

## VULNERABILITY DIMENSIONS OF THE ROMA PEOPLE AT THE EUROPEAN LEVEL - SOCIAL INCLUSION PERSPECTIVE CAPABILITIES

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### ABSTRACT:

*AT EUROPEAN LEVEL THERE IS A TENDENCY TO MANAGE THE DIFFERENT ASPECTS OF THE ROMA MINORITY COMPLEXITY, CONTEXT WHICH IS AMPLIFIED BY THE MIGRATION PHENOMENON. IN THIS ARTICLE ARE EXPOSED THE DIMENSIONS OF VULNERABILITY OF ROMA FROM A PERSPECTIVE THAT IS ORIENTED TO RECOGNIZE THE NEED FOR IMPLEMENTING THE NEW COORDINATED EUROPEAN ROMA SOCIAL INCLUSION FRAMEWORK. IN THIS RESPECT, THE CHALLENGE FOR MEMBER STATES IS NOT ONLY TO FORMULATE AND MONITOR EFFECTIVE AND COHERENT ROMA POLICIES, AND APPROPRIATE MEASURES TAKEN, BUT TO PROPOSE A SOLID CONSTRUCTION AND DURABLE CAPABILITIES OF SOCIAL INCLUSION OF THE ROMA MINORITY IN THE MEMBER STATES OF THE EUROPEAN UNION. THUS, IT IS PROPOSED TO RETHINK THE CONCEPT OF SUITABLE DIMENSIONS OF CAPABILITIES OF ROMA SOCIAL INCLUSION THROUGH AN ANALYSIS OF THE ACHIEVEMENTS AND IMPACT OF PUBLIC POLICIES ADOPTED IN THIS REGARD AND BY REPOSITIONING THE MAIN ASPECTS OF ACTIVE INTEGRATION OF THE ROMA IN EUROPE.*

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**KEY WORDS:** CAPABILITY APPROACH, SOCIAL INCLUSION, ROMA MINORITY, EUROPEAN UNION

### INTRODUCTION

Within the complex background of the XXI Century, the freedom of movement of the individuals represents a general accepted condition and the specialty literature comes up with diverse theoretical approaches which respond to the challenges of the migration. In this context, the European legislation tries to adapt in order to respond to these challenges, although in the specialty literature, “the dominant paradigm places the migration as a tool of the economic growth, of the poverty minimization and the human multidimensional development. Due to the diversity of the issued situations, it is more difficult to configure a generally accepted framework. In reality, the complexity of the problems that the contemporary world deals that asks for solving these problems in such manner that would respond to the expectations of the beneficiaries. A problem generates a solution which also generates another problem which represents a different issue, with

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specific effects for different actors. The democracy brings, sustains and amplifies this process, within its own complexity. *In this frame with multiple challenges, the complexity of the vulnerabilities and the social inclusion of the Roma people in the EU represent a reality that needs integrative and durable approaches. Also, in the context of Roma people migration at the European level, it is important to accept the fact that “the migration cannot be entirely controlled and the zero migration, within the Roma population is not a desirable and feasible desideratum in the member states of the European Union”<sup>2</sup>.* The ambivalent picture of the world, which is generated by the migration and the intangibility of the human rights represent two components that must find a harmonious solution without affecting their core principles.

## 1. ROMA POPULATION AND THE CONCEIVING OF THE SOCIAL INCLUSION CAPABILITIES

As much as the democracy develops in nation states, the importance of rights dilutes, these rights being an integrated part of the society, without being represented under the explicit form. Thus they become an integrated part of the societies that generates a normality condition, which is generally accepted by the whole nation, thus avoiding the contradictions, as they are presented in the specialty literature. “It is stated in all the official documents that the national minorities sustain the fact that their rights are mentioned only on paper”<sup>3</sup>.

The discrepancy and the social inequities represent intensely debated topics in the contemporary literature. The situation gets more complicated when the researches achieved for a minority group, where different actors need another set of policies, lead by the idea that separated actions contribute to the changing of the de facto situation of the vulnerable groups. The action can be accepted until a certain stage because another set of values that also need another type of approach, complicate the image and the action frame, generates confusion in applying the unitary public policies that do not cover the perspective of the human development, an essential condition in order to ensure the viability of these actions and the development of the entire society<sup>4</sup>.

