSOs offer vocational training courses targeting Sinti and Roma, especially young people, e.g. language, computer and driving license courses and training in how to apply for a job. The number of beneficiaries of the aforementioned courses is very low in comparison to the whole Sinti and Roma population. Interview partners have stated that success rates in reintegrating Sinti and Roma in the labour markets or placing them in apprenticeships or internships is much higher among people up to 30 years old. It is more difficult to bring people over the age of 30 into the labour markets.¹⁸²

181 Bundesministerium des Innern; Bundesministerium für Arbeit und Soziales 2014: 76.

182 Interviews, *Roma Förderverein*; *Diakonie-Hasenberg*.

Given the high proportion of unemployed Sinti and Roma, those in informal employment and those working in very precarious conditions, the number of vocational offers does not correspond to the needs of the communities. The aforementioned projects reach only a limited number of beneficiaries. A significant number of Sinti and Roma, especially migrants and asylum seekers, do not even possess the skills needed to attend the aforementioned vocational training courses. There is a need to enlarge the offer of vocational training and to develop models for reaching out to low-skilled Sinti and Roma, especially to migrants and asylum seekers.

Barriers to Access to Employment

Roma asylum seekers are the group facing the worst difficulties in accessing the labour markets. Asylum seekers are not allowed to work; they can wait years for a decision of the public office responsible for foreigners without being allowed to work. Asylum seekers who have “tolerated” (*Duldung*) status have enormous restrictions on their right to work. The employment agency has to approve work permits for “tolerated” asylum seekers when the employment office considers that the job which was applied for cannot be carried out by Germans or by foreigners with work permits. If a “tolerated” asylum seeker has lived in Germany for more than four years no approval by the employment agency is required.

Many Roma who have come from Serbia and Macedonia in the last three years are asylum seekers and are not allowed to work. A high proportion of Roma who came to Germany to escape from the wars in Bosnia and Kosovo live as asylum seekers with “tolerated” status and face major restrictions in access to employment.

Changes in the regulations concerning “tolerated” status are currently taking place. In Lower-Saxony “tolerated” asylum seekers now need to renew their residence permit only once per year. Earlier, they had to do so every three months. This represents an improvement since “tolerated” Roma used to face major obstacles in finding a job: employers were reluctant to employ persons who had only three-month residence permits. Thanks to this new regulation Roma can also plan to attend vocational training programmes, at least for the period of one year. This new development in Lower-Saxony is related to an agreement between the ruling CDU and SPD parties regarding changes in migration legislation. Soon a concrete legislative proposal is expected to be submitted to the *Bundesrat* (council of *Länder* governments).

A further obstacle for foreign Roma for accessing employment is the difficulties they face in obtaining the recognition of diplomas from their countries of origin. Although the accreditation procedures have been simplified lasting recent years, aliens, including foreign Roma, have problems getting their education recognised in Germany. A related problem is that Roma have often no formal education and thus, they do not have any diploma or certificate. The *Fair Bleib* project in Lower-Saxony plans to develop a model through which jobs in which skills have been acquired through the practice could be recognised officially, enabling people to work.¹⁸³ German Sinti and Roma have the same problem with the recognition of professional knowledge acquired through praxis. Many of them do not have any official professional qualification although they have exercised an occupation for years.¹⁸⁴

The problems which a large part of German Sinti and Roma face in accessing labour markets are related to their low levels of education, as described above, and to the discrimination they face (see discussion below). As in the case of members of the majority society, if German Sinti and Roma do not have a school leaving certificate or have only a certificate from the basic school (*Hauptschule*), it is very likely that they will not find a job. This leads to many German Sinti and Roma being precariously self-employed.

183 Interview, Educational Cooperative South Lower Saxony.

184 Information provided by *Amaro Drom*.

Discrimination in the Labour Markets

According to several studies, the high proportion of unemployed migrants and Sinti and Roma is related to the fact that they are low-skilled but also to the racism and discrimination which they face in the labour markets and in self-employment.¹⁸⁵ Low levels of German proficiency, accent, foreign name, and religion are currently factors in the discrimination of migrants in the labour markets, which also affects Romani migrants.¹⁸⁶ Interview partners and NGOs have stated that German Sinti and Roma also face discrimination in the labour markets when offering their services as self-employed people.¹⁸⁷

In many cases, Sinti and Roma do not reveal their origin due to previous experiences of discrimination when applying for a job, or from employees and colleagues at the workplace. Some Sinti and Roma have affirmed that their situation at their workplace became worse after they revealed their ethnic origin.¹⁸⁸ The following case also serves as example of discrimination. Romani women have stated that employees of the employment agency advised them to dye their hair blonde to improve their chances of getting a job.

There is no official campaign by the central government or the *Länder* to tackle discrimination and racism in the labour markets. There are loose initiatives for combating discrimination faced by Sinti and Roma. One of these initiatives is carried out by the National Anti-Discrimination Office (*Antidiskriminierung Stelle des Bundes* –ADS) which has started an information campaign tell Sinti and Roma organisations about anti-discrimination legislation and tools which they can use in their fight against discrimination and racism.

In a few cases, NGOs working for Sinti and Roma such as the *Bildungsgenossenschaft* of Lower-Saxony, *Amaro Foro* in Berlin and *Madhouse* in Munich have delivered training sessions on the socio-economic situation of Sinti and Roma and on anti-gypsyism targeting employees from the public employment agencies. These training sessions are not carried out on a regular basis and cannot reach many employees of the employment agencies. There is a need to intensify the number of such sensitising measures because Sinti and Roma organisations have claimed that many Sinti and Roma, especially Romani migrants, face discrimination at public employment offices.¹⁸⁹ Nevertheless, it should be stressed that it is not only Sinti and Roma who complain of discrimination at public employment agencies but also migrants and Germans from the majority society.

Exploitation and Human Trafficking in the Labour Markets

A high proportion of Romani migrants from Romania and Bulgaria are victims of exploitation or even human trafficking in the labour markets. When they arrive in Germany they do not speak German, so they do not have many opportunities to find a job. In some cases, they look for a job on the streets, at specific meeting points in cities where entrepreneurs look for low-skilled and cheap work force. In other cases, these Romani migrants are picked up by agents who offer them low-skilled jobs, mostly in the construction and cleaning sectors.¹⁹⁰ In the latter case many of them cannot escape from this vicious circle of labour exploitation because they do not speak German. There are known cases of serious exploitation, e.g. Romani women from Romania working in four-star hotels being paid three euros for cleaning one room, or those working for appalling wages as night-cleaners during the Fashion Week in Berlin.¹⁹¹

In all cases Roma are very poorly paid, work in very precarious conditions and have no insurance, make no contribution to social security and enjoy no employee's rights. There are no official figures or estimates on the numbers of Romani migrants who are victims of human trafficking in the labour markets, but inter-

¹⁸⁵ Lechner 2012: 31.

¹⁸⁶ *Deutscher Bundestag* 2013: 220.

¹⁸⁷ *Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher* 2012: 9.

¹⁸⁸ Lechner 2012: 31.

¹⁸⁹ *Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher* 2012: 9.

¹⁹⁰ *Bezirksamt Neukölln von Berlin* 2014: 10.

¹⁹¹ *Ibid*: 9.

viewed experts have estimated that they constitute a large proportion of those who are thus exploited. Human trafficking is one of the worst problems that Romani migrants face; this worsens their disadvantageous situation in German society.

There are two important initiatives regarding the fight against human trafficking in the labour markets. In the framework of the “XENOS” ESF programme the project “Alliance against human trafficking with the goal of work exploitation” (*Bündnis gegen Menschenhandel zum Ziel der Arbeitsausbeutung*) is implemented. This project involves *Deutscher Gewerkschaftsbund* (DGB), the Ministry for Integration, Family, Children, Youth and Women of the Rhine-Land-Palatinate, the International Organisation for Migration, the International Labour Organisation and other NGOs. The project aims at sensitising authorities and private individuals who are in contact with victims of human trafficking, providing them with the necessary instruments to support these victims. Training sessions are held for employees of public agencies and public services for foreigners and municipalities, and also of trade unions.¹⁹²

The “*Faire Mobilität*” project implemented by the DGB aims at achieving fair salaries for employees from Central and Eastern Europe working in Germany. It is funded by the Ministry for Labour and Social Affairs and by ESF. Project activities include identifying problems of migrant workers, drawing up recommendations for policy making, providing advice and developing information material. One the main target groups are Romani migrants from Bulgaria and Romania.¹⁹³

192 See project information at: <http://www.buendnis-gegen-menschenhandel.de>.

193 See project information at: <http://www.faire-mobilitaet.de>.

6. HEALTH

As in many other European countries public information on the health situation of Sinti and Roma in Germany is hard to find and more research would be necessary in order to assess particular health risks. As a matter of fact, the European Commission country fact-sheet points out that even in the German action plan their “health situation is not described”.¹⁹⁴

A FRA report drawn up in 2012 collected the few available findings on the health situation of Roma in Germany. Based on surveys the report finds that cardiac problems, asthma and arthritis are more prevalent among Sinti and Roma than among the average population.¹⁹⁵ The authors ascribe health deficits *inter alia* to ignorance about general health issues and health services among Sinti and Roma, to discrimination and to mistrust in medical institutions. In particular, the report identifies poor living conditions as a determining factor for the health situation, stressing that the individual health status differs widely between different members of the Sinti and Roma communities.¹⁹⁶

A 2012 survey among German Sinti and Roma organisations indicates that especially Romani migrants in Germany experience poorer opportunities for access to health care than non-Roma.¹⁹⁷ Instead, they share the fate of many other migrants in Germany, who face manifold obstacles “of legal, bureaucratic and financial nature”¹⁹⁸ when seeking medical treatment. The Ethics Commission of the German Medical Association describes the impact of obstacles to accessing health care as follows: “*Practically treatable illnesses are protracted and become chronic; children do not receive the necessary medical check-ups, vaccinations and therapies*”.¹⁹⁹

Special attention needs to be given in the case of Germany to the link between poverty and health. The OECD Better Life Index currently puts the country in the 27th of 33 possible places with regard to social inequality in the health care sector. Social inequality means in this context that people who have a low income experience more health problems than those with a high income. Thus, in Germany being poor has a particularly negative impact on an individual's health status.

Administrative Obstacles with regard to Security Cover and Access to Services

a. Overall Situation

According to the social code all German and foreign residents in Germany, whether they are employed, pensioners, students or receive social benefits, must have public health insurance (§ 5 SGB V).²⁰⁰ This insur-

194 European Commission 2013: 2.

195 FRANET 2012: 5.

196 *Ibid.* These anecdotal findings of the FRA report are supported by census-based studies on the health situation of Roma in the UK. These mention several health risks which they trace back to poverty and to inadequate access to health care: Poor maternal health, premature death of offspring, cardiac problems, diabetes, asthma, arthritis, all adding up to ten years' lower life expectancy among the Roma population. Furthermore, research suggests that Roma in the UK have a higher suicide rate – a result of untreated depression, which is fostered by experiences of racism and social exclusion (Yin-Har Lau/Ridge 2011: 138).

