



Civil society monitoring report  
on implementation  
of the national Roma integration strategy  
in Germany

*Assessing the progress  
in four key policy areas  
of the strategy*

**Prepared by:**

Sozialfabrik / Research and Policy Analysis  
Central Council of German Sinti and Roma  
Documentation and Cultural Centre of German Sinti and Roma  
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The report has been edited by Guillermo Ruiz Torres (*Sozialfabrik*) who has also developed the chapters on education and employment and supervised the whole drafting process. Jonathan Mack (Central Council) has followed closely the drafting process. Dirk Gebhardt (*Sozialfabrik*) has written the subchapter on housing and Mirja Leibnitz (*Sozialfabrik*) on health.

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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.



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## LIST OF ABBREVIATIONS

ADS	Federal Anti-Discrimination Agency
AGG	General Equal Treatment Act
BAMF	Federal Office for Migration and Refugees
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
CDU	Christian Democratic Union of Germany
CSO	Civil Society Organisation
CSU	Christian Social Union in Bavaria
ECJ	European Court of Justice
ERDF	European Regional Development Fund
ESF	European Social Fund
EVZ	Remembrance, Responsibility and Future Foundation
FACE	Federal Agency for Civic Education
FEAD	Fund for European Aid to the Most Deprived
LZBP	State Centre for Civic Education
MEP	Member of European Parliament
MP	Member of Parliament
NAP	National Action Plan on Combatting Racism
NRCP	National Roma Contact Point
NRIS	National Roma Integration Strategy
SPD	Social Democratic Party of Germany
StGB	Penal Code



## EXECUTIVE SUMMARY

### Employment

Since there is no data collection on ethnic grounds in Germany, there is no official information on employment among Sinti and Roma. According to information provided by Sinti and Roma organisations and experts, the proportion of unemployment and irregular employment among Sinti and Roma is very high. The problems which a large part of Sinti and Roma face by accessing labour markets are related to the discrimination they face and to their low levels of education, which roots also in structural and direct discrimination.

One of the main problems faced by disadvantaged young Sinti and Roma for accessing to the labour market is that a large part of them do not have a school leaving certificate. In the case of foreign Roma, low levels of the German language represent an additional obstacle. Labour market integration courses offered by state employment offices often do not meet the needs of disadvantaged, very low-skilled Romani migrants.

The Ministry for Employment and Social Affairs does not have large programmes targeting Sinti and Roma in particular. The Ministry stresses that the mainstream programmes are available to all Sinti and Roma groups.

Discrimination remains the main problem in Sinti's and Roma's access the labour market or while offering services as self-employed people. Because of their disadvantaged situation, a high number of people coming from Eastern Europe, especially from Romania and Bulgaria, many of them Roma, are victims of exploitation or even human trafficking in the labour markets. 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. They 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.

### Housing and essential public services

Due to a lack of data and as many Sinti and Roma deliberately not identifying as members of the minority, it is difficult to provide a full picture on the housing situation of Sinti and Roma. It is, however, safe to say that rent increases of over 40 per cent over the last five years in many metropolitan areas, and social housing stocks having halved in the last two decades have certainly also negatively impacted the access to housing of Sinti and Roma. Few new housing projects for German Sinti and Roma in recent years that mirror a specific local commitment towards the minority remain isolated cases that cannot change the housing situation of Sinti and Roma more widely.

Roma from Bulgaria and Romania are certainly facing the greatest disadvantages in the area of housing. Their precarious position on the labour market and unsecure status, and discrimination that sometimes is based on presumed ethnicity or country of origin lead to this group often falling victim to housing exploitation and unsafe housing conditions ("junk real estate"), being overrepresented among the growing number of people sleeping rough in German cities and being the typical dwellers of the many improvised barrack and tent settlements that have mushroomed and quickly become evicted in many German cities over the last years.

Commitment among cities to tackle this situation varies tremendously, with some only granting emergency support in life threatening situations and using legislation against unsafe housing conditions to evict Roma tenants; while others develop targeted measures to improve access to housing through their own resources or using the EU funds, such as the Fund for European Aid to the Most Deprived (FEAD) or the European Regional Development Fund (ERDF).

## Impact of health care policies on Roma

In theory, health insurance in Germany is compulsory for all people since 2007. In practice and mainly due to tightened legal regulations, undocumented migrants and a large number of EU citizens from other member states, mainly from Bulgaria and Romania, have difficulties to access health care or they cannot access it at all. Since the beginning of 2017, the right of EU citizens legally residing in Germany to receive social benefits, including health care, has been reduced.

The restrictive laws as well as institutional procedures and policies like, for example, vaccination policies or offers in the field of sex-work continue to indicate negative stereotypes about and a trend to ethicising people with an assumed or factual Roma background.

Restrictions to health care services and health care coverage which are enshrined in a number of policies, legislation and principles in Germany are affecting Roma both from other EU countries (specifically Bulgaria and Romania) and the Balkans above average. To a huge amount due to the living conditions characterised by poverty already in the country of origin and the restrictive access to health care and education, many people with a Roma background living in Germany suffer from health problems such as for example obesity, diabetes, circulatory disorders, respiratory problems, bad teeth, depression or heart problems.

## Education

Sinti and Roma in Germany are subjected to structural, institutional and direct discrimination in the education system. Due to the specific education system in the country, individual provenance, which mostly coincides with socio-economic and/or migration-related problems, has proven to be particularly significant for positive or negative education outcomes; this affects Sinti and Roma in Germany disproportionately. Given the non-collection of ethnical data in Germany, quantitative indicators or official statistics are not available. The fact-finding is based on a few existing studies as well as information provided by self-organisations and by organisations working with Sinti and Roma.