We actually face the same problems that are presented from different perspectives. As it is presented in the literature of the last 20 years, after applying some affirmative actions for the Roma minority, there is a sporadic progress<sup>5</sup>, and the identified examples of a good practice are covered by the reality discrepancies. The data presented below show that the condition of the Roma people has not changed, even they expressed their right to a free movement and certain indicators are still active in relation to poverty.

The major themes, such as education, work and health stay static in the European and national statistics and they suggest that the past actions did not get a positive response in changing the real situation; moreover, the conclusions of the international debates relate to the change of

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<sup>2</sup> Claudia Anamaria Iov, „Identity And Security In The European Union: New Trends And Challenge”, in Iulian Boldea (Coord.) *Identities in Metamorphosis. Literature, Discourse and Multicultural Dialogue*, (Tîrgu-Mureș, Arhipelag XXI Press, 2014), 70.

<sup>3</sup> Adrian Liviu Ivan, Anamaria Claudia Iov, (Oct. 2013), „Minority Issues at the End of the 20th Century and the Beginning of the 21th Century. Case Study: The Hungarian Minority from Romania”, în *Procedia-Social and Behavioral Sciences*, Vol. 92, , Elsevier, 426-431.

<sup>4</sup> Kerry Preibisch, Warren Dodd & Yvonne Su, (2016), „Pursuing the capabilities approach within the migration–development nexus”, in *Journal of Ethnic and Migration Studies*, 42(13), 2111-2127

<sup>5</sup> Zeljko Jovanovic, (2015), „Why Europe’s “Roma Decade” Didn’t Lead to Inclusion”, Budapest, online article available on <https://www.opensocietyfoundations.org/voices/why-europe-s-roma-decade-didn-t-lead-inclusion>, accessed in 12.12.2016.

generations in order to identify palpable aspects. The Complexity of the terms that have not entered yet the language and the current practice of the actors generate a state of confusion. Discrimination is not the same to poverty, but for sure the condition of poverty comes together with the discrimination. The integration of all aspects under the concept of discrimination enlarges the respective gap.

When using the concept of poverty, it is relevant to be approached from the income point of view, which are a precondition in order to achieve certain rights, not in relation to the total negation of the human rights, which, naturally leads to the simple conclusion that indicates the fact that the approach of the past action does not achieve any more the desired academic Romanian environment and this is the theory of capabilities. Moreover, the present study introduces new analysis concepts regarding the situation of the Roma minority, in the context of the exercising the right of movement of the people, as it is defined by Amartya Sen *“the structure and the agency of the human being – empowered by the assumption that “what may be obtained positively by the human individual is influenced by economic opportunities, political liberties, social power, access to health conditions, encouraging and stimulating the initiatives”<sup>6</sup>”*.

The fact that the compliance of the human rights has transformed in an intangible process for those who lack the adequate knowledge cannot stay as a simple consequence just at governments wills. The social actions and responses that were offered may constitute a consequence of the existence and the legitimation of these governments, mentioning that *“when referring to Roma minority we must talk about the economic cost of their social exclusion. The long tradition of discrimination, indignity and obloquy associated with the Roma population can be noticed in economic losses, millions of euro annually, in low productivity and diminished fiscal contributions”<sup>7</sup>*.

*The theoretical analysis frame* is fundamental according to the theory offered by Amartya Kumar Sen, born in 1933, in West Bengal; he is an Indian economist, a Nobel Prize winner for Economy<sup>8</sup> in 1998 and professor of economic science at Harvard University<sup>9</sup>. Thus, professor Sen understands by *“capabilities” the core functions that allow people to exist/function*. I will use the idiom „capability approach” under the form of the capability theory offered by Amartya Sen, and extended by the philosopher Martha Nussbaum who introduces for the first time in the research the concept of capability, in 1979 publishing the research *“Tanner Lectures on Equality of What?”<sup>10</sup>*. Offering the concept of *capability approach* Sen emphasizes in his work certain theoretical connections offered by Aristotle regarding the human development, which constitutes the initial fundament of the capabilities theory. He also uses the ideas of philosophers Adam Schmitt and Marx regarding the importance of functioning and the capacity for the human beings

<sup>6</sup> Sen Amartya, *Development as Freedom*, (New York, Anchor Book Publishe, 2000), 4.