197 Kohlberg et al: 11.

198 Bundesärztekammer 2013: A899.

199 *Ibid.*

200 Sozialgesetzbuch (SGB) Fünftes Buch (V) – Gesetzliche Krankenversicherung – (Artikel 1 des Gesetzes v. 20. Dezember 1988, BGBl. I S. 2477).

ance gives them free access to most treatment for acute and chronic illness, to health services in case of pregnancy and to emergency services. The health insurance contributions of job seekers who are eligible to receive social benefits are covered by the state. Without insurance patients can only use emergency services or must pay the high costs of treatment by themselves.

Yet, according to conservative estimates between 100,000 and 150,000 people in Germany currently do not have health insurance.²⁰¹ Particularly affected are residents, among them many self-employed, who either have had no insurance in the past or who have been privately insured. They face administrative and financial challenges when (re-)entering the public health insurance system. Others were insured but have accumulated debts during a certain period when they could not afford their health insurance contributions.

A particular problem are high interest rates that quickly lead to excessive indebtedness, together with the fact that many citizens are not aware of the consequences of not observing their health insurance obligations. No data are available on how many Sinti and Roma citizens find themselves in the situation of being uninsured. Yet the prevalence of low incomes and the high proportion of self-employed within the Sinti and Roma communities make it likely that they are disproportionately affected by this problem. Sinti and Roma organisations mention, too, that they know of many citizens without insurance who rely on public or charity health care services. For various reasons they cannot access existing safeguard mechanisms in the health insurance system and therefore cannot consult regular doctors.²⁰²

b. Third Country Nationals

Third country nationals with permanent residence in Germany are subject to the same obligation to register with the health insurance system as German citizens. Thus, they are entitled to the same treatment, too. Refugees have access to health care services according to the provisions of the German social welfare law for asylum seekers (*Asylbewerberleistungsgesetz, AsylbLG*) and they can claim cost coverage by the state for health services. The act regulates the health care services for accepted asylum seekers, for individuals with “tolerated” status and for those who are obliged to leave Germany.

Asylum seekers who are in Germany for longer than four years can register with a German health insurance system and receive the same treatment as German citizens (§2 AsylbLG). This is the case for many Roma asylum seekers from Kosovo who have been living in Germany for a long time.

Most Roma refugees from other countries of the former Yugoslavia who immigrated more recently, however, face administrative obstacles while their demand is either pending or has been rejected. The provisions of § 4 AsylbLG restrict services in the first four years to what is regarded as “treatment for acute illnesses and painful conditions” or as necessary services belonging to pre- and postnatal care. Civil society organisations point out that this leads to significant gaps in the medical care available to people with particular needs, such as the elderly and individuals with chronic illnesses or disabilities.²⁰³

§ 6 AsylbLG foresees further treatment only if it is needed in particular cases to secure the health of the affected person, which means that migrants who are not entitled to remain in Germany only receive these health services if they appear absolutely necessary in the individual case. There have been legal cases with regard to the above-mentioned law, among others confirming that asylum seekers have the same right to careful treatment and protection against malpractice as patients with regular health insurance.²⁰⁴

In practical terms, asylum seekers must obtain a document at the local welfare office four times a year that grants them access to general health services. In case of illness or accident they must ask for a particular permission to see a doctor and they need a confirmation that costs for medical treatments will be covered.²⁰⁵ The Ethics Commission of the German Medical Association has expressed the trenchant criticism

²⁰¹ Hummels 2014.

²⁰² Interviews, *Landesverband der Sinti in Hamburg, Roma Förderverein Frankfurt am Main*.

²⁰³ Information provided by *Amaro Foro*.

²⁰⁴ *Oberlandesgericht Oldenburg, Urteil vom 21.05.2014 – 5 U 216/11*.

²⁰⁵ Interview, *Integrationsagentur Gesundheit Köln*.

that the decision over whether treatment is necessary is taken by welfare officers without any medical competence.²⁰⁶ Other bureaucratic measures for those living in accommodation for asylum seekers, e.g. having to ask first for the money for a bus ticket, have a further discouraging effect on people seeking medical treatment.²⁰⁷

People without papers cannot access official health care services in Germany. *De jure* many of them are entitled to use health services according to the German social welfare law for asylum seekers. Health officials are not obliged to breach the patient's right to confidentiality and to report to the authorities that they have treated a patient without residence permit. *De facto*, however, patients risk deportation because of particular reporting obligations. This is for example the case if health institutions ask the social welfare office to cover health care costs since the latter body must report people without residence permit to other public authorities.²⁰⁸ As a consequence many migrants rely wholly on support networks which provide them with free and secret treatment. There have not been any public efforts in recent years to extend access to health services to migrants without papers.

c. Citizens from Other EU Member States

EU citizens who exercise their freedom of movement face a number of administrative obstacles when in need of health services in Germany. As residents in Germany they must theoretically be insured and thus can receive treatment. However, given the existing obstacles to receiving social benefits, EU citizens without income usually have to pay their own health care contribution to the tune of at least 145 Euro per month.²⁰⁹

The EU legislation regulating the access of EU citizens to health care services in other member states (ECC No 883/2004, ECC No 987/2009 and 2011/24/EU) goes back to the year 1972 when the European social security scheme regulation (EEC) No 1408/71 came into force. Nonetheless, often the insurance status of EU citizens still remains unclear, even if citizens do have health insurance in their country of origin. The existing uncertainty is mostly due to a lack of communication and coordination between health institutions in Germany and those in other EU member states, which has become particularly obvious in discussions on migration from Bulgaria and Romania. As a result EU citizens receive the bills for their treatments themselves or are even asked to pay in advance in spite of being able to provide the European Health Insurance Card.²¹⁰

Those EU citizens who at the beginning of their stay in Germany cannot afford insurance, or have never had insurance before, face a particular problem when they attempt to register for health insurance at a later date: before being entitled to enter the insurance system and receive treatment they must make back-payments at a very high rate to cover their insurance costs since the time of their first registration in Germany. These back-payments for earlier periods in which a person had no cover are intended to discourage people from not observing their insurance obligation.²¹¹

The situation of EU citizens without insurance is further complicated by the fact that health insurance cover affects their right to reside in Germany. Theoretically EU citizens from other member states must submit proof of valid health insurance in order to obtain a residence permit. There is an ongoing debate as to whether this regulation can be enforced through systematic checks or whether this would be a breach of freedom of movement in the EU.

No particular data are available on the security cover of Roma from other EU countries. However, the staff of welfare organisations highlight the risk of excessive indebtedness within this group,²¹² since like most

206 Bundesärztekammer 2013: A900.

207 Information provided by Amaro Foro.

208 Bundesärztekammer 2013: A900.

209 Ludwig 2013: 7.

210 Information provided by Amaro Foro.

211 Eurocities 2011: 9; Deutsches Rotes Kreuz 2013: 12.

212 Ludwig 2013: 7.

other migrants they are not even aware of the above-mentioned rule.²¹³ According to data analysis which was performed by the Contact Point for Roma in Berlin within the NGO *Amaro Foro e.V.* most Romanian and Bulgarian migrants – Roma and non-Roma – suffer from administrative obstacles that impede their access to health services. The main factors affecting access to regular health care are:

- Lack of information with regard to the enrolment options and procedures in the German statutory health insurance system.
- Lack of social protection measures and mechanisms in the field of health care for uninsured EU citizens.
- Institutional barriers in Germany and in the countries of origin with regard to the provision of information to clients rooted in the lack of knowledge about the legal status of EU citizens.
- Poor data exchange between the German statutory health insurance companies and those in the countries of origin despite mandatory European legal provisions²¹⁴ regulating this.
- Poor implementation of the provisions regulating the non-contributory benefits associated with possession of the European Health Insurance Card.
- Language barriers for health insurance holders and the unwillingness of health care services providers to tackle this in a systematic manner.
- Denial of social rights, which directly affects the health insurance cost cover for persons in need.

Despite the aforementioned obstacles the counselling activities of the Berlin Contact Point for Roma have supported numerous Bulgarian and Romanian citizens in such a way that they were able to access the German statutory health insurance system. According to the Activity report of the Contact Point for Roma for 2013 around 16.2% of the 4,372 consulting units have addressed health issues. Since 2011, *Amaro Foro e.V.* has been providing expert input on access to the health insurance system in Romania and Bulgaria in the form of seminars or within institutional working groups.

Public Efforts to Extend Security Coverage and Improve Access to Services

Already in 2007 public authorities aimed to respond to the lack of social security cover by introducing an insurance obligation (*GKV-WSG*).²¹⁵ The new law obliged insurance systems to accept certain groups of insurance holders that they had often rejected previously, e.g. people who wanted to re-enter the insurance system after a stay abroad. In 2013, a law was passed to reduce debts related to health insurance contributions and thus extend health security cover for residents who in the past had been denied insurance because of their debts. However, only around 10,000 people took advantage of the opportunity provided by this law (§ 24 SGB IV)²¹⁶ within the short deadline of 31 December 2013.

Some cities in Germany have established local structures and initiatives in order to provide additional health care services for members of marginalised groups and to residents in particularly vulnerable situations. The health office of Cologne, for example offers gynaecological consultation and the city finances a project for young mothers (*Jusch – Jung und schwanger*) and a mobile health care service which offers treatment to homeless residents.

In the city of Frankfurt the public health office cooperates with the Roma organisation *Förderverein Roma e.V.* in two health care initiatives: several times a year there are visits by health care officials to the *Schawarolle* kindergarten, which is owned by the *Förderverein Roma e.V.* They offer dental check-ups, fluoridation and vaccinations for children who have not been vaccinated by the family general practitioner. Furthermore, the public health care office coordinates free medical consultations for Roma without insurance.²¹⁷

213 Information provided by *Amaro Foro*.

214 In accordance with the EC Regulation No 883/2004 and its Implementing Regulation No 987/2009 on the coordination of social security systems in the European Union.

215 *Gesetz zur Stärkung des Wettbewerbs in der gesetzlichen Krankenversicherung (GKV-Wettbewerbsstärkungsgesetz – GKV-WSG)* 26 March 2007.