Structural and institutional discrimination becomes specifically becomes apparent in the segregation Sinti and Roma are facing. Firstly, a large part of Roma children from EU-mobile, migrant or refugee families are sent to separated classes for children with insufficient language skills. Due to a lack of clear criteria for integration into mainstream classes, they are often stuck in this system and many leave schools without a regular graduation. The second pattern of segregation is related to the system special schools (*Förderschulen*). Many Sinti and Roma children are sent to special schools and classes for children with disabilities, e.g. socio-emotional problems. The criteria to be sent to these schools are not transparent and often depend on subjective assessments of teachers and/or other education authorities not trained in adequately. In both cases of segregation, to access regular schooling, higher education and/or vocational training is extremely difficult.

Additionally, pupils with an actual or supposed Roma background are facing discrimination by other pupils and teaching staff. The antidiscrimination legislation does not apply to public schools and instruments for countering antigypsyism and discrimination in the education system are lacking.

## INTRODUCTION

Germany does not have a National Roma Integration Strategy (NRIS) but a set of integrated measures for various societal groups which Sinti and Roma could benefit from. According to the German state, Sinti and Roma have access to inclusion programmes as the members of the majority society. The adoption of the EU Roma Framework for NRIS has not led to major policy change, but has backed stronger policy making at regional (*Länder*) and especially at local level.

According to studies, NGOs and Sinti and Roma organisations the disadvantaged situation that many Sinti and Roma face in the education, employment, housing and health sectors is rooted in the antigypsyism. There is an urgent need to counter wide-spread antigypsyism which hampers their equal treatment and participation in the society.

In Germany, there is no data collection on ethnic grounds. Information on the disadvantaged position of Sinti and Roma is provided by Sinti and Roma organisations and those working with them.

This monitoring report relies on qualitative research which has been based on analysis of studies and policy literature and on interviews with stakeholders. Following documents have been analysed: legal and policy documents, parliamentary enquiries, reports from city administrations, civil society organisations (CSOs) and studies of research centres and CSOs. Semi-structured interviews have been conducted with the following stakeholders: representatives of the governmental agencies at *Länder* level, of municipalities, of Sinti and Roma organisations, of CSOs working for Sinti and Roma and researchers. Written questionnaires were sent to the regional member organisations of the Central Council of German Sinti and Roma.

## EMPLOYMENT

In 2018, there is 5.3 per cent of unemployment in Germany; 13.4 per cent of this number are foreigners. Since there is no data collection on ethnic grounds in Germany, there is no official information on employment among Sinti and Roma. According to information provided by Sinti and Roma organisations and experts, the proportion of unemployment and irregular employment among Sinti and Roma is very high. The problems which a large part of Sinti and Roma face in accessing labour markets are related to the discrimination they face (see discussion below) and to their low levels of education,<sup>1</sup> as described above, which roots also in structural and direct discrimination.

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 an adequate job or any job. This leads to many Sinti and Roma being precariously self-employed. A large number of foreign Roma who came to Germany as asylum seekers from the 1990s and as immigrants from Bulgaria and Romania since 2008 are either not qualified or very lowly qualified for the labour market.<sup>2</sup>

### Improving access to labour market and effectiveness of employment services

The Public Employment Agency (*Agentur für Arbeit*) is supposed to provide 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 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, accounting or computer classes. These courses should suit the profile of the beneficiaries. When a beneficiary refuses to attend a training course, his or her unemployment benefits can be reduced.

Interview partners have stated that these courses often do not meet the needs of disadvantaged Romani migrants, refugees and asylum seekers. In cases, when the beneficiary has acquired basic skills, low skilled-courses offered by the *Jobcenter* might have a positive effect for the further qualification of the job seeker.<sup>3</sup> But in many cases, unemployed people have lived for years completely isolated from structures of formal education and labour and do not have the required learning skills for attending language and vocational training courses.<sup>4</sup> An interview partner have stated that young Sinti and

<sup>1</sup> In 2016, among unemployed people, 15,7% did not have a school leaving certificate, 36,1% had a certificate from the basic school (*Hauptschule*), 22,6% from the *Realschule* and 10,5% from high school (*Gymnasium*) (Bundesagentur für Arbeit 2017). These figures show that there is a relation between the degrees of education and unemployment.

<sup>2</sup> Pfeffer-Hoffmann, Christian; Kyuchukov, Hristo; Stapf, Tobias; de Jongh, Bertine (2015) Integrationsunterstützung für neu zugewanderte Roma in Berlin. Informations- und Integrationsmanagement für neu zugewanderte Roma aus Bulgarien und Rumänien in Berlin, p. 20; NUREC Institute Duisburg e.V. (2016) Neuzuwanderer und Alteingesessene in Duisburg-Marxloh, p. 9

<sup>3</sup> Pfeffer-Hoffmann et al. (2015), p.56

<sup>4</sup> Interview with a representative of *Roma Förderverein*.

Roma perceive the *Jobcenter* as a control agency which is not able to offer them courses or jobs which fit to their skills and expectations.<sup>5</sup>

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.<sup>6</sup>

According to focal points providing counselling for Roma migrants, a part of this community does not apply for unemployment payment or social benefits because they do not know their rights or they do not want to be confronted with the complex bureaucratic system of the employment agencies.<sup>7</sup>

In order to get a more adequate advice on labour issues, disadvantaged Sinti and Roma go to counselling centres run by organisations of Sinti and Roma and by those working with them. These organisations, as *Amaro Foro* in Berlin and *Roma Förderverein* in Frankfurt am Main advise migrants, especially from Bulgaria and Romania, many of them Roma, about their labour rights, working opportunities and specific counselling agencies for job search. *Rom e.V.* in Köln offers additionally offers advice for young asylum seekers with *Duldung* status (see below implications of the status) focussing on school-labour transition.

The German government states in the "Measures Package aiming at the inclusion of Sinti and Roma in Germany" (equivalent to the NRIS) lists programmes aiming at the inclusion into the labour markets designed for migrants and disadvantaged people. There is no information on the success rate of these programmes in the integration of disadvantaged Sinti and Roma.