<sup>7</sup> Claudia Anamaria Iov, (2011), „The Roma minority-the prospects and limits of EU’S Social Policy, what could or should the EU be doing” in M. Brie, I. Horga, S. Sipos (coord), *Ethnicity, Confession and Intercultural dialogue at the European Union eastern border*, Oradea: Oradea University Publisher,

<sup>8</sup>Official site of Nobel Prize, section Amartya Sen: [https://www.nobelprize.org/nobel\\_prizes/economicsciences/laureates/1998/sen-prize-present.html](https://www.nobelprize.org/nobel_prizes/economicsciences/laureates/1998/sen-prize-present.html), accessed in 11.06.2016.

<sup>9</sup>Amartya Sen, Economic Department presentation page Harvard University: <http://scholar.harvard.edu/sen>, accessed in 06.11.2016.

<sup>10</sup> Sen Amartya, (1979) *Equality of What- The Taner Lectures of Human Values*, Stanford Univeristy, , [http://tannerlectures.utah.edu/\\_documents/a-to-z/s/sen80.pdf](http://tannerlectures.utah.edu/_documents/a-to-z/s/sen80.pdf), accessed in 07.17. 2016.

welfare within the society. Sen's contribution is also recognized in "The Index of Human Development"<sup>11</sup>, achieved by the Program for Development of the United Nation in 1990.

According to Sen's view, the definition of the capabilities is a process of the extension of the real liberties that people enjoy; instead Nabbusman refers to those capabilities that man may use in order to entirely express the human powers as a continuous development trough all the existence.

„ Capability approach” is a large normative frame for the social welfare and for the individual arrangements, to contribute to the design and the conception of the policies, offers regarding the social changes from the society<sup>12</sup>. When using this approach it is important to mention the analysis chart of the capabilities offered by Martha Nussbaum in the work "Woman and Human Development: Capabilities Perspective"<sup>13</sup>.

**Chart 1 Analysis of capabilities**

No	Capability	Capability description
1.	Life	Capable to live until the end of a normal life; not to prematurely die or before someone's life to be so critically reduced so that he/she no longer deserves to live. <sup>[1]</sup>
2.	Body health	Capable to have a good body health, including the health of reproduction; to be fed accordingly, to detain an adequate shelter.
3.	Body integrity	To move freely from place to place; to be protected against violent attacks, including sexual violence and domestic violence; and in order to choose regarding the reproduction.
4.	Senses, imagination and thinking	To use his/her own senses in an adequate manner and to be informed through a quality education. The capability to produce auto-expressive work and to involve in religious rituals, without fearing the political implications. The capability to experience pleasant events and to avoid useless pain. Meaning, the capability to search for the meaning of life.
5.	Emotions	Capable to be emotionally attached to things and people; thus including the capability to love other people and to suffer the loss of the beloved ones and to be upset when this is justified.
6.	Practical motivation	Capability to have a clear conception upon good and wrong to reflect critically;
7.	Affiliation	a) Capable to live and to show concern in other people, to show empathy and compassion, to take decisions regarding justice and friendship. b) Capable to have self-esteem and to be humiliated by others, to be treated with dignity and equal value. Protection against discrimination according to race, sex, sexuality, religion, caste, ethnicity and nationality to lead to reciprocal recognition of equal relationships between people.
8.	Other species	Ability to take care and live with other animals, plants and environment, generally.
9.	Game	Ability to laugh, play and enjoy entertaining activities.

<sup>11</sup> Human Development Index, <http://hdr.undp.org/en/content/human-development-index-hdi>, accessed in 07.18.2016.

<sup>12</sup>Ingrid Robeyns, (2003) *The Capability Approach: An Interdisciplinary Introduction*, University of Amsterdam, Department of Political Science and Amsterdam School of Social Sciences Research Amsterdam, Netherlands, Decembrie.

<sup>13</sup>Martha. C Nussbaum, (2001), *Women and Human Development. The capability Approach*, Cambrige University Press, available at [https://genderbudgeting.files.wordpress.com/2012/12/nussbaum\\_women\\_capabilityapproach2000.pdf](https://genderbudgeting.files.wordpress.com/2012/12/nussbaum_women_capabilityapproach2000.pdf), accessed in 06.17.2016.