216 *Sozialgesetzbuch (SGB) Viertes Buch (IV) – Gemeinsame Vorschriften für die Sozialversicherung – (Artikel I des Gesetzes vom 23. Dezember 1976, BGBl. I S. 3845).*

217 Interview, *Roma Förderverein Frankfurt am Main*.

Besides this project there are other initiatives that aim to respond to the special health care needs of Roma as a group. According to the Berlin Action Plan for Roma Inclusion, for instance, the limited access of Roma to health care results in challenges especially for pregnant women or unvaccinated children. Moreover, according to the *Neukölln* Status Report, Romani women working in the field of prostitution require a focused answer as “many of them are in a poor state of health, live in precarious conditions and are often victims of violence.”²¹⁸ To this end measures are to be implemented which encourage the vaccination of children, provide psychological counselling for Romani women working in the field of prostitution and a special fund to cover the hospital birth costs for Romani women (ibid: 11).

Against the background of this analysis it is disputed within Roma civil society whether targeted action for Roma is in fact needed in the field of health care or whether it might actually have an ethnicising and stigmatising impact. In the city of Berlin, for instance, Roma organizations regarded arrangements for urgent social intervention in health care within a targeted Action Plan for Roma Inclusion as unnecessary. Accordingly, intervention regarding health care should be placed within the mainstream framework.²¹⁹

In the context of immigration from Bulgaria and Romania, there have been discussions on how to improve health care access for residents coming from other EU countries. The *Land* of North Rhine-Westphalia, for instance, is considering how existing counselling capacities can be used to inform EU citizens about health insurance and access to health services. In 2013, the *Land* supported municipal health care activities with 65,000 EUR. These activities focused on vaccinations and other health services for children and pregnant women; for example the city of Dortmund has established free medical consultation for non-insured women and children.²²⁰

In 2013, a position paper of the Association German of Cities demanded among other things: a national clearing unit to verify whether EU citizens have health insurance; a clearing system between the German Health Ministry, the Central Federal Association of Health Insurance Funds and insurances systems in the countries of origin; and a fund for those health services that are not covered by insurance systems in the countries of origin.²²¹ The clearing unit was approved by the Conference of Labour and Social Affairs of the states (ASMK) in November 2013.²²² Yet, so far it has been rejected by the federal government and it remains unlikely that significant improvements to health care access for EU citizens will be observable in the coming years.

Within the consultation process which took place in September 2012 prior to the adoption of the Berlin Strategy of Roma Inclusion *Amaro Foro e.V.* proposed an information campaign on the prerequisites for access to the German statutory health insurance system as well as on the entitlements of EHIC holders. This campaign was to have targeted Bulgarian and Romanian migrants in both Germany and the countries of origin. While the proposal was disregarded, no alternative measures that would tackle the lack of information on access to health care have been proposed.

Efforts by Welfare Organisations and Civil Society

The lack of public efforts to ensure access to health services can only partly be outweighed by the activities of welfare organisations and civil society. For one thing, activities include informing, counselling and accompanying patients when seeing doctors or health care officials.

Several local Roma CSOs such as *Amaro Foro e.V.* in Berlin and *Förderverein Roma e.V.* in Frankfurt are involved in counselling activities, as are the *Madhouse* and *Diakonie Hasenberg* organisations in Munich. Depending on their scope their activities focus on German citizens, on Romani migrants from the former Yugosla-

218 *Bezirksamt von Neukölln* 2013: 10.

219 *Amaro Foro e.V.* 2013.

220 *Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen* 2014: 20.

221 *Freie und Hansestadt Hamburg* 2013: 7.

222 *Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen* 2014: 19.

via or on those from Bulgaria and Romania. The services tackle a range of challenges such as the lack of knowledge about the functioning of the health care system, language barriers, discrimination and fear resulting from past experiences of discrimination.

Another example of health care counselling for migrants is the work of the Integration Agency Health of the German Red Cross (*Integrationsagentur Gesundheit*) in Cologne. The agency supports asylum seekers from Balkan countries, many of whom are Roma. While social workers belonging to the Red Cross give general assistance in asylum seekers' residences, the integration agency offers special support with regard to health issues. The agency participates in the local network *AG Migration und Gesundheit*, which since 1995 has published a guide to health services for migrants. The guide, which is regularly updated, provides information on doctors and pharmacies that offer consultation in foreign languages, on information and counselling centres and self-help groups.²²³

Many migrants face informal obstacles as doctors are reluctant to admit them due to language difficulties and the risk of misdiagnosis or malpractice because of linguistic misunderstanding. The integration agency therefore offers mediation and interpretation services between migrants and medical institutions. Furthermore, they coordinate health services in the asylum seekers' residences within the framework of outreach work. One of their projects has succeeded in bringing a midwife into asylum seekers' residences in order to provide direct, non-bureaucratic services to pregnant women.²²⁴

Perceived cultural differences or stereotypes can become a further obstacle within the health system if medical staff are uncertain, misinformed or biased with regard to the cultural identity of their patients. Training sessions in intercultural competence aim to tackle this problem. One of the few organisations that offer intercultural training for health sector staff is the Academy for Public Health Services (*Akademie für öffentliches Gesundheitswesen*) in Düsseldorf. Participation is on a voluntary basis within the framework of professional development and the training sessions are either financed by the participating institution or by the participants themselves. The academy has also provided intercultural training on treating Romani patients.²²⁵

In all major cities in Germany there are individual doctors or networks that for humanitarian reasons offer free medical consultation to people without insurance and, in many cases, without papers. One of them is the *Malteser Migranten Medizin*, which since 2001 has provided more than 90,000 treatments. Networks for free medical care usually rely on volunteer services by doctors, who must act within a legal limbo and are dependent on scarce public funds and donations. As a consequence they are often overwhelmed by the number of patients and can only offer basic care and isolated interventions.²²⁶ They certainly cannot make up for the lack of systematic medical care through regular services.

Discrimination

Institutional approaches towards access by Romani migrants to the German health care system indicate the existence of persistent negative stereotypes and ethnicising tendencies in dealing with social problems.

On 9 February 2012 the District Council of Neukölln in Berlin issued a press release with the headline "A new Roma child per day comes to Neukölln – and puts the health department to the test. More prevention and school enrolment medical examinations and vaccinations against epidemics are necessary". The statement implied that the large number of preventive medical check-ups and vaccinations needed by Roma children overwhelmed the Child and Youth Health Care Service. The first Roma Status Report²²⁷ issued by the City hall of the District of Neukölln notes that special attention to the prevention of the spread of infections

²²³ *Kommunale Gesundheitskonferenz 2013.*

²²⁴ Interview, *Integrationsagentur Gesundheit Köln.*

²²⁵ Interview, *Integrationsagentur Gesundheit Köln.*

²²⁶ Information provided by *Amaro Foro.*

²²⁷ *Bezirksamt Neukölln von Berlin 2011.*

is needed since information over previous vaccinations of Roma children is largely missing. To this end the Child and Youth Health Care Service was commissioned to deploy measures targeting Roma pupils and their siblings, and suitable financial resources to address this novel challenge were demanded.²²⁸

The lack of health insurance among Romani migrants represents another institutional point of focus. The second yearly Roma Status Report²²⁹ issued by the Neukölln District Council mentions cases of fraud in which uninsured Romani women gave birth in Berlin hospitals and left shortly afterwards, immediately before having their data registered, avoiding being charged the relevant fees.²³⁰ The third yearly Roma Status Report²³¹ further reinforces stereotypes on Roma crime by detailing fraud mechanisms employed by Romani women without health insurance. It mentions that in order to avoid paying the costs of hospital deliveries “rumours on which hospitals are milder and which ones are stricter are already circulating amongst the Roma community”.²³²

Against the background of such stereotypes many Roma experience discrimination within the health care sector. Both Roma organisations and social workers mention cases of discrimination. For example, patients from other EU countries are asked to pay costs for medical consultation in advance on a regular basis, even if they can give proof of social security cover in their country of origin.²³³ An interviewee mentioned that in a district with many Romani refugees doctors have in the past rejected Roma as patients, referring to communication difficulties and a lack of capacity.²³⁴

The line between restrictive formal barriers and discrimination is particularly blurred when staff in residences for asylum seekers or social welfare officers decide about the necessity of medical treatment for refugees. Administrative officials who are not medical experts can either deny services or ask for additional justification, thereby prolonging the procedure. One of many borderline cases is the experience of a Romani refugee family whose child was suffering from a contagious children's disease. The responsible decision-maker demanded an extra statement by the local health authority that it was really necessary to vaccinate the siblings.²³⁵ In another case, which in 2014 has eventually become the subject of a court case, a Roma child in a residence for asylum seekers almost died of a meningococcal infection and was left seriously and permanently disabled. In spite of obvious symptoms, the responsible staff had refused for hours to call a doctor or an ambulance.²³⁶

The cases described above can only be taken as indicators of wider discrimination as so far no systematic reporting has been undertaken on discrimination against Roma in the health care sector. There have not been any legal landmark cases on such discrimination and it is unclear if the few existing mechanisms for complaint and redress of violations are timely, efficient and accessible enough to be of any relevance to Roma who have been discriminated against.

Patients' Rights

Patients' rights were traditionally codified in different parts of German legislation and further developed through the interpretation of judges. In 2013, these rights were collected and codified in the Patients' Rights Act within the German Civil Code. Among other things the new law regulates the right to access medical information, to consent and confidentiality and it simplifies the mechanisms for complaint and legal action against medical malpractice.

Mostly health officials act in compliance with the legislation on patients' rights. Corruption exists but it plays a marginal role within the German health care system. In cases of non-compliance patients can fight

228 *Ibid*: 8.

229 *Bezirksamt Neukölln von Berlin* 2012.

230 *Ibid*: 11.

231 *Bezirksamt Neukölln* 2013.

232 *Ibid*: 15.

233 Information provided by *Amaro Foro*.

234 Interview, *Integrationsagentur Gesundheit Köln*.

235 Interview, *Integrationsagentur Gesundheit Köln*.

236 Holzheider 2014: 3.

violations of their rights through official advisory committees, through the arbitration boards of the medical and dental associations and if necessary in court. There are a number of counselling and complaint bodies within the health care insurances systems and patients' and consumers' organisations, whose services include a national hotline.

Violations of Roma patients' rights mainly affect Romani migrants. Due to language barriers they face difficulties in fully accessing or understanding medical information, in demanding or rejecting certain forms of treatment and in giving informed consent. Furthermore, being faced by a new, foreign health system they are often are not fully aware of their rights as patients.

A particular problem arises from the fact that due to language problems many migrants rely on interpreters. Usually these interpreters are relatives, volunteers or social workers but not professional interpreters. As a consequence, patients cannot fully exercise their right of confidentiality when in daily practice health officials have to share medical results with the volunteer interpreter. Volunteer interpreters might even attempt to intervene with regard to the proposed treatment and thereby impair the right to consent.²³⁷

Targeted Health Awareness Campaigns

The majority of existing health awareness campaigns address women or children and the projects usually focus on the following areas: reproductive health, nutrition and dental care for children, sexually transmitted diseases and vaccination. Few of the campaigns explicitly target Roma; instead beneficiaries are often addressed in their role as migrants. Therefore no data are available about the extent to which general campaigns or information centres actually reach members of the Roma communities.