The Ministry for Employment and Social Affairs does not have large programmes targeting Sinti and Roma in particular. 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; and, supporting structural changes in enterprises for improving capacity building of employees in the framework of demographic changes and the lack of skilled employees.<sup>8</sup>

For the current 2014-2020 funding period, the German ESF is run by individual states (4.8 billion EUR) and federal programmes (2.7 billion EUR). At the state-level, within a sample of four states evaluated for this report (Bavaria, Berlin, Hamburg, North Rhine-Westphalia), Berlin is the only state that explicitly includes the target group, 'Roma' in its ESF programme structure.<sup>9</sup> At the project level, one project in the four states mentions 'Sinti and Roma' as an explicit target group: the Hamburg project 'Qualification and Career Entry for Roma and Sinti' (supported by SBB GmbH and the Sinti State Association in

<sup>5</sup> Interview with a representative of *Sinti-Verein Ostfriesland*.

<sup>6</sup> Information provided by *Amaro Foro*.

<sup>7</sup> Interview with a representative of *Amaro Foro*.

<sup>8</sup> Federal Ministry of Interior (2017), p. 34.

<sup>9</sup> The ESF funding instrument 19, which is managed by the Senate Unit for Integration, Labour and Social Affairs and is "Promoting the vocational orientation and qualification of migrants and the social inclusion and combating of the poverty of new migrants, including Roma and refugees".

Hamburg). The target group of immigrants from Bulgaria and Romania is explicitly mentioned in North Rhine-Westfalia in six projects (Essen, Gelsenkirchen, Hamm and Cologne), and in one project in Hamburg and Baden-Württemberg. In Bavaria and Berlin, there are no projects that explicitly refer to this target group.

Within the programme's management structure, the Agency on Horizontal Objectives is there to ensure that access to ESF-support is free of discrimination. However, the Agency only has anecdotal information on the participation of Sinti and Roma in individual programmes like ISA (integration instead of exclusion).<sup>10</sup> The German ESF Monitoring Committee, whose task it is to control the implementation of the programme, also includes some members from civil society organisations, but no members representing minorities or immigrants.

Almost no Sinti and Roma organisations apply to ESF funds. Often, they do not have the capacities or they do not know that they could apply for ESF. One of the exceptions is the Regional Association of Sinti in Hamburg which is running an ESF project in a second period. The project consists in a sewing workshop where Sinti and Romani women can learn an occupation and produce articles to sell at the same time. This project also aims to foster self-empowerment among Sinti and Romani women.<sup>11</sup>

"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 EUR were invested. [Deutscher Bundestag 2014: 7]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'".<sup>12</sup>

Germany is (along with Sweden) one of the member states that explicitly oriented its national priority areas for the new European Aid Fund for the Most Deprived (FEAD) to immigrants from EU states.<sup>13</sup> It funds projects submitted by civil society organisations with the support of local communities. In Germany, around 90 projects with a total value of 61 million EUR were approved for the initial 2016-2018 funding period. The total budget until 2020 is 92.8 million EUR, or about 10 per cent of the ESF or the ERDF. In comparison with the ESF, the fund focuses much more explicitly on newcomers from EU member states living in precariousness.

According to the FEAD project database, there are two projects with an explicit Roma focus: the "Contact point for European Roma and non-Roma in need" (*Amaro Foroe.V.* in Berlin) and the, "Help and Perspectives" counselling and referral service for Roma, in Frankfurt (*Roma e.V.*). Both projects provide a wide range of support and referral services in areas such as registration, housing, health, work and education. Many other projects explicitly or implicitly target immigrants from South-Eastern Europe.

Roma participation in the FEAD – just like the ESF – is not evaluated in the context of programme monitoring, although many of the demographic and social characteristics of participants in the actions are monitored.<sup>14</sup>

<sup>10</sup> Reply from Evelyn Zehe, Agency for Horizontal Objectives in ESF, to an e-mail request, 11.12.2017.

<sup>11</sup> Project information: <http://www.landesverein-hamburg.de/selbstaendigkeit.html>

<sup>12</sup> Ruiz Torres; Striethorst; Gebhardt (2014), p. 71.

<sup>13</sup> <http://www.bmas.de/EN/Our-Topics/Social-Europe-and-international-Affairs/Programmes-and-Funds/FEAD/fead-article.html>

<sup>14</sup> Response from 05.12.2017 to an email request to Thomas Becker, Coordinator for the Implementation of FEAD in the Federal Ministry for Work and Social Affairs.

Interview partners have stated that there is a need to implement very low-threshold capacity building courses. These courses need as rule an intensive accompanying of the course participants. ESF programme, as it is designed at the moment, does not allow such kind of intensive accompanying. FEAD would be a more adequate programme. But FEAD does not allow to implement at the moment measures on the integration into the labour markets. This will change in the new funding programme of FEAD.<sup>15</sup>

One of the main problems faced by disadvantaged young Sinti and Roma for accessing to the labour market is that a large part of them do not have a school leaving certificate, because of drop outs from education before acquiring them (please, refer to the Education chapter of this report, where the problem of dropouts is discussed).<sup>16</sup> This is one of the main barriers to get adequate jobs by the employment office or courses for further qualification. In the case of foreign Roma, low level of the German language represents an additional obstacle. There is a lack of language courses for free for disadvantaged migrants. This would increase their opportunities at the labour markets.<sup>17</sup>

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.