10.	Control over the environment	<p>a) Politically – Ability of effectively take part in political life, having the right to a free expression and association.</p> <p>b) Materially – Ability of detaining a property, materially speaking (meaning as a real opportunity). The capability to search for jobs in equal conditions as other people.</p>
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Source: Martha Nussbaum, *Woman and Human Development: Capabilities Perspectives*

In order to better understand the phenomenon, I consequently present a set of indicators, as they are stipulated in the European statistics. Although in Romania the integration of Roma people is a developed one that may generate certain applicability in comparison to other European countries, the statistics do not offer another picture. Within the following analysis, the country indicators show the Roma people situation, without presenting the causes. The majority of the European and international reports presents under a statistic form the situation of Roma minority, without presenting the real causes<sup>14</sup>. Another aspect<sup>15</sup> that comes out from these reports is the fact that the offered statistics are achieved in comparison to other countries and developing regions, a fact that does not help in an adequate analysis and in the statement of a coherent public policy, because the situation of Roma people differs from one country to another according to the economic, political and cultural context. Different problems, different contexts. Although from the statistic point of view the data may be considered useful, they cannot constitute a solid fundament for the elaboration of the public policies that would ensure a minimum of rights so that Roma people take advantage of a dignified life. Sen and Martha Nussbaum offer through their discussion regarding the 10 rights, a minimum that would be integrated within the social policies and practices, in order to get a decent life.

*Ensuring the existent integration frame at the level of the nation states ensures the rights, but not their extension, as it is described by Sen and Martha Nussbaum.* From another perspective, the concept of “capability approach” is used in the sense of denominating the ability of the individuals to get better results for them and their families. Initially, the concept was used in order to analyze the standard of living of the communities. Nussbaum extended the concept of “capability approach” from the level of communities to that of the personal level, thus succeeding to shape a qualitative analysis of the factors that directly determines a dignified way of living for every individual.

## 2. ROMA PEOPLE SITUATION FROM THE PERSPECTIVES OF THE INDICATORS BETWEEN REALITY AND THE EXTENSION OF THE CAPABILITY

Following Roma people situation, at the European level, in April 2011, the European Union Council adopted a « EU Frame for national strategies of Roma people integration<sup>16</sup>», fundamental according to the following principle and legislative arguments:

- *The European Union bases upon the values of the observance of human dignity, democracy, equality, state law and observance of human rights, including rights of individuals that belong to certain minorities, as it results from article 2 from the Treat regarding the European Union and, especially, from Article 21 from the Chart of fundamental rights of the European Union;*

<sup>14</sup> Personal observation .

<sup>15</sup> Personal observation.

<sup>16</sup>EU framework for national strategies for Roma integration, available on <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010658%202011%20INIT>, accesat la data de 11.07.2016.

- *The fact that the fight against the social exclusion, discrimination and inequity is an explicit engagement of the European Union, as it is mentioned, among others, in article 3 from the Treat regarding the European Union, as well as articles 9 and 10 from the Treat regarding the functioning of the European Union;*

This frame practically invites the member states of the European Union to take actions in four main domains: education, employment, health services and housing. In this regard, the member states elaborated National Strategies regarding the Roma people integration and they adopted sets of integrated actions based upon these programmatic documents.

The most recent report<sup>17</sup> of the Agency for Fundamental Rights of the European Union “Second European Union Minorities and Discrimination Survey Roma – Selected findings (EU-MIDIS) – achieved in 9 member states of the European Union emphasizes the fact that the situation of Roma people at the European level is:

- EU-MIDIS II shows that 80% of Roma people continue to live under the risk level of poverty from their country, one of three Roma people lives in houses without tap water and one of ten in houses without electric energy.

### **2.1. the occupancy or participation on the work market domain**

EU-MIDIS II has found out that only one of four Roma people with the age of 16 (or older) is employed or works as a freelancer (at the moment of the survey). In case of Roma women the rate of occupancy is much lower than that of the men - 16% in comparison to 34% and the wages for Roma people, aged 20 to 64 years represent 30% of the general average of the wages income, a lot more below the EU average - 70% in 2015.

The situation of young people is substantially worrisome: as an average, 63% from the Roma people aged 16 to 24 years are employed, they are not registered in educational professional training programs at the moment of the survey, in comparison to 12%, the EU average regarding the NEET rate for the same group of age. For this age group, the results also show that there is a considerable difference between men and women – 72% of the young Roma women are not employed (nor education neither professional training) in comparison to 55% of young Roma men.