The issues of reproductive health and nutrition are normally raised in outreach work that offers counselling and meetings for women, in particular for mothers. The Health Integration Agency in Cologne, for instance, organises a so-called "Women's Breakfast" that in the past has reached around 30 participants in asylum seekers' residences. A dental health project together with a dentist from the local health care office informed children and parents about the importance of medical prevention.²³⁸

Within recent debates on migration from Romania and Bulgaria there has been public attention to prostitution among migrants and on particular to health risks deriving from sexually transmitted disease and violence. In response, the *Land* of North Rhine-Westphalia, for example, is currently examining how existing information centres for prostitutes can better reach prostitutes from other member states, using the media instead of written information.²³⁹ At local level, e.g. in the city of Duisburg, the health care office provides a municipal information centre for prostitutes. Particular efforts have been made by civil society organisations to provide information services to migrant prostitutes, directly in the surrounding of the red light district.²⁴⁰

As mentioned earlier in this chapter vaccination is another core topic of public debate on the health of Romani migrants, especially Romani children. In many municipalities, e.g. in Gelsenkirchen and in Bochum, public bodies finance immunisation activities, which are usually accompanied by information campaigns.²⁴¹ Often these activities are intended to be low-threshold, they take place in kindergartens such as the "*Schawarolle*" in Frankfurt or in asylum seekers' residences, as in the case of the "Vaccination mobile" in Cologne, which in five days conducted over 400 vaccinations.²⁴²

Health awareness activities account for a large part of public efforts to improve the health situation of Sinti and Roma in Germany. The reason behind this is a widespread perception among the staff of public

237 Interview, *Integrationsagentur Gesundheit Köln*.

238 interview, *Integrationsagentur Gesundheit Köln*.

239 *Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen* 2014: 20.

240 Interview, *Integrationszentrum Duisburg*.

241 *Ibid.*

242 Interviews, *Roma Förderverein Frankfurt am Main, Integrationsagentur Gesundheit Köln*.

authorities and welfare organisations that health deficits can largely be explained by the scarce use of services or even by cultural reservations with regard to prevention and healthy lifestyle.

Romani health activists call this perception into question, stressing that such an approach is paternalistic and that it conceals the really existing obstacles to health care access in Germany. Targeted activities, e.g. on dental care, may create a distorted picture of the situation of, for example, Romani migrants in Germany; and disproportionately extensive reporting on controversial health issues such as sexually transmitted disease has already in the past triggered fears of migration.²⁴³

243 Information provided by *Amaro Foro*.

5. HOUSING

As in all the other areas that feature in this report, hardly any large-scale data are available on the housing situation of Sinti and Roma in Germany, including housing-related discrimination. There is, however, a wide array of smaller-scale studies and publications which can shed light on this situation and which will be used in the following pages to characterize the situation. A good overview is provided by the report of the RAXEN National Focal Point Germany, published in 2009.

With regard to policy interventions, in Germany, several instruments exist to facilitate access by low income groups to the housing market: firstly, social housing allowances for social benefits receivers; secondly, housing allowances (*Wohngeld*) as a top-up to which low-income households outside social welfare are entitled; and thirdly, social housing for households under a certain income threshold.

Besides instruments directly regulating access to housing, the *Programme Soziale Stadt* (Social City Programme) for neighbourhood development is a relevant measure working towards the improvement of the housing situation from a wider perspective.

There are no statistical data on how far Sinti and Roma have benefited from these policy instruments, but again, some case studies can shed light on the degree to which some of these instruments can contribute to the inclusion of Sinti and Roma regarding housing.

Due to differences in social rights and life situations between the main groups of Sinti and Roma in Germany (see introduction), it makes sense to characterize the housing situation and the policy instruments according to the different target groups.

Housing-Related Discrimination of Sinti and Roma

The housing situation of Sinti and Roma was the subject of a consultation conducted by organisations working with Sinti and Roma in the “complementary report” of civil society organisations within the EU Roma Framework.²⁴⁴ Among the experts who responded, the overwhelming majority found that German Sinti and Roma did not have the same chances as the rest of the population in finding rented accommodation. In a survey of 300 German Sinti and Roma that was conducted by the German Central Council in 2006, 54% of the Sinti and Roma respondents reported discriminatory experiences when applying to rent a flat.²⁴⁵

The experience of discrimination of Sinti and Roma is mirrored by representative surveys of mainstream society attitudes. A Eurobarometer survey from 2008 found that 25% of Germans “would feel uncomfortable” living next to Sinti and Roma, as in the report on the Housing condition of Sinti and Roma in Germany of the RAXEN National Focal Point of the European Union Agency for Fundamental Rights highlights (2009). According to a long-term survey by the University of Bielefeld on group-focused enmity, in 2012 around 40% of the German population rejected living next to Sinti and Roma.²⁴⁶

²⁴⁴ Bundesarbeitsgemeinschaft RAA et al 2012.

²⁴⁵ Zentralrat Deutscher Sinti und Roma 2006.

²⁴⁶ Spiegel Online 2012.

There have been many cases of anti-gypsy mobilisation and violence in Germany targeting housing and settlements inhabited by Sinti and Roma, on which Abdikeeva (2002) and End (2013) provide comprehensive overviews. End (2013: 24ff) quotes several cases of violence and hate crime against Roma, such as an arson attack on a Roma house in Saxony in 2009 and on 19 trailers in a settlement with Sinti and Roma dwellers in Gelsenkirchen in 2010. According to the same source, racist parties and movements have regularly mobilised against Sinti and Roma at neighbourhood level, for instance in Mannheim, Berlin-Neukölln, Dortmund and Duisburg.

In spite of the lack of large-scale data on the housing situation, the existing data on discriminatory attitudes towards and discrimination experience of Sinti and Roma indicate a vulnerable situation of many Sinti and Roma in the field of housing.

Legal protection against discrimination in the housing sector through the German anti-discrimination legislation (AGG) is weakened as the same legislation allows discrimination in order to avoid an “unbalanced” social or cultural structure (see section II).

Access to Forms of Supported Housing

With the 2006 Federalism Reform, competence for social housing policies was moved to the *Länder* level, while the federal government still finances a part of the interventions. *Länder* set their own income quota for social housing. There are additional demographic criteria (such as being a household with children) which confer preferential access to social housing.

Social housing in Germany is generally in decline, and the total number of units has fallen by 1/3 since the early 2000s. It now includes some 1.5m units,²⁴⁷ which corresponds to some 4% of the total number of housing units.²⁴⁸

On the basis of expert interviews, the RAXEN Germany report (2009: 36) states that it can be assumed that an above-average proportion of German Sinti and Roma live in social housing although it considers it impossible to quantify this further. The current (social) housing policy – with very little new building and a sharp rise of housing prices in the private sector in most major cities – is likely to have worsened access to affordable housing for Sinti and Roma, together with other vulnerable groups in Germany.

In the survey with organisations working with Sinti and Roma in the “complementary report” of civil society organisations within the EU Roma Framework, half of the respondents found that Sinti and Roma had poorer access to social housing than the rest of the population.²⁴⁹

Access to social housing for immigrants from EU countries seems to depend on the discretion of local authorities, but it can be assumed to be generally low, due to the overall scarcity of the accommodation on offer. The city of Frankfurt, for instance, has become more and more reluctant to grant accommodation in social housing to immigrants. The city changed the legal procedures for dealing with housing requests of EU citizens and shifted from general social support legislation for people unable to work to minimum income legislation for job seekers. As a result, in 2012 there was not a single case of accommodation being granted through the local housing office.²⁵⁰

Roma refugees with “tolerated” legal status (*Duldung*, see chapter II) often have a restricted choice in housing due to the limited rights associated with this status. Until recently, many tolerated refugees were forced to live in collective accommodation such as refurbished barracks or other obsolete buildings which are

247 Bundesministerium für Verkehr, Bau und Stadtentwicklung 2012.

248 Statistisches Bundesamt 2014.

249 Bundesarbeitsgemeinschaft RAA et al 2012.

250 Interview, Roma Förderverein.

usually situated in unfavourable locations outside the urban centres.²⁵¹ Today, regions and cities are moving towards subsidized accommodation in housing associations (as in Berlin) or on the private market but cases of “camp-type” accommodation persist (for instance in Bavaria).

Exploitative Housing Conditions and Homelessness of Roma Immigrants from EU Countries

The housing situation of recently arrived Roma immigrants from EU countries can be described as highly vulnerable. The migrants are often unable to find housing on the regular housing market²⁵² and fall prey to highly-priced informal offers which can be characterised by low standards, overcrowding and exploitative practice.²⁵³

An example is the much reported-on case of a landlord in *Berlin-Neukölln* who rents out several substandard dwellings to immigrant Roma families. Similar practices can also be found in other cities which have been receiving greater influxes of vulnerable immigrants over the last years. The practices include subletting on the basis of overpriced “per head”/“per bed” payments. Other Roma immigrants have been reported as occupying shanty-town housing in derelict allotments or industrial areas.

Berlin’s *Mitte* district has explored this situation in more detail through expert opinions. The first²⁵⁴ and second²⁵⁵ expert opinion reports on the situation of Roma issued in 2010 and 2011 by the Roma Working Group of the *Mitte* District acknowledge that discriminatory practices affect the housing situation of immigrant Roma, making Roma victims of dishonest landlords. The district of *Neukölln* reported practices by dishonest landlords that include accommodation in disused houses, overcrowded housing and exploitation through unusually high rents.²⁵⁶ As “the condition of the houses and apartments often does not meet the standards demanded by the German population, Romanians and Bulgarians are perceived as undemanding tenants who are willing, out of necessity, to accept disproportionately high rents for apartments in poor condition” (p. 8). Severe housing conditions have led to rising tensions between neighbours and the emergence of anti-Roma neighbourhood initiatives.

The institutional documents point to limited leverage in tackling victimisation and residential segregation of Roma and call for concerted regional, federal and European responses to what they consider to be a specific Roma problem that transcends the realm of regular institutional social intervention.