Roma asylum seekers are the group facing the worst difficulties in accessing the labour markets. According to a study of Institute of Labour Economics (IZA), refugees and asylum seekers face most difficulties in order to access to labour markets. The grounds are mostly insufficient language knowledge, low levels of formal education and problems for the recognition of certificates or acquired qualification.<sup>18</sup> Additionally, a representative part among them face trauma from the conflicts they are escaping from. Within this group, asylum seekers who have "tolerated" (*Duldung*) status have stronger difficulties, enormous restrictions on their right to work. The status *Duldung* is provided to asylum seekers who have got their asylum application denied. A large part of Roma asylum seekers coming from the Balkan countries have the *Duldung* status. They have lived in Germany for many years. For example, according to official data, 10,382 people from Serbia and 8,001 from Kosovo have been living in Germany for at least 5 years, and several thousand of them for at least 8 years. According information of human rights organisations, a large part among them are Roma.<sup>19</sup>

There are cases when asylum seekers are not allowed to work or have to wait years without being allowed 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

<sup>15</sup> Senatsverwaltung für Arbeit, Integration und Frauen Berlin; Minor (2015) Neuzuwanderung aus Südosteuropa. Praxismodelle aus deutschen Städten, p. 62.

Interviews with representatives of Berlin administration and *Roma Förderverein Frankfurt*.

<sup>16</sup> Interview with representatives of *Sinti-Verein Ostfriesland*, *Diakonie Hasenberg München* and *Amaro Foro*.

<sup>17</sup> Interview with representatives of *Amaro Foro Berlin*, *Roma Förderverein Frankfurt am Main*, *Roma e.V. Köln*.

<sup>18</sup> Bonin, Holger; Rinne, Ulf (2017) Machbarkeitsstudie zur Durchführung einer Evaluation der arbeitsmarktpolitischen Integrationsmaßnahmen für Flüchtlinge. IZA Institute of Labour Economics, p. 20

<sup>19</sup> Deutscher Bundestag (2017) Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Volker Beck (Köln), Luise Amtsberg, Katja Keul, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN – Drucksache 18/11101 18. Evaluierung der Bleiberechtsregelungen

“tolerated” asylum seeker has lived in Germany for more than four years no approval by the employment agency is required. “Tolerated” asylum seekers have to renew their permit of residence after a certain period. It might be every 3, 6 or 12 months. Because of this, they have many problems to get a job. Employers are reluctant to employ persons who had only three, or six month or one-year residence permits.

Changes in the regulations concerning “tolerated” status are currently taking place. The city of Cologne has passed a directive according to which “tolerated” asylum seekers who live in the city for more than 6 years and do not get social benefits could access to longer permits of residence.<sup>20</sup>

The second group of Roma asylum seekers comes as well from the Balkan countries, but they have been coming to Germany for the last four years. Since Balkan countries have been declared as safe-countries of origin, the asylum seekers from these countries do not have almost any chance to get asylum and are automatically excluded from any work permission. They have to leave the country or are expelled after a couple of months.<sup>21</sup>

### Fight against discrimination in employment and antigypsyism at workplace

Sinti and Roma face discrimination at the labour market. This phenomenon has stronger features when they are disadvantaged.<sup>22</sup> 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.<sup>23</sup> Often, employers do not employ them, when they notice that they are Roma.<sup>24</sup> Interview partners have stated that German Sinti and Roma also face discrimination in the labour markets when offering their services as self-employed people.<sup>25</sup>

Interview partner have stated that Sinti and Roma often 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 or that they have been fired after they revealed that they are Sinti or Roma.<sup>26</sup>

The Berlin organisation *Amaro Foro* has documented antigypsyist offenses and criminal cases in Berlin in the labour market and in the interaction with recruiting and public employment agencies. Illegal dismissals after the employer noticed that the employee comes from South-Eastern Europe and insulting expressions as “abuser of the social security system”, “go back to your country” or “Gypsy baron”, from employers and

<sup>20</sup> Interview with a representative of *Rom e.V. Köln*.

<sup>21</sup> See Sozialfabrik; Central Council of German Sinti and Roma; Documentation Centre of German Sinti and Roma (2018) Civil society monitoring report on implementation of the national Roma integration strategies in Germany, p. 25.

<sup>22</sup> Lechner, Claudia (2012) The situation of Roma. FRANET National Focal Point. Social Thematic Study. European Forum for Migration Studies, p. 31.

<sup>23</sup> Antidiskriminierungsstelle des Bundes - ADS (2013) Diskriminierung im Bildungsbereich und im Arbeitsleben. Zweiter Gemeinsamer Bericht der Antidiskriminierungsstelle des Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages, p. 220.

<sup>24</sup> Senatsverwaltung für Arbeit, Integration und Frauen Berlin; Minor (2015) Neuzuwanderung aus Südosteuropa. Praxismodelle aus deutschen Städten, p. 66-

<sup>25</sup> Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher (2012), p. 9; Interviews with representatives of *Amaro Foro* and *Roma Förderverein Frankfurt*.

<sup>26</sup> Interview with representatives of *Diakonie Hasenberg/ München, Amaro Foro, Roma Förderverein Frankfurt*



employees from recruiting and public employment offices have been reported. In some cases, employment contracts have not been issued or non-adequate instructions were given.<sup>27</sup>

In the framework of the project ROMACT intercultural trainings targeting municipalities and other public administration offices have been carried out. In 2016 were carried out two trainings, in 2017, 19 trainings and in 2018, 26 trainings. Each training was attended by about 20 participants. Approximately 10 per cent of the participants were civil servants from public employment offices. Focus of the training programme is the sensitisation for antigypsyism and for a better understanding for the challenges and strategies very poor Roma families have to face.<sup>28</sup>

NGOs working for Sinti and Roma such as the *Bildungsgenossenschaft* of Lower-Saxony, *Amaro Foro* in Berlin and *Madhouse* in Munich have been also delivering training sessions on the socio-economic situation of Sinti and Roma and on antigypsyism 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. 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.

Because of their disadvantaged situation, a high number of Roma migrants from Eastern Europe, especially from Romania and Bulgaria, many of them Roma, are victims of exploitation or even human trafficking in the labour markets. As other disadvantaged migrants, 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. Often, they do not get overtime pay.<sup>29</sup> In many cases, the victims of human trafficking cannot escape from this vicious circle of labour exploitation because they do not speak German and do not have further contacts in the labour markets.