### **2.2. Increasing the awareness of rights and reporting the discrimination**

UE MIDIS II has found out that Roma people continue to confront intolerable levels of discrimination in everyday life – whether looking for a job, at their work place, in education, medical assistance or whenever they make contact with the administrative entities or when they enter a store. Almost one of two Roma people (41%) felt discriminated because of their ethnic origin at least once in one of these domains of the every day life, during the past five years.

One of four Roma people (26%) indicates the fact that the last discrimination incident took place during the past 12 months previous to the present survey. The biggest predominance of the discrimination during the past 12 months was found out when public or private services were used (19%) or when jobs were looked for (16%). However, on the average, only 12% of Roma people report their discrimination experiences to any authority. More than that, almost a third of (27%) the interviewed Roma people does not know any law that forbids the discrimination according to

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<sup>17</sup> *Second European Union Minorities and Discrimination Survey Roma – Selected findings*, available on [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-eu-minorities-survey-roma-selected-findings\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf), accessed in 12.12.2016.

ethnic origin and most of them (82%) do not know any organization that offers help for the discrimination victims.

The pilot survey<sup>18</sup> which was accomplished by FRA regarding Roma people, includes data from Bulgaria, Czech Republic, France, Greece, Italy, Poland, Portugal, Romania, Slovakia, Spain and Hungary.

### **2.3. The poverty of Roma people**

- *On the average, approximately 90% of Roma people included in the survey live in families where the medium income per family member is situated under the national limits of poverty.*
- *On the average, approximately 40% of Roma people live in families where at least one of the family members was forced to go to sleep hungry at least once, during the previous month of the survey, because they couldn't buy any food.*

### **2.4. Discrimination and rights awareness**

- Approximately half of Roma people included in the survey declared that they confronted discrimination during the past 12 months, because of their ethnic origin;
- Approximately 40% of Roma people included in the survey know that there are laws that forbid discrimination of people belonging to certain ethnic group when they look for jobs.

### **2.5. Discrimination control**

The main argument of the assessment report refers to indiscrimination, as being one of the core principles of the European Union, but also to the fact those 13 years after the approval of the emblematic directive regarding the fight against the discrimination (2000), the Roma people discrimination is still widely spread. The situation of *"Roma women is often worse than that of Roma men, because they tend to confront the multiple discrimination. The situation of the Roma children<sup>19</sup> often indicates additional problems,* aspects which were signaled by the following reports<sup>20</sup>: "Report of the Commission for the European Parliament" and "The Common Report of the Council regarding the application of the equality principle when treating individuals, without any difference according to race or ethnic origin ("The Directive regarding the race equality"), as well as the Directive 2000/78/CE since November 27<sup>th</sup> 2000, to create a general frame in favor of equality treatment in work market occupancy (The Directive regarding the equality of work market occupancy). The European Parliament, through its resolution<sup>22</sup>, actually recognizes the difficult

<sup>18</sup> *Roma situation in 11 states membres. FRA Report – Agenția pentru Drepturi Fundamentale a Uniunii Europene,* available on [https://fra.europa.eu/sites/default/files/fra\\_uploads/2109-FRA-Factsheet\\_ROMA-RO.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/2109-FRA-Factsheet_ROMA-RO.pdf), accessed in 11.11.2016.

<sup>19</sup> *Investing in children Commission Communication: breaking the cycle of disadvantage. C(2013)778 of 20 February 2013 provides policy guidance to help the EU and Member States focus on successful social investment towards children,* available on [http://ec.europa.eu/justice/fundamental-rights/files/c\\_2013\\_778\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf), accessed in 07.11.2016.

<sup>20</sup> *Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'),* available on [http://ec.europa.eu/justice/discrimination/files/com\\_2014\\_2\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/com_2014_2_en.pdf), accessed in 25.10.2016.

situation of Roma women, meaning an efficient administration of the human resources involved in the social inclusion needs innovative and structured approaches<sup>23</sup>.

At the European level, there is a well fundament frame which takes shape that emphasizes the effort of the involved actors in managing the problems. It is very simple to declare that there is certain discrimination at the level of Roma communities, but the consciousness of the problems does not also mean the solving of the respective problems.