According to the Berlin Action Plan for Roma Inclusion²⁵⁷ residential discrimination, housing segregation and neighbourly conflicts are to be addressed in a preventive manner for the preservation of social cohesion. The Action Plan proposes targeted measures including the setting up of an emergency shelter for Romani migrants, legal aid and NGO counselling support to tackle illegal practices on the real estate market.²⁵⁸

A series of projects aimed at improving the housing conditions of migrant Roma in Berlin have received funding within the financial framework of the Action Plan for Roma Inclusion. Since September 2012 *Amaro Foro e.V.* has been implementing a project which aims at improving the living conditions of migrant Roma families in the *Neukölln* district of Berlin. The targeted measures include counselling on tenants’ rights, tenants empowerment and support with filling complaints against abusive landlords, legal aid and neighbourly conflict mediation, and bridging the gap between Romani migrants and local institutions in Berlin.

251 Zentrum für Antisemitismusforschung der Technischen Universität Berlin 2007.

252 Deutsches Institut für Urbanistik 2013.

253 Bundesministerium des Innern & Bundesministerium für Arbeit und Soziales 2014: 36.

254 Bezirksamt Mitte von Berlin 2014.

255 AG Roma des Bezirks Mitte von Berlin 2011.

256 Bezirksamt Neukölln von Berlin 2011.

257 Senat von Berlin 2013.

258 Ibid: 12–13.

The expertise gained since the beginning of the project has shown that people tend to be reluctant to sue landlords and that they would rather tackle housing issues out-of-court. Enforcement of social rights, the search for alternative housing and awareness raising within the majority society may offer ways for victims of abusive landlords to gain access to regular housing. On the other hand, shortages affecting the Berlin housing market, frequent denial of social rights to Romanian and Bulgarian citizens (which in most cases that are brought to the attention of the counselling offices is declared unlawful in court decisions), and insufficient funding of social projects as well as the persistent unchallenged anti-gypsy attitudes of both neighbours and public institutions result in limited progress in tackling discrimination against migrant Roma on the housing market.

Legal and public policy responses in terms of sanctioning the unlawful practice letting out housing in a state of disrepair have been discussed²⁵⁹ and have already led to a legislative initiative in the *Land* of North Rhine Westphalia, which is currently under discussion.²⁶⁰ The federal government is working on legal guidelines for dealing with substandard housing.

Homelessness is another aspect of the vulnerable situation of EU immigrants, and Roma in particular. In Frankfurt, some 300 to 400 Roma immigrants are believed to be homeless.²⁶¹ In many cities, including Munich and Berlin, vulnerable immigrants are appearing in larger numbers in the cities' emergency shelters for homeless people, or sleep in cars, garden colonies or public parks. In some cases, families are denied access because the shelters do not have structures to accommodate families.²⁶²

In Berlin homeless migrant families from Romania and Bulgaria are likely to be excluded from social benefits, unless or until they can prove that they have a registered address. Accommodation in regular homeless shelters is thus impossible since the issue of cost takeover by the social security offices cannot be solved. A provisional solution was the accommodation in the autumn of 2012 of a few homeless migrant Roma families together with German homeless people and refugees from Africa in an occupied disused school, the *Gerhart-Hauptmann-Schule in Berlin-Kreuzberg*. Although these families were granted shelter, the issue of registration and thus of access to the formal labour market and to social rights was not solved. Due to political pressure the local authorities plan to evacuate the building in the near future. Other informal shelters such as an abandoned ice-making plant to which homeless families from Romania and Bulgaria have been evacuated and accommodation in a shelter for the homeless were offered by the local authorities at the beginning of February 2014.

In Hamburg, the city established a camping site for Roma seasonal workers run by the *Cinti Union Hamburg*, after private campsite owners stopped allowing access to Roma.²⁶³

Residential Segregation of Sinti and Roma and Relevant Policy Measures

Existing research on German Sinti and Roma suggests the existence of a segregated, almost integrated residential situation.²⁶⁴ Where segregation exists, it is much lower than, for instance, in many central and eastern European countries in terms of the strength of segregation (i.e. the proportion of Sinti and Roma living in segregated areas), the exclusivity of segregation (the proportion of Sinti and Roma among the total population of a settlement) and the size of segregated settlements.

In terms of policies addressing segregation, it is worth bearing in mind the (dubious) exception granted in anti-discrimination legislation which allows housing discrimination on the grounds of cultural imbalance (see II and V.1) and a more comprehensive policy tackling disadvantaged neighbourhoods, which will be addressed in the next section.

259 *Städtetag* 2013.

260 *Landtag Nordrhein-Westfalen* 2014.

261 Interview, *Roma Forderverein*.

262 *EUROCITIES* 2011.

263 Interview, Marko Knudsen.

264 *RAXEN* 2009.

The existing segregation of Sinti and Roma is the result of a combination of factors. They include discrimination, preferences for living within the community and the institutional practices of housing associations.²⁶⁵ It would therefore be simplistic to generally dismiss all forms of segregation of Sinti and Roma.

An important historical factor in the segregation of German Sinti and Roma are the collective re-housing policies of local housing associations, which existed in parallel to dispersal policies. Sinti and Roma living in emergency settlements after the genocide and World War II were often re-housed collectively during the phase of expansion of the social housing sector.²⁶⁶ It can be assumed that in at least some of these cases, segregation was at least tolerated by the re-settled families.²⁶⁷

Segregation at micro-level continues in the form of some more recent community housing projects for Sinti and Roma which have been implemented in cooperation with the Sinti and Roma communities, for instance in Kiel, Koblenz, Munich and Cologne. The *Maro Temm* ("our place") housing cooperative for Sinti and Roma in Kiel is one example of this approach. It was built in 2007 as an initiative of the association of Sinti and Roma in Schleswig-Holstein, and consists of 13 terraced houses which together host approximately 50 Sinti and Roma residents. The settlement received loans from the *Land* and the city of Kiel, and mobilised private donations through fundraising.²⁶⁸ According to the Sinti and Roma Association in Schleswig-Holstein, the project aims to foster intergenerational dialogue and bicultural exchanges based on the preservation of Sinti and Roma language and culture, and openness towards mainstream society.²⁶⁹

Segregation of immigrant Roma follows partly different patterns. The segregation of "tolerated" Roma refugees is a result of institutional housing practices of forced segregation and lack of access to the regular housing market (see above), but it has weakened with the reduction of discriminatory practices in recent years. The segregation of Romani migrants from EU countries is high both in terms of concentration on some cities and of disadvantaged neighbourhoods within these cities. It is a result of a mixture of chain-migration, lack of public policy interventions and of access to social housing, and exploitative practices of private housing market actors. This situation is particularly challenging for local actors to provide enough capacity for the integration of this vulnerable group of newcomers, e.g. in terms of orientation, information and language training.

Integrated Housing and Neighbourhood Development Policies

The main policy instrument for integrated housing policies is the *Soziale Stadt* (Social City) programme, which has existed since 1999. It is financed by regional, federal, local and EU (ERDF and ESF) funding to conduct integrated social policies in the country's most disadvantaged urban areas. The *Soziale Stadt* programme focuses on the improvement of public space and neighbourhood infrastructures, but combines these aims with area-based measures for social inclusion, immigrant integration and neighbourhood cohesion, following a participatory approach. After a significant downscaling of the programme under the last government, which reduced its contribution to 40% and weakened the integrative character of the programme, the federal contribution has been raised again to 150m EUR by the current government, resulting in a total budget of more than 400m EUR.

The approximately 400 *Soziale Stadt* programme areas include some neighbourhoods with a higher proportion of Sinti and Roma, although there are no systematic data available on the participation of this group in the programme.

The report of the RAXEN National Focal Point Germany, published in 2009, provides a case study of a neighbourhood revitalisation project in *Koblenz-Unterer Ackerstein*, which was funded within the *Soziale*

265 Bundesarbeitsgemeinschaft RAA et al. 2012.

266 RAXEN National Focal Point Germany 2009: 32.

267 Interview, Landesverband der Sinti in Hamburg.

268 RAXEN 2009: 51.

269 www.sinti-roma-sh.de/index.php/maro-temm.

Stadt programme. In this social housing area some 50% of the population of 260 tenants are German Sinti. The revitalisation was conducted in consultation with the residents and included adapting flats to current standards, adapting the public space to the needs of residents and improving the local availability of social assistance and training.

Another example mentioned in the report is the *Soziale Stadt* programme in the *Frischer Mut* area of Mannheim, which has 1,200 tenants including 20% of German Sinti. The measures included the renovation of social housing from the 1950s, improvements to the social infrastructure (childcare facilities) and neighbourhood facilities (playground) and involving neighbours in the design of front gardens.

The *Soziale Stadt* programme is also seen as a useful way of developing policies for vulnerable EU migrants, including Roma.²⁷⁰ The reasons are the predominance of this group in disadvantaged neighbourhoods, which are often already *Soziale Stadt* programme areas, and the integrated approach of the *Soziale Stadt* programme, which enables tackling multiple disadvantages in areas including housing, health, education and employment. Several cities, including Dortmund, Duisburg and Berlin, are currently relying on the infrastructure and cross-sectoral working structures established through *Soziale Stadt* programmes in developing policies for EU migrants. Further, they develop new measures within the programme, including for instance community building, mediation, and the fight against exploitative housing conditions.²⁷¹

The *Taskforce Okerstrasse* project in Berlin is another example of an initiative which was, at least partly, born in the context of the *Soziale Stadt* programme. The project was initiated by the integration commissioner of the District of *Neukölln* and built upon existing structures in a *Soziale Stadt* programme area in the same district, aiming initially to upgrade the neighbourhood and to put an end to problematic housing structures. Sinti and Roma and migrant workers were one of the target groups of the project, alongside other groups which were seen as a threat to social cohesion.

According to civil society representatives, the project did not follow a participatory approach (Romanian translation services, for instance, were only temporarily available) and perpetuated anti-gypsy stereotypes (“negligence of children”). It followed the logic of displacement and social control rather than of inclusion and was heavily contested by civil society representatives. In a second phase, responsibilities within the project shifted to the district’s department for education, which led to a different orientation. Given its questionable assumptions and approach, the *Taskforce Okerstrasse* should not, however, not be considered as a “promising practice”, as it was described in the European Commission’s 2014 Fact sheet Germany on Roma integration.²⁷²

Involvement of Local and Regional Authorities and Civil Society in Housing

As it was established above (chapter I) there is no developed approach by the German government to coordinate policies under the EU Framework for Roma integration with cities, regions and civil society. This is also true in the area of housing. In this field, however, cities and regions have significant competences themselves that can have a direct impact on the situation of Sinti and Roma, for instance in social housing policies, refugee accommodation or in identifying programme areas within the *Soziale Stadt* programme (although the federal government negatively affected the programme’s capacity by reducing funding from 2011–2013). In the field of housing, therefore, sub-national entities themselves have the scope to improve the situation.