According to reported cases from Public Attorney's Offices and from courts, there is a overrepresentation of Bulgarians and Romanians among victims of labour human trafficking.<sup>30</sup> This data corresponds to the information delivered by interview partners according to which a high number of Roma from these countries are victims of human trafficking. The sectors, in which cases of work exploitation and human trafficking are more often reported, are meat industry, cleaning and construction sectors.<sup>31,32</sup> This case from meat industry from Lower-Saxony is exemplary for this kind of labour exploitation. Roma are at the lowest end of the exploitation scale. The victims of labour exploitation have reported, that they have to pay fines when the animals are not slaughtered according to the indications of the employer. The workers live often in very precarious barracks or in the forest close to the slaughter house. They do not have any kind of privacy. The foreman can get into the barracks in order to check whether the heating is off. If not, the workers have to pay a penalty for this. These foremen are called "*Kapos*".<sup>33</sup>

<sup>27</sup> Amaro Foro (2016) Dokumentation antiziganistischer und diskriminierender Vorfälle, p. 12-13; ebd. (2017), p.22-23.

<sup>28</sup> Information provided by Christoph Leucht, ROMACT Trainer.

<sup>29</sup> Interviews with representatives of *Rom e.V.*, *Amaro Foro*, *Roma Förderverein Frankfurt*.

<sup>30</sup> Friedrich Ebert Stiftung (2015) Menschenhandel zur Zweck der Ausbeutung. Eine Auswertung staatsanwaltschaftlicher Ermittlungsakten und gerichtlicher Entscheidungen, p. 13

<sup>31</sup> *Ibid.* 15.

<sup>32</sup> Interview with Project *Fair Mobility* representative.

<sup>33</sup> Kunze, Anne (2014) Die Schlachtordnung, in: Die Zeit, 17.12.2014 (<https://www.zeit.de/2014/51/schlachthof-niedersachsen-fleischwirtschaft-ausbeutung-arbeiter>)

In a study on Roma migrants in Berlin carried out by Fair Mobility is asserted that among migrants from Bulgaria and Romania, there is a lack of knowledge of the local labour market and how to access to it and there is insufficient information and support for this. These migrants do not have channels of representation and face strong patterns of discrimination.<sup>34</sup> In many 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. They are sometimes not paid and do not have the knowledge and the language skills to suit a case before the court. They pay often overprice (300 EUR for a bed in a more bedded room) for accommodation in very bad conditions which is provided by the employer.<sup>35</sup> There are no official figures or estimates on the numbers of Romani migrants who are victims of human trafficking in the labour markets, but interviewed 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.

#### **Example of promising practice: "Faire Mobilität" project**

*Deutscher Gewerkschaftsbund* (German Trade Union Association, DGB) runs since 2011 a project "Faire Mobilität" which aims at achieving fair salaries and working conditions for migrant workers especially from Central and Eastern Europe. It is funded by the Federal Ministry for Labour and Social Affairs and the Federal Ministry. The project has focal points in eight German cities providing advice in five languages to migrant workers on their employee's rights, on how to deal with employers which do not pay them and on how to suit a case before the court because of irregular no-payment. It acts as well as advocacy actor identifying problems of migrant workers, informing the public on the problems faced by worker migrants, drawing up recommendations for policy making and developing und disseminating information material. One the main target groups are Romani migrants from Bulgaria and Romania.<sup>36</sup>

### **Employment alternatives in areas with limited primary labour market demand**

People receiving unemployment payment ALGII have to accept jobs offered by the employment agency. This should help them to re-insert into the labour market. These jobs are so low skilled that the unemployed people cannot acquire thereby additional skills to increase their chances at the labour market. Although there is no official data, according to information provided by our interview partner, a high number of Sinti and Roma do these jobs.<sup>37</sup> If the beneficiaries of unemployment payment ALGII do not accept these jobs, they might get their payment reduced.

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. There is no consensus on the amount

<sup>34</sup> Senatsverwaltung für Arbeit, Integration und Frauen Berlin; Minor (2015), p. 7.

<sup>35</sup> Interview with Project Fair Mobility, focal points Frankfurt am Main and Kiel.

<sup>36</sup> See project information at: <http://www.faire-mobilitaet.de/en/>

<sup>37</sup> Interview mit *Amaro Foro*, *Roma Förderverein Frankfurt am Main*, *Sinti-Verein Ostfriesland*, *Diakonie Hasenberg/ München*

of this minimum income. The European Court has set the amount of around 170 EUR per month. There are employment offices in Berlin which demand 12 working hours per week to recognise the employee status granted under the freedom of movement EU directive; there are sentences of administrative courts setting the amount of 100 EUR 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.<sup>38</sup>

A further problem Roma migrant are facing is that their employment contracts are often put into question through the administration impeding them to apply for the aforementioned additional support. Thus, they are accused of fraud. Administrative processes are open to proof the trueness of employment contracts.<sup>39</sup>

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 and produce articles to sell at the same time. This project also aims to foster self-empowerment among Sinti and Romani women.<sup>40</sup>

### Addressing barriers and disincentives of employment

One of main obstacles for qualified foreigners, including Roma, for accessing employment is the recognition of diplomas from their countries of origin. Although the accreditation procedures have been simplified in recent years, aliens, have problems getting their certificates 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.<sup>41</sup> 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.<sup>42</sup>

<sup>38</sup> Interview with *Amaro Foro Berlin*.

<sup>39</sup> Interview with *Amaro Foro Berlin*.

<sup>40</sup> Interview with Regional Association of Sinti in Hamburg.

<sup>41</sup> Ruiz Torres, Guillermo; Striethorst, Anna; Gebhardt, Dirk (2014) Civil Society Monitoring on the implementation of the National Roma Integration Strategy in Germany 2012-2013, p. 73.