## **2.6. Occupancy of work market**

On the average, it is reported that less than one of three Roma people is not employed and paid; one of three respondents declared that they were unemployed; others declared that they were household, pensioners, that they were unable to work or that they were freelancers.

The Commission admits within the progress report the fact that “although there are certain promising initiatives in the member states, *the expected impact has not been achieved yet*, a visible improvement in educational participation that would lead to the success of the employment perspectives for Roma people, as it is mentioned within the FRA report<sup>22</sup>, “Poverty and Employment: The situation of Roma in 11 EU Member States, Roma Survey – Data in Focus”.

## **2.7. Health facts**

Just a few member states provided information that would allow the comparison of Roma people health with the general population. Although there are in National Strategies certain directives that could monitor the health of Roma people. Regarding the data from the medical system, the report emphasizes that “59% of Roma women from Bulgaria, 47% from Romania and 38% from Greece, have declared that they did not have any medical insurance, in comparison to 22% of non-Roma women from Bulgaria and Romania and 7% of non-Roma women from Greece, a conclusion which was emphasized by the report<sup>22</sup> “FRA Analyses – The result of Roma survey according to sex”, in June 27<sup>th</sup> 2013.

The report<sup>22</sup> of the World Bank “Diagnosis and Consultancy Survey for supporting the Inclusion Policies of Romania Roma people”, accomplished in 2013, shows that the assessment was achieved according to three main sources of information. First, the survey capitalizes the data of the Regional Investigation regarding the Roma population (ARR) of PNUD/ World Bank/CE in 2011, considered as being the most comprehensive and which describes best the situation of Roma population across Central and Eastern Europe. The report emphasizes the fact that the durable character of the Romanian economy and the long term viability of the social protection system of the country crucially depend on the success of Roma people inclusion. It is the first report that approaches the economic perspective as a benefice of Roma people inclusion. In conclusion, the report introduces a new dimension to encourage the inclusion of Roma people.

The report emphasizes the vulnerable situation of Roma minority<sup>22</sup>: “the majority of Romanian Roma individuals and from other Eastern European countries continues to live in poverty, more than their neighbors from the communities” because the poverty rate is 84%, “almost 3 times bigger than their neighbors non-Roma people”. “The results in what concerns the education of Roma people are considerably lower than those who are non-Roma individuals: only 10% of Roma (aged between 25 to 64 years) graduated a secondary school, contrasting the 58% of non-Roma population that live nearby.

The difference regarding the education starts earlier: only 32% of Roma children (aged 3 to 6 years) frequently go to a preschooler institution or to a kindergarten, in comparison to 77% of



their non-Roma neighbors. There is a significant larger number of Roma individuals that live in peripheral neighborhoods and in overcrowded houses, in comparison to non-Roma individuals, and as a consequence, their medical condition is significantly more precarious than that of the non-Roma population”.

The rate of occupancy of the work market continues to stay below that of the majority population, a context that makes more difficult to achieve the main objective of EU of the 2020 strategy, according to which 75% of the population aged 20 to 64 years to have a job (Romania – 70%). Although in 2011, 66% of men and 53% of women aged 15 to 64 years from the majority population was employed; only 42% Roma men and 19% Roma women had a job - including undeclared working contracts.

The report<sup>21</sup> “Report on the implementation of the EU Framework for National Roma Integration Strategies”, in 2014, drafted 3 years after adopting the National Strategies for Integration, emphasizes the following aspects:

- „The persistence of Roma children segregation in schools or special classes”
- „The minimization of the number of Roma individuals who temporarily abandon school also needs additional efforts, including curricular and extracurricular activities – and a close cooperation with their families. The segregation of mass education – Roma children that go to special schools just for Roma: CZ – 23%, SK – 20%, FR – 18%, BG – 18% etc., a conclusion which is mentioned in the fundament of the report<sup>23</sup>”.

One of three Roma respondents, aged 35 to 54 years reports health problems that limit their daily activities, on an average, approximately 20% of Roma respondents do not have a medical insurance or they do not know if they can benefit or not of an insurance.

## 2.8. Houses facts

On an average, Roma houses – included in the survey – in a single room there are more than two persons living in, approximately 45% of Roma people live in houses that lack at least two of the following main utilities, such as interior kitchen, interior toilet, interior shower or bath and electric energy.