Nevertheless, there is certainly potential for moderation and coordination at federal level though. After a long absence, the state has started, through the state secretary group on EU mobility, to create more clarity on the social rights of EU migrants, including services such as housing subsidies, and on possible initiatives against exploitative housing conditions.²⁷³

270 Deutsches Institut fuer Urbanistik 2013.

271 Ibid.

272 Interview, *Amaro Foro*.

273 Bundesministerium des Innern & Bundesministerium für Arbeit und Soziales 2014.

Beyond this specific example of EU mobility, the state has not coordinated with local and regional authorities on housing inclusion for Sinti and Roma in general, for instance in showcasing positive approaches and facilitating exchange. This weak coordination is also evident in the very thin content on housing in Germany's last progress report within the EU Roma framework.

Civil society and Sinti and Roma organisations have occasionally been involved in local housing policies in the construction of housing for Sinti and Roma with the support of local and regional authorities (*Maro Temm* project, see above) and in areas of the *Soziale Stadt* programme. Both types of initiatives are, however, exceptions rather than the norm.



BIBLIOGRAPHY

Sources

- Amaro Foro e.V., press release on 7 August 2013, Amaro Foro e.V. about the Berlin „Aktionsplan Roma“ (2013) [Action Plan Roma]. Available at: <http://www.amaroforo.de/pressemitteilung-über-berliner-aktionsplan-zur-einbeziehung-ausländischer-roma> (accessed: 20 May 2014)
- Abgeordnetenhaus Berlin (Berlin House of Representatives), Berliner Aktionsplan für die Einbeziehung ausländischer Roma (2013) [Berlin Action Plan for inclusion of Roma from other countries]. Available at: <http://www.parlament-berlin.de/ados/17/IIIPlen/vorgang/d17-1094.pdf> (accessed: 7 February 2014)
- AG Roma des Bezirks Mitte von Berlin (2011) (Roma Working Group of the Berlin district Mitte), Zweite Fachliche Stellungnahme zur Situation von Roma aus Bulgarien und Rumänien. „Nein, es ist nicht alles in Ordnung! Wegducken hilft nicht! Abwarten bringt keine Lösung!“ [The second expert opinion on the situation of Roma from Bulgaria and Romania. “No, it is not all right! Ducking away is not helping! Waiting does not bring a solution!"]. Available in: http://www.berlin.de/imperia/md/content/bamitte/praeventionsrat/ag_roma/abwarten_ist_keine_loesung_22072011.pdf?start&ts=1333442598&file=abwarten_ist_keine_loesung_22072011.pdf (accessed: 22 May 2014)
- Antidiskriminierungsstelle des Bundes, Bevölkerungseinstellungen zu Sinti und Roma (2014) [Attitudes in the population towards Sinti and Roma]. Available at: http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Umfrage_Sinti_Roma.pdf?__blob=publicationFile (accessed on: 3 July 2014)
- Bayerisches Gesetz über das Erziehungs- und Unterrichtswesen (BayEUG) (Bavarian law on education system and teaching): <http://www.gesetzebayern.de/jportal/portal/page/bsbayprod.psml?showdoccase=1&doc.id=jlr-EUGBY2000rahmen&doc.part=X> (accessed: 2 July 2014)
- Bezirksamt Mitte von Berlin, AG Roma (2014) (The Berlin district Mitte, Roma Working Group). Available at: http://www.berlin.de/ba-mitte/org/praeventionsrat/ag_roma.html (accessed: 20 May 2014)
- Bezirksamt von Neukölln 2014, (Neukölln District office) 4. Roma Statusbericht. Kommunale Handlungsstrategien im Umgang mit den Zuzügen von EU-Unionsbürgern aus Südosteuropa (2014) [The fourth Roma status report. Communal strategies in dealing with the influx of EU citizens from South-eastern Europe] Available at: <http://www.berlin.de/imperia/md/content/baneukoelln/bischuku/4.romastatusberichtmai2014.pdf?start&ts=1399899531&file=4.romastatusberichtmai2014.pdf> (accessed: 27 May 2014)
- Bezirksamt Neukölln von Berlin (Berlin Neukölln District office) 3. Roma-Statusbericht Entwicklung der Zuzüge von EU- Unionsbürgern aus Südosteuropa, Berlin – Neukölln, März 2013 (2013) [The third Roma status report. Increase of influx of EU citizens from South-eastern Europe]. Available at: http://www.berlin.de/imperia/md/content/baneukoelln/flyer/3._romastatusbericht.pdf?start&ts=1362131366&file=3._romastatusbericht.pdf (accessed: 20 May 2014)
- Bezirksamt Neukölln von Berlin (Berlin Neukölln District office), 2. Roma-Statusbericht, Entwicklung der Zuzüge von EU-Unionsbürgern aus Südosteuropa, Berlin – Neukölln April 2012 [The second Roma status report. Increase of influx of EU citizens from South-eastern Europe]. Available at: <http://www.berlin.de/imperia/md/content/baneukoelln/romastatusberichtapril2012.pdf?start&ts=1333626146&file=romastatusberichtapril2012.pdf> (accessed: 20 May 2014)
- Bezirksamt Neukölln von Berlin (Berlin Neukölln District office), Roma Statusbericht Berlin – Neukölln, September 2011 (2011) [Roma status report Berlin – Neukölln]. Available at: <http://www.berlin.de/imperia/md/content/baneukoelln/romastatusberichtseptember2011.pdf?start&ts=1333626132&file=romastatusberichtseptember2011.pdf> accessed: 25 May 2014)
- Bundesministerium des Innern (Federal Ministry of the Interior), Bericht der Bundesrepublik Deutschland an die Europäische Kommission. EU-Rahmen für nationale Strategien zur Integration der Roma bis 2020 – Integrierte

Maßnahmenpakete zur Integration der Roma bis 2020 (2011) [The Federal Republic of Germany report for the European Commission. EU Framework for national policies on integration of Roma until 2020 – Integrated packages of measures for integration of Roma until 2020]. Available at: http://ec.europa.eu/justice/discrimination/files/roma_germany_strategy_de.pdf (accessed: 7 February 2014)

Bundesministerium des Innern, Informationen von Deutschland über den Fortschritt bei der Umsetzung des Berichts (Federal Ministry of the Interior, Information on Germany's progress on report implementation). „EU-Rahmen für nationale Strategien zur Integration der Roma bis 2020 – Integrierte Maßnahmenpakete zur Integration und Teilhabe der Sinti und Roma in Deutschland“ (2013) [EU Framework for national policies on integration of Roma until 2020 – Integrated packages of measures for integration of Roma until 2020]

Bundeministerium des Innern & Bundesministerium für Arbeit und Soziales (Federal Ministry of the Interior & Federal Ministry of Labour and Social Affairs), Zwischenbericht des Staatssekretärsausschusses zu „Rechtsfragen und Herausforderungen bei der Inanspruchnahme der sozialen Sicherungssysteme durch Angehörige der EU-Mitgliedstaaten“ (2014) [the State Secretary Committee interim report on „Legal questions and challenges on the use of social security systems by the citizens of EU states“]

Bundesministerium für Verkehr, Bau und Stadtentwicklung (Federal Ministry of Transport, Building and Urban Development), Reply to a Parliamentary Request by MdB Caren Lay, Nr. 236/July, by State Secretary Jan Mücke (2012)

Bundesregierung (Federal Government) Nationaler Aktionsplan Integration. Zusammenhalt stärken – Teilhabe verwirklichen (2013) [National integration action plan. Strengthening cohesion – implementing participation]

CDU Deutschlands, CSU-Landesleitung, SPD, Deutschlands Zukunft gestalten. Koalitionsvertrag zwischen CDU, CSU und SPD, 18. Legislaturperiode (2014) (CDU et al. 2014) [Shaping Germany's future. Coalition agreement between the CDU, CSU and SPD, 18th parliamentary term 2014]

Deutscher Bundestag, Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Volker Beck (Köln), Tom Königs, Luise Amtsberg, weiterer Abgeordneter und der Fraktion Bündnis90/Die Grünen. Drucksache 18/1084 von 08.04.2014. Teilhabe und Integration der Sinti und Roma in Deutschland (2014) [Participation and integration of Sinti and Roma in Germany]

Deutscher Bundestag, Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Herbert Behrens, Sevim Dagdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 17/12895 vom 26.04.2013. Haltung der Bundesregierung zum Umgang mit EU-Bürgerinnen und EU-Bürgern aus Rumänien und Bulgarien (2013) (Deutscher Bundestag 2013a) [The position of Federal Government on dealing with the EU citizens from Romania and Bulgaria]

Deutscher Bundestag, Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Matthias W. Birkwald, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/73 vom 20.12.2013. Soziale Rechte bulgarischer und rumänischer EU-Bürgerinnen und -Bürger in Deutschland (2013) (Deutscher Bundestag 2013b) [Social rights of Bulgarian and Romanian EU citizens in Germany]

Deutscher Bundestag, Antwort der Bundesregierung auf die Große Anfrage der Fraktion BÜNDNIS 90/DIE GRÜNE. Drucksache 17/5536 vom 22.09.2011. Zur Situation von Roma in der Europäischen Union und in den (potentiellen) EU-Beitrittskandidatenstaaten (2011) [On the situation of Roma in the European Union and in the (potential) EU candidate countries]

European Commission, The European Union and Roma – Country Fact Sheet. Germany (2013). Available at: http://ec.europa.eu/justice/discrimination/files/roma_country_factsheets_2013/germany_en.pdf (accessed: 20 May 2014)

Framework Convention for the Protection of National Minorities, ETS N° 157 (1995)

Freie und Hansestadt Hamburg, Abschlussbericht der Bund-Länder Arbeitsgemeinschaft „Armutswanderung aus Osteuropa“, Hamburg, den 11. Oktober 2013 (2013) [The final report of Government/State Working Group „Poverty migration from Eastern Europe“]

Kommunale Gesundheitskonferenz Köln, AG Migration und Gesundheit (2013): Kölner Gesundheitswegweiser für Migrantinnen und Migranten, Stand: Oktober 2013 (2013) [Cologne Health Guide for immigrants]. Available at: http://www.drk-koeln.de/fileadmin/Medien/Kvkoeln/pdf/Gww_2und3_Quartal-2013_Online.pdf (accessed: 25 May 2014)

Landtag von Baden-Württemberg, Mitteilung der Landesregierung, Information über Staatsvertragsentwürfe; Entwurf des Vertrages des Landes Baden-Württemberg mit dem Verband Deutscher Sinti und Roma, Landesverband Baden-Württemberg e. V. 15. Wahlperiode; Drucksache 15/4128/08. 10. 2013 (2013) [Agreement draft of the State Baden-Württemberg with the Association of German Sinti and Roma]

Landtag von Baden-Württemberg, Drucksache 15/472 (Stuttgart 2011) (Land Baden-Württemberg 2013)