<sup>42</sup> Interview with *Amaro Foro* and *Roma Förderverein Frankfurt*.

## HOUSING AND ESSENTIAL PUBLIC SERVICES

In recent years, affordable housing has turned into a major public issue in Germany. Cities such as Berlin, Frankfurt, Hamburg or Munich have seen rent increases by more than 40 per cent over the last five years,<sup>43</sup> and politics has not kept pace with this development. While some housing policy instruments were adapted, the number of social housing units has almost halved over the last decade,<sup>44</sup> and all forms of housing precariousness, including homelessness, are on the rise. In this difficult overall scenario, the situation for Sinti and Roma is worsened by institutional and individual discrimination, and, in the case of Roma from Bulgaria and Romania, by restrictions in their access to social rights.

### Access to basic amenities

There is no comprehensive data on the housing situation of Sinti and Roma in Germany, however it can be assumed that German Sinti and Roma are disproportionately affected by problematic living situations.<sup>45</sup> The recognition of the German Sinti and Roma as a national minority, and the state treaties that have been concluded between state governments and regional Sinti and Roma associations in recent years,<sup>46</sup> do not include any specific consideration of this group in housing policy or spatial planning.<sup>47</sup> However, this political recognition, combined with local support, has probably helped some of the few publicly funded housing projects for Sinti and Roma to come about. Examples are the development of the settlement *Maro Temm* in Kiel which is also attributed to the support of Land Schleswig Holstein in the context of the inclusion of minority protection in the state constitution;<sup>48</sup> the housing project *Maifischgraben* in Neustadt/Weinstrasse, which is the result of a joint commitment of the Regional Association of Sinti and Roma, the city, a public housing association and the state of Rhineland-Palatinate. These present-day projects build on a first wave of publicly subsidised settlements from the 1970s and 1980s such as Hamburg-Georgswerder Ring (1982), Düsseldorf-Otto-Pankok-Strasse (1982) or Köln-Roggendorf (1970s), but have a more participatory approach. However, they remain isolated cases that have a symbolic effect but cannot sustainably change the housing situation of Sinti and Roma as a whole beyond very limited local contexts.

Regarding immigrant Roma, civil society organisations consulted for this report stress the importance to acknowledge a highly differentiated housing situation of today's newcomers from Bulgaria and Romania.<sup>49</sup> However, it is also clear that within this group, a difficult to estimate but significant share suffers from precarious housing situations, and has to deal

<sup>43</sup> Empirica-Preisdatenbank Immobilienpreisindex 3/2018.

<sup>44</sup> Bundesministerium des Innern, für Bau und Heimat (2018): Antwort auf die schriftliche Frage des Abgeordneten Christian Kühn vom 17.7.2018.

<sup>45</sup> Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher (2012): 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.

<sup>46</sup> Sozialfabrik; Central Council German Sinti and Roma; Documentation Centre German Sinti and Roma (2018) Civil society monitoring report on implementation of the national Roma integration strategy in Germany. Focusing on structural and horizontal preconditions for successful implementation of the strategy, p. 14.

<sup>47</sup> Hildegard Lagrenne Foundation reports that in the regional association of Sinti and Roma in Baden-Württemberg has agreed to focus on housing needs of Sinti and Roma in the state housing initiative "Wohnraum-Allianz".

<sup>48</sup> Breit, A. et al. (2015): Maro Temm. Ein Wohnprojekt mit Sinti in Kiel. P3-Studienprojekt HafenCity Universität Hamburg, 23.

<sup>49</sup> In discussing this report, members of both *Hildegard-Lagrenne-Foundation* and the Central Council underlined the importance of not depicting the housing situation of immigrant Roma as generally precarious, because many people with "normal" housing conditions might go unnoticed.

with a stigma of being identified as Roma in addition to legal barriers and a lack of economic and social capital that are typical for newcomers, in particular when they settle in metropolitan areas with tense housing markets. As a consequence, while some members of the minority might find their niche on the housing market and remain invisible, many end up in irregular housing conditions. The temporary informal settlements of Roma and non-Roma immigrants in parks and on brownfields that have developed in recent years in many cities,<sup>50</sup> bear witness to a degree of housing precariousness that has not been seen in Germany since the immediate post-war period. Equally symptomatic are the numerous cases of illegal leasing practices that exploit the precarious situation of Roma and non-Roma from Bulgaria and Romania, involving per-capita or per-bed leasing, unlawful rent increases and eviction threats.<sup>51</sup> The city of Munich describes this situation as follows:

*"In the absence of a housing supervision law there are no limits to the creativity and greed of the landlords of precarious housing units. The plight of the EU migrant workers, who do not find a regular apartment in Munich due to the high rents and the housing shortage, is exploited. In most cases, there is only the possibility for tenants to take action against the landlord under civil law. However, this approach is rarely taken by the tenants."*<sup>52</sup>

In view of this situation, there are some local projects that explicitly aim to improve the access of Roma, but mostly of citizens from Romania and Bulgaria in general, to housing. These include, for example, the housing access strategy of the city of Dortmund, which carries out housing brokerage for this target group in cooperation with landlords.<sup>53</sup> The FEAD is an important source for funding such local measures in Germany, where avoiding homelessness is one of three thematic strands, and mobile EU citizens are an explicit target group. In the FEAD-funded project *"Ankommen und Teilhaben"* (Arrive and participate) which is implemented in Berlin an informal network of private landlords has been set up to help Roma families to find flats and formerly homeless Roma are employed as staff.

However, these initiatives are not enough to compensate for the situation of total marginalisation, which also expresses itself as homelessness.