According to the report which was achieved by FRA, the Commission considers that living represents the poorest link and there are directives within the national strategies that would allow to the member states to analyze the situation of /Roma population within the respective domain. The fact that there is a lack of progress is due to the so called grey zones regarding the property rights over houses, an argument that is sustained according to the decisions of the European Court of Human Rights. The FRA survey “the situation of Roma population in 15 member states and Croatia” shows that “42% of Roma individuals declared that they do not even have tap water or electric energy in their houses”.

A relevant analysis domain should include the recorded progress regarding the application of certain good practices for new social inclusion methods for Roma people, especially regarding the social economy that recorded significant progress in European Union<sup>23</sup>. In this regard, it may be considered that the increasing of the capabilities is ensured through inadequate identification of positive practices within the social economy domain which has developed due to European and international programs<sup>24</sup>, as well as through following certain specific methodologies for selecting

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<sup>21</sup> Report on the implementation of the EU Framework for National Roma Integration Strategies in 2014, available on [http://ec.europa.eu/justice/discrimination/files/roma\\_implementation\\_strategies2014\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_implementation_strategies2014_en.pdf), accessed in 12.09.2016.

the good practices in the social inclusion for Roma people, through specific activities of social economy<sup>23</sup>.

### 3. CONCLUSIONS

The fact Roma people exercised their right to free movement at the European level made that they involuntarily contribute to the extension of their own liberties, but also to the deepening of certain vulnerabilities of this minority within the member states of the European Union. From the Romanian perspective, the problem of Romanian migrants within the European Union space deepens and during the past decades, after 1990, new communities of Romanians took shape outside the borders of the country<sup>23</sup>, a tendency which also includes the problem of Roma minority.

Even if the European construction fundamentals on the application of certain common principles, we can easily identify within the activity of the member states an active management system of risks that is present within the governing actions, mostly and many times deformed and in contradiction to these principles and values. There are in certain member states modifications of legislation, as a direct effect of Roma migration, meant to restrict their access to different rights, as such free movement – an approach that has specific limitations from one country to another. Another important aspect of the implementation of these respective concepts nowadays is actually constituted by the history of the respective countries, regarding their perspective of approach in the past. For example, the largest number of violations of the European legislation has been identified in France regarding Roma minority, influenced by the collective mental related to minorities, but also by the position of the state to modify its own policies regarding the migration.

A special concern is resented by the states that are more developed from the economic point of view, in comparison to other states that are less developed, which leads to certain actions, such as the expulsion of Roma individuals from France or Great Britain. The incapability of these states to manage correctly the fluxes of migrants on their territories diverts from the lack of a common frame of application of a unitary political decision regarding the adaptation to the internal legislation. The member states, even if they are not aware of their demographic decline, they prefer to make a selection of the migrants, who would be included into their national system, an action which is not in compliance with the human rights and with the EU legislation. The selection of the individuals contravenes the good practices of human rights. Also, they affect the concept of free movement that was conceived in order to observe the European construction and these human rights. They prefer to build up around the migration of Roma people diverse theses that would affect the political dialogue and the construction of public policies that would respond to the necessities of the individuals. It is to be mentioned that these actions have intensified according to different factors and different periods of time, but they were mostly affected by the global economic crisis and the elective cycles of different countries, but also by the European elections, according to the political concerns or systems that operates in the respective countries.

The perspective of the social inclusion difficulties for Roma people can offer valuable inputs in order to understand the fundamentals of the migration.

“Roma people are among the last groups from Europe that have the capability to discover the potential and the power of the ethnic nationalism and to fight for their own political space. Due to the fact Roma community is fragmented and scattered in many countries and because its members have different and contradictory opinions, the community itself confronts another big challenge in defining its own political space and to fight for a political status at the national and the international level<sup>23</sup>. Another problem that comes out the specialty literature, provided by the

European Commission is the fact that the control measures at the frontiers cannot constitute a viable solution.

*”The largest number of assessments of the European Union, the policy within the domain of the external migration certifies that it is dominated by migration control actions, but it over evaluates its potential to be applied, because these actions do not take into consideration the limited influence of the European Union in the states non-members”<sup>23</sup>.*

The reconsideration of the concept of an adequate sizing of social inclusion capabilities for Roma people at the level of states members of the European Union presumes a detailed analysis of the results and the impact of the public policies which were adopted in this regard, as well as a reposition of the main aspect of the active integration of this European minority.

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