Landtag von Baden-Württemberg, Gesetzesbeschluss des Landtags. Gesetz zu dem Vertrag des Landes Baden-Württemberg mit dem Verband Deutscher Sinti und Roma, Landesverband Baden-Württemberg e.V., Drucksache 15/4528 (Stuttgart 2013) (Landtag Baden-Württemberg 2013) [The Law on Agreement of the State Baden-Württemberg with the Association of German Sinti and Roma]

Landtag Nordrhein-Westfalen, Ausschuss für Bauen, Wohnen, Stadtentwicklung und Verkehr (31.) und Ausschuss für Kommunalpolitik (49.). Ausschussprotokoll Apr 16/480, 16. Wahlperiode 18.02.2014 (2014) [The Committee report Apr 16/480 of the Committee for Building, Housing, Urban Development and Transport (31.) and the Committee for communal policy (49.), the 16th parliamentary term]. Available at: <http://www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMA16-480.pdf> (accessed: 20 May 2014)

Ministerium für Arbeit und Soziales Baden-Württemberg, Operationelles Programm. Chancen fördern – der Europäische Sozialfonds in Baden-Württemberg im Rahmen des Ziels „Regionale Wettbewerbsfähigkeit und Beschäftigung“ für die Förderperiode 2007–2013 (Stuttgart 2007) (Ministerium für Soziales 2007) [Operational Programme. Enhancing the opportunities – the European Social Fund in Baden-Württemberg within the aim “Regional competitiveness and employment” for the funding period 2007–2013]

Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen, Bericht der IMAG “Zuwanderung aus Südosteuropa” über den aktuellen Sachstand. 14. Januar 2014 (2014) [The IMAG report “Immigration from the South-eastern Europe” on the current state of affairs]

Ministry of the Interior, National Action Plan of the Federal Republic of Germany to Fight Racism, Xenophobia, Anti-Semitism and related Intolerance (2008). Available at: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/Politik_Gesellschaft/Zivilgesellschaft/Nationaler_Aktionsplan_gegen_Rassismus_en.pdf?__blob=publicationFile (accessed: 20 January 2014)

Senat von Berlin, Berliner Aktionsplan zur Einbeziehung ausländischer Roma (2013). Available at: <http://www.parlament-berlin.de/adoss/17/IIIPlen/vorgang/d17-1094.pdf> (accessed: 8 May 2014) [Berlin Action plan on inclusion of Roma from other countries]

United Nations Convention on the Rights of Persons with Disabilities. <http://www.un.org/disabilities/convention/conventionfull.shtml> (accessed: July 2014)

Statistisches Bundesamt, Bautätigkeit und Wohnungen. Bestand an Wohnungen, 31. Dezember 2011 (2014) [Construction activities and flats. Flats inventory]

Literature and Reports

Abdikeeva, Alpha, Germany's Policies toward Sinti and Roma: Living Apartheid? European Roma Rights Centre (2002) Available at: <http://www.errc.org/article/germanys-policies-toward-sinti-and-roma-living-apartheid/777> (accessed: 20 May 2014)

Autorengruppe Bildungsberichterstattung, Bildung in Deutschland 2012. Ein indikatorengestützter Bericht mit einer Analyse zur kulturellen Bildung im Lebenslauf (2012) [Education in Germany 2012. A report based on indicators with an analysis on cultural education in a life career]. Available at: <http://www.bildungsbericht.de/img/bb12cover.pdf> (accessed: 2 July 2014)

Autorengruppe Bildungsberichterstattung, Bildung in Deutschland 2014. Ein indikatorengestützter Bericht mit einer Analyse zur kulturellen Bildung im Lebenslauf (2014) [Education in Germany 2014. A report based on indicators with an analysis on cultural education in a life career]. Available at: http://www.bildungsbericht.de/daten2014/bb_2014.pdf (accessed: 2 July 2014)

Bartlett, W., Benini, R., Gordon, C., *Measures to promote the situation of Roma EU citizens in the European Union*, Brussels: European Parliament – Policy Department C: Citizens' Rights and Constitutional Affairs (ed.) (2011)

Bundesärztekammer (2013): Stellungnahme der Zentralen Ethikkommission bei der Bundesärztekammer „Versorgung von nicht regulär krankenversicherten Patienten mit Migrationshintergrund“ [Providing care for immigrant patients without regular health insurance], Deutsches Ärzteblatt, Jg. 110, Heft 18, 13. März 2013

Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher, Ergänzungsbericht von Vertreter/innen der Roma Zivilgesellschaft und anderer Interessenträger und Expert/innen zum Bericht der Bundesrepublik Deutschland an die Europäische Kommission zum EU-Rahmen für Nationale Strategien zur Integration der Roma bis 2020 (2012) [Additional report of Roma civil society representatives and other stakeholders and experts to the report of the

Federal Republic of Germany to the European Commission on the EU Framework for national policies on integration of Roma until 2020 – Integrated packages of measures for integration of Roma until 2020]
Available at: <http://bag-raa.de/PDF/Ergaenzungsbericht%20NRIS%20Maerz%202012.pdf> (accessed: 7 February 2014)

Brücker, Herbert; Hauptmann, Andreas; Vallizadeh, Ehsan, Arbeitsmigration oder Armutsmigration. Zuwanderer aus Bulgarien und Rumänien [Labour migration or poverty migration. Immigrants from Bulgaria and Romania], in: Institut für Arbeitsmarkt und Berufsforschung IAB-Kurzbericht, 16/2013 (2013). Available at: <http://doku.iab.de/kurzber/2013/kb1613.pdf> (accessed: 22 May 2014)

Bündnis für Demokratie und Toleranz gegen Extremismus und Gewalt – BfDT, Geschäftsjahr 2011/2012. Bundesweiter Ansprechpartner und Impulsgeber für die Zivilgesellschaft (BfDT) (2013) [Nationwide contact and input generator for the civil society]

Central Council of Sinti and Roma, Equal participation for Sinti and Roma in Germany. Position paper on the European Union framework to improve the situation of Roma in Europe (2011)

Decker, Oliver; Kiess, Johanness; Brähler, Elmar, Die stabilisierte Mitte. Rechtsextreme Einstellung in Deutschland 2014. Die „Mitte“-Studien der Universität Leipzig (2014) [The stabilised „Mitte“. Extreme right-wing attitude in Germany 2014]

Deutsches Rotes Kreuz e.V., Gesundheitsversorgung für EU-Bürgerinnen und EU-Bürger in Deutschland. Zugang zur Gesundheitsversorgung für EU-Bürgerinnen und EU-Bürger – Handreichung zu den rechtlichen Grundlagen – (2013) [Health care for EU citizens in Germany. Access to health care for EU citizens – a manual on legal bases] Available at: <https://www.drk-wb.de/download-na.php?dokid=23582> (accessed: 8 May 2014)

Deutsches Institut für Urbanistik, Neue Armutszuwanderung aus Südosteuropa. Bundestransferstelle Soziale Stadt. Kurzexpertise. Berlin (2013) [New poverty migration from South-eastern Europe. Federal transfer point social city. Short expertise]

Egenberger, Vera, Das Verbandsklagerecht. Bestehende rechtliche Rahmenbedingungen und Erfahrungen mit ihnen (2012) [The right of associations to legal action. Existing legal framework and corresponding experiences] Available at: http://www.bug-ev.org/fileadmin/user_upload/Verbandsklagerecht_-_Artikel.pdf (accessed: 7 February 2014)

End, Markus, Gutachten Antigypsyismus. Herausgegeben von Daniel Strauß. RomnoKher – Haus für Kultur, Bildung und Antigypsyismusforschung (2013) [Expert opinion on anti-gypsyism]

End, Markus, Antiziganismus in der deutschen Öffentlichkeit. Strategien und Mechanismen medialer Kommunikation (2014) [Anti-Gypsyism in the German public sphere. Strategies and mechanisms of media communication]

EUROCITIES, The Berlin mobile contact point for EU migrant workers and Roma from the perspective of the service providers (2011)

EUROCITIES, Roma School Mediation, Peer Review Report (2011). Available at: http://nws.eurocities.eu/MediaShell/media/Report_PR_Roma_school_mediation.pdf (accessed: 2 July 2014)

FRA, Die Situation von Roma-EU- Bürgern, die sich in anderen EU-Mitgliedstaaten niederlassen. Bericht (2009) [The situation of Roma EU citizens who settle in other EU states]

FRANET National Focal Point, Social Thematic Study. The situation of Roma 2012. German Institute for Human Rights (2012)

Frankfurter Allgemeine Zeitung (online), Mehr Geld für Migranten. 04.01.2014. [More money for immigrants] Available at: <http://www.faz.net/aktuell/politik/europaeische-union/debatte-ueber-zuwanderung-mehr-geld-fuer-migranten-12737400.html> (accessed: 27 January 2014) (FAZ 2014)

Freie und Hansestadt Hamburg, Abschlussbericht der Bund-Länder Arbeitsgemeinschaft „Armutswanderung aus Osteuropa“, Hamburg, den 11. Oktober 2013 [Final report of the Federal/State working group „Poverty migration from Eastern Europe“]

Holzheider, Hans: Ausgeliefert. Süddeutsche Zeitung, 14 April 2014 (2014), p.3

Hermanin, Constanza; de Kroon, Eefje (2013), The Race Equality Directive: a Shadow Report. Lessons learnt from the Implementation in nine EU member states. Annexes I and II. Open Society Justice Initiative. Available at: <http://www.opensocietyfoundations.org/sites/default/files/Race-Equality%20Directive-Shadow-Report-20130711.pdf> (accessed: 20 Januar 2014)

Hofmann, Rainer, Practical Implementation of the Framework Convention for the Protection of National Minorities: Monitoring Reports of the Advisory Committee, in: Zentralrat Deutscher Sinti und Roma, Participation with equal rights for Sinti and Roma in Germany. Position paper on the general framework of the European Union for improving the situation of Roma in Europe (2012)