<sup>50</sup> A speaker of the Social Services Department of the city of Munich reported that in 2017 in this city alone 50 "Illegal Camps" were cleared by the police (Wörmann 2018 Wörmann, Caroline [2018] Illegales Lager geräumt: In diesen Mülltüten wohnten Menschen. TZ 29.05.2018). The city of Munich has an internal working group "Illegal Camping" and a protocol for evictions of permanent camps (Landeshauptstadt München 2018 Landeshauptstadt München [2018] Illegales Wohnlager unter der Straßenüberführung Landshuter Allee / Georg-Brauchle-Ring Schriftliche Anfrage gemäß paragraph 68 GeschO Anfrage Nr. 14- 20 / F 01229 von Herrn Stadtrat Johann Altmann vom 14.06.2018, eingegangen am 15.06.2018). Examples from other cities that have been present in the local media over the last couple of years are informal settlements in Frankfurt's Gutleutviertel (see below) or settlements on lots belonging to the Federal Railway Company in Düsseldorf-Oberbilk and Berlin-Tiergarten and Berlin-Charlottenburg. They have all been cleared eventually.

<sup>51</sup> See, for instance, Deutsches Institut für Urbanistik, Neue Armutszuwanderung aus Südosteuropa. Bundestransferstelle Soziale Stadt. Kurzexpertise. Berlin (2013) [New poverty migration from South-Eastern Europe. Federal transfer point socially inclusive city. Short expertise] and Bundesministerium des Innern & Bundesministerium für Arbeit und Soziales (Federal Ministry of the Interior & Federal Ministry of 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."]

<sup>52</sup> Landeshauptstadt München (2017). Runder Tisch zur Armutszuwanderung aus EU-Ländern (Südosteuropa). Sitzungsvorlage Nr. 14-20 / V 09498. 52. Sitzung des Sozialausschusses des Stadtrates der Landeshauptstadt München, 09.11.2017. Translation by the authors.

<sup>53</sup> Stadt Dortmund (2017), Sachstandsbericht Zuwanderung aus Südosteuropa 2017, 66.

## Homelessness

According to estimates by the civil society initiative Federal Working Group on Homelessness, in 2016 around 100,000 people (12 per cent) out of a total of 860,000 people without permanent residence in Germany came from other EU states. However, the share of this group in the so-called street homelessness, i.e. in the group of people sleeping rough with no access to a place to stay at all, is estimated to be up to 50 per cent.<sup>54</sup> The affectedness of citizens from Romania and Bulgaria by street homelessness is confirmed by local data: in Munich, 585 persons of the total of 5,057 clients registered in the urban emergency accommodation system in 2017 were from Bulgaria, Romania, Serbia and Kosovo. In the cities' specific programmes for nights with life-threatening temperatures, however, almost half of the clients were Bulgarian and Romanian citizens.<sup>55</sup>

In Frankfurt am Main, according to estimates by the *Förderverein Roma e.V.*, 300-400 immigrant Roma are homeless.<sup>56</sup> In May 2018, inhabitants, many of whom Roma, of a slum-like improvised settlement without water and sanitary facilities were removed from an industrial brownfield in Frankfurt's Gutleutviertel for the second time, and deprived of the metals and other recycling material stored there that for some of the residents represented their income source. According to the local pro-Roma association *Roma Förderverein*, the owner of the plot had tried to find a solution but was not supported by the city hall.<sup>57</sup> The case shows how the precarious housing situation of this group is primarily dealt with through policing and not through social policies.<sup>58</sup>

This approach was confirmed at federal level, when the government decided in late 2016 to exclude citizens from EU-member states from social assistance who are not in formal employment three months after their arrival. This decision mainly affects citizens of Romania, Bulgaria, Slovakia and Poland, whose states of origin have not joined the European Convention on Social and Medical Assistance. At the local level, the 2016 federal law is predominantly interpreted in a way that assistance to the homeless is only provided in life threatening situations (on certain days during the winter, for example) and in the form of a one-off so-called transitional help until departure. In line with this interpretation, the cities of Hamburg, Dortmund and Frankfurt deny non-working people access to homeless shelters beyond emergency aid.<sup>59</sup> In 2017, Hamburg organized 521 return trips for EU citizens.<sup>60</sup> Munich is an exception to this rule, and continues, according to information from the city council, to interpret the access rights of EU citizens to emergency

<sup>54</sup> BAG Wohnungslosenhilfe (2017) *860.000 Menschen in 2016 ohne Wohnung. Prognose: 1,2 Millionen Wohnungslose bis 2018*. Berlin, 14.11.2017.

While the absolute numbers of homeless people might be overestimated compared to other EU countries due to a different definition and counting methodology, there is a consensus about the significant share that people from Romania and Bulgaria represent in particular within the street homelessness, see: Busch-Geertsema, Volker (2018) *Wohnungslosigkeit in Deutschland aus europäischer Perspektive*, in: *Aus Politik und Zeitgeschichte* 25-26/2018.

<sup>55</sup> Landeshauptstadt München (2017) *Runder Tisch zur Armutzuwanderung aus EU-Ländern (Südosteuropa)* Sitzungsvorlage Nr. 14-20 / V 09498. 52. Sitzung des Sozialausschusses des Stadtrates der Landeshauptstadt München, 09.11.2017.

<sup>56</sup> Interview with *Roma Förderverein Frankfurt am Main*.

<sup>57</sup> Interview with *Roma Förderverein Frankfurt am Main*.

<sup>58</sup> *Frankfurter Rundschau* (28.05.2018) *Polizei räumt Roma-Lager*. Hanning Voigts. <http://www.fr.de/frankfurt/stadtteile/frankfurt-west/gutleut-in-frankfurt-polizei-raeumt-roma-lager-a-1514094>

<sup>59</sup> Interview with *Roma Förderverein Frankfurt am Main*.