- Hummels, Ulrike: Schmerzen und nicht krankenversichert. Deutsche Welle Online, 1 January 2014 [Pain and without insurance], in: <http://www.dw.de/schmerzen-und-nicht-krankenversichert/a-17307653> (accessed at: 1 July 2014)
- Kohlberg, Britta, Strauß, Daniel u.a., Ergänzungsbericht von Vertreter/innen der Roma-Zivilgesellschaft und anderer Interessenträger und Expert/innen. Bericht der Bundesrepublik Deutschland an die Europäische Kommission zum EU-Rahmen für nationale Strategien zur Integration der Roma bis 2020, 12. März 2012 (2012) [Additional report of Roma civil society representatives and other stakeholders and experts to the report of the Federal Republic of Germany to the European Commission on the EU Framework for national policies on integration of Roma until 2020 – Integrated packages of measures for integration of Roma until 2020]
- Krause, Mareile, Pädagogik mit Roma und Sinti in Hamburg. Roma und Sinti Bildungsberater/innen in Hamburger Schulen (power point presentation) (2013) [Pedagogy with Roma and Sinti in Hamburg. Roma and Sinti educational advisors in Hamburg schools]
- Kyuchukov, Hristo, Roma School Mediators in Berlin (2012). <http://www.raa-berlin.de/Neu2011/PDFDatein/Kyuchukov,%20Roma%20School%20Mediation%20evaluation%20report.pdf> (accessed: 2 July 2014)
- Lechner, Claudia, The situation of Roma. FRANET National Focal Point. Social Thematic Study. European Forum for Migration Studies (2012)
- Ludwig, Sebastian, Überblick aufenthalts- und sozialrechtliche Situation von Roma in Deutschland. Präsentation auf der Fachtagung „Junge Roma in Deutschland“ 24. April – 25. April 2013 (2013) [Overview of the residence and social issues of Roma in Germany. Presentation at the conference “Young Roma in Germany”]
Available at: http://www.jugendsozialarbeit.de/media/raw/Sebastian_Ludwig_Ueberblick_ueber_die_aufenthaltsund_sozialrechtliche_Lage_von_Roma_in_Deutschland.pdf (accessed: 5 May 2014)
- Mirbach, Thomas; Triebel, Katrin; Farrokzad, Schachrzad, Programmevaluation „ESF-Bundesprogramm zur arbeitsmarktlichen Unterstützung für Bleibeberechtigte und Flüchtlinge mit Zugang zum Arbeitsmarkt“, 2. Förderrunde – Zwischenbilanz (2013) [Programme evaluation of “ESF Federal programme on the labour market support for people with a right to stay and for refugees with access to the labour market”, the second funding period – interim result]
- OECD: Better Life Index, Germany, Chapter Health (2014). Available at: <http://www.oecdbetterlifeindex.org/de/countries/germany-de> (accessed: 7 April 2014)
- Petric, Andrea; Servant, Irene, Sinti und Roma-Bildungsarbeit als Profession (power point presentation) [Sinti and Roma – educational work as a profession]. Available at: http://www.f-bb.de/fileadmin/Veranstaltungen/131202-03_XENOS_Verstetigung_und_Transfer_-_wie_geht_das_/Petric_Servant_Zertifizierung_Sinti_und_Roma_Bildungsarbeit.pdf (accessed: 3 July 2014)
- RAXEN National Focal Point Germany, Thematic Study Housing Conditions of Sinti and Roma. Mario Peucker with Annett Bochmann and Rachel Heidmann. European Forum for Migration Studies (efms) (2009)
- Rom e.V., Amaro Kher. Schulprojekt für Roma-Flüchtlingskinder (2013) [Amaro Kher. School project for Roma refugees' children]
- Ruiz Torres, Guillermo; Schlambach, Raphael, Report Germany, in: Ruiz Torres, Guillermo (Ed.) Roma and the Labour Markets (2004)
- Spiegel Online, Gutachten: Regierung versagt beim Schutz von Sinti und Roma, in: Der Spiegel 12.11.2012 [Report: The Government fails to protect the Sinti and Roma]. Available at: www.spiegel.de/politik/deutschland/sinti-und-roma-studie-prangert-rassismus-an-a-872375.html (accessed: 25 May 2014)
- Strauss, Daniel, Study on the current educational situation of German Sinti and Roma. Documentation and research report (2012) Available at: http://www.stiftung-evz.de/fileadmin/user_upload/EVZ_Uploads/Handlungsfelder/Handeln_fuer_Menschenrechte/Sinti_und_Roma/engl-studie.pdf (accessed: 19 June 2014)
- United Nations. Human Rights Council (2010) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Mission to Germany. Available at: <http://www.refworld.org/docid/4c036cf72.html> (accessed: 08 March 2014)
- Yin-Har Lau, Anne, Ridge, Michael, Addressing the impact of social exclusion on mental health in Gypsy, Roma, and Traveller Communities, Mental Health and Social Inclusion, Vol. 15 No. 3, 2011 (2011)
- Zentralrat Deutscher Sinti und Roma, Ergebnisse der Repräsentativumfrage des Zentralrats Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland. Heidelberg (2006) [Results of the representative survey of the Central Council of the German Sinti and Roma about the racism against Sinti and Roma in Germany]
- Zentrum für Antisemitismusforschung, Zur Lage von Kindern aus Roma-Familien in Deutschland. Im Auftrag von UNICEF (2007) [On the situation of children from Roma families in Germany]



DECADE OF
ROMA
INCLUSION
2005-2015

ANNEX: Interview Partners

Deutscher Städtetag	Uda Bastians, policy officer	21-01-2014
Anti-Diskriminierungsstelle des Bundes (Anti-Discrimination Office of the German Government)	Sera Choi, policy officer	12-12-2013
Büro zur Umsetzung des Gleichbehandlungsgesetzes (Office for the Implementation of the Equal Treatment Law)	Vera Egenberger, director	09-12-2013
Expert on antigypsyism	Markus End	31-01-2014
Berlin government, department for integration	Robin Schneider, programme coordinator	11-01-2014
Munich administration, Office for Housing and Migration	Surya Diwald, coordinator network for Sinti and Roma	30-01-2014
Madhouse München	Alexander Diepold	28-01-2014
Diakonie Hasenberg e.V. – Junge Arbeit/Drom Sinti und Roma	Johanna Hein, project coordinator	04-12-2013
Roma Förderverein, Frankfurt am Main	Joachim Brenner, director	24-01-2014
Land Hessen, State Department	Herr Schmelz, Policy Officer State Department Hessen, Cultural Affairs, Science and Art	24-01-2014
Land Hessen, Ministry for Social Affairs	Agnes Bucaille-Euler, Land Hessen, Ministry for Social Affairs, department for social affairs, unit for displaced persons, refugees and ethnic German immigrants (Spätaussiedler)	17-01-2014
Anti-Discrimination Network Hessen	Philip Nogueira, director	20-01-2014
Ministry for Employment, Integration and Social Affairs North Rhine Westphalia	Anja Kraska, head of office "Societal Participation of Migrants"	29-01-2014
Landesverband der Sinti und Roma in Nordrhein-Westfalen	Roman Franz, 1 st chairman	29-01-2014
Integrationszentrum Duisburg	Elisabeth Pater, director	28-01-2014
Lawyer's office Hochfeld	Wolfgang Schwab, lawyer	30-01-2014
Landesverband der Sinti und Roma in Niedersachsen	Channy Rosenbach, chairman	16-01-2014
Beratungsstelle für Sinti und Roma in Niedersachsen	Boris Erchenbrecher	16-01-2014
Ministry for Social Affairs, Women, Family, Health and Integration of Lower Saxony	Herbert Jelit, Jens Jeitner (Integration and Participation), Dr Ilse Bramsche, Christian Amborst (Social Affairs)	16-1-2014
Bildungsgenossenschaft Südniedersachsen	Ortrud Krikau, project responsible <i>Fairbleib</i> (Fair stay)	15-01-2014
Roma Center Göttingen (Lower Saxony)	Kenan Emini, chairman	15-01-2014
Bildungsverein der Roma zu Hamburg; Roma und Cinti Union	Marko Knudsen, director	29-11-2013
Landesverband der Sinti in Hamburg	Inge Weiß, director Cornelia Kerth, programme coordinator	29-11-2013
Karola e.V., Hamburg	Regina Bakar, programme coordinator	30-11-2013

Integrationsagentur Gesundheit Köln	Kora Kaminski, social worker	18-04-2014
Rom e.V. Köln	Kurt Holl, board member	14-05-2014
Dokumentations- und Kulturzentrum Deutscher Sinti und Roma	Oliver von Mengersen, department education	17-05-2014
Freudenberg Stiftung	Christoph Leucht, consultant	10-05-2014
Universität zu Köln	Dr. Elisabeth Jonuz, lecturer	14-05-2014
Landesverband deutscher Sinti und Roma in Rheinland- Pfalz	Jaques Delfeld, chairman	09-02-2014
Bundesland Rheinland Pfalz	Kurt Beck, Ministerpräsident a.D.	16-04-2014
Ministerium für Soziales, Gesundheit und Familie	Sevim Tasciu, Stabsstelle Integration,	05-02-2014
Arbeitsgemeinschaft der Beiräte für Migration und Integration in Rheinland Pfalz	Nurhayat Canpolat, Geschäftsführerin	25-01-2014
Stadt Völklingen	Wolfgang Bintz, Bürgermeister	19-03-2014
UNICEF – Department Communication and Children Rights	Lena Ditz	29-01-2014
Programm Toleranz Fördern – Kompetenz Stärken	Tomas Schüller	03-02-2014
Arbeitsgemeinschaft der Ausländer-, Migranten- und Integrationsbeiräte Bayerns – AGABY –		27-01-2014
Stiftung „Erinnerung, Verantwortung und Zukunft“	Wanja Hargens	20-03-2014

This report was prepared by a civil society coalition comprising the following organizations: *Amaro Drom* (lead organization), *Amaro Foro*, *Roma Büro Freiburg* and *Sozialfabrik* Research Centre. The lead researcher of the coalition is Guillermo Ruiz Torres (*Sozialfabrik*) and the project manager is Emran Elmazi (*Amaro Drom*).

The authors of the report are: Guillermo Ruiz Torres (*Sozialfabrik*/Freie Universität Berlin), Anna Striethorst (*Sozialfabrik*/Freie Universität Berlin), and Dirk Gebhardt (*Sozialfabrik*/GRITIM-Universität Pompeu Fabra, Barcelona). The following researchers contributed to the report: Diana Botescu, Emran Elmazi, Merdjan Jakupov, Mirja Leibnitz, and Jonathan Mack. The editors of the report are: Guillermo Ruiz Torres and Emran Elmazi.

The following organizations have been involved in advising on the report: the Decade of Roma Inclusion Secretariat Foundation, the Central European University's Department of Public Policy, the European Roma Rights Centre, Habitat for Humanity, the Roma Education Fund, and from the Open Society Foundations: Making the Most of EU Funds for Roma program and the Roma Health Project.

In 2013–2014, the Decade Secretariat has supported reports from civil society coalitions in eight countries: Bosnia-Herzegovina, Croatia, France, Germany, Italy, Montenegro, Serbia, and the United Kingdom. In the pilot year of 2012, reports from the following countries were supported: Albania, Bulgaria, Czech Republic, Hungary, Macedonia, Romania, Slovakia, and Spain.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program. Funding for the project comes from the OSF Roma Initiatives Office.^a



Decade of Roma Inclusion Secretariat Foundation

Teréz körút 46.

1066 Budapest, Hungary

www.romadecade.org