<sup>60</sup> *Der Tagesspiegel* (22.01.2017) *Wie andere Großstädte mit Obdachlosen umgehen*. Frank Bachner. See also Hamburg's advice service for homeless EU-citizens: <https://www.hamburg.de/winternotprogramm-obdachlose/7520920/beratung/>

shelters in an inclusive way, and provides services for homeless citizens from these countries out of its own pocket.<sup>61</sup>

As we reported in the [previous Roma Civil Monitor report](#), in the highly decentralised German state, and with a federal government that is rather reluctant to recognise specific support needs for Sinti and Roma, support for access to housing for Sinti and Roma varies widely according to the policies of individual states and cities in terms of, for instance, their overall housing policies, their recognition of a need of specific protection of Sinti and Roma or their commitment to non-discrimination.

### **Discrimination in housing and in the living environment**

Institutional and individual discrimination in accessing housing constitute the strongest barrier to improving the housing situation of Sinti and Roma. While there has been no comprehensive study on the discrimination of Sinti and Roma in the housing market, there are a number of individual studies which, taken together, give a relatively clear picture of the situation. In a survey of organisations working with Sinti and Roma, 17 out of 18 expert respondents considered that Sinti and Roma did not have equal opportunities in the rental housing market, and 16 out of 16 saw Sinti and Roma at a disadvantage in accessing home ownership.<sup>62</sup> In a survey of 300 German Sinti and Roma, 54 per cent mentioned discrimination experience in the search for a rented apartment.<sup>63</sup>

Such data on the experience of the minority is complemented by data on attitudes of the majority society, which lay the ground for potentially discriminatory acts: in a study carried out on behalf of the Federal Anti-Discrimination Office about 20 per cent of respondents considered Sinti and Roma in their neighbourhood as "unpleasant" or "very unpleasant";<sup>64</sup> according to the longitudinal study "group-focused enmity" of the University of Bielefeld, in 2012 40 per cent of Germans declared that they would not like to live close to Sinti and Roma;<sup>65</sup> and in the 2016 survey conducted by the University of Leipzig, 56 per cent of respondents said they had problems with Sinti and Roma living in their area.<sup>66</sup>

Case documentation provides further insight into the mechanisms of discrimination faced by Sinti and Roma in the housing market. According to the documentation of antigypsyist incidents in Berlin by *Amaro Foro* the refusal of housing by landlords or of shelter by institutional staff goes hand in hand with the assumption of anti-social behaviour related to an actual or presumed ethnic or national affiliation, and is voiced in statements such as "I do not rent to Romanians / Bulgarians / Roma" or "come back when you speak better

<sup>61</sup> Landeshauptstadt München (2017) *Runder Tisch zur Armutszuwanderung aus EU-Ländern (Südosteuropa) Sitzungsvorlage Nr. 14-20 / V 09498*. 52. Sitzung des Sozialausschusses des Stadtrates der Landeshauptstadt München, 09.11.2017. Landeshauptstadt München (2018). *Hilfe für wohnungslose Menschen in akuten Notlagen. Auswirkungen der Veränderungen im SGB XII - Folgen für in München lebende Migrantinnen und Migranten*. Sitzungsvorlage Nr. 14-20 / V 13322.

<sup>62</sup> Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher (2012) *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*.

<sup>63</sup> Zentralrat Deutscher Sinti und Roma (2006) *Ergebnisse der Repräsentativumfrage des Zentralrats Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland*. Heidelberg.

<sup>64</sup> Zentrum für Antisemitismusforschung; Institut für Vorurteils- und Konfliktforschung (2014): *Zwischen Ablehnung und Gleichgültigkeit. Bevölkerungseinstellungen gegenüber Sinti und Roma*. Expertise für die Antidiskriminierungsstelle des Bundes. Berlin.

<sup>65</sup> Der Spiegel (12.12.2012) *Gutachten: Regierung versagt beim Schutz von Sinti und Roma*. Maximilian Popp. <http://www.spiegel.de/politik/deutschland/sinti-und-roma-studie-prangert-rassismus-an-a-872375.html>

<sup>66</sup> Universität Leipzig, Kompetenzzentrum für Rechtsextremismus- und Demokratieforschung (2018) *Leipziger Autoritarismus-Studie 2018*.

German.”<sup>67</sup> Community organisations and those working with Sinti and Roma, which have been interviewed for this report, have stated that disadvantaged Sinti and Roma face discrimination at the housing markets and find landlords refusing them rental contracts when they believe that they belong to the community.<sup>68</sup>

Discrimination is also the rule for German Sinti and Roma. For example, the Sinti association *Ostfriesland* reported that in this rural context Sinti are identified by landlords based on their surnames and negated housing, and therefore find it difficult to find other housing options outside their disadvantaged neighbourhoods.<sup>69</sup>

It is also symptomatic of this situation that many Sinti and Roma organisations and organizations working with Sinti and Roma face great difficulties in finding premises: *Amaro Foro* from Berlin, *Roma Förderverein* from Frankfurt and the Sinti and Roma Regional Associations in Hamburg and Hesse report major problems and last-minute cancellations on the part of landlords.<sup>70</sup>

Discrimination is not limited to access to housing, but also assumes forms of intimidation and violence in the living environment. In arrival neighbourhoods of EU-mobile citizens and Roma immigrant Roma are associated with a degradation of public space through littering etc. – a prejudice which in some cases has been backed up by politicians of mainstream parties ethicising neighbourhood-related problems. The mayor of Duisburg, for instance, stated: “I would take the double of Syrians if I could get rid of a few Eastern Europeans in return”.<sup>71</sup> The mayor of Magdeburg not only publicly overestimated the population from Romania living in the city’s neighbourhood Neue Neustadt, but also connected this group in a generalised manner with organised fraud of social benefits and a decline of public space.<sup>72</sup>

## Access to secure and affordable housing

Housing policy measures in Germany include the assumption of the housing costs for people receiving social assistance (ALG II) and the housing subsidy for low-income households who do not receive social assistance (on average 157 EUR for a total of 631,000 households in 2016). A new housing policy instrument, the so-called rent-price brake, was created in 2015, which limits the possible rent increase for new contracts in more than 300 municipalities to 10 per cent of the average rents of the previous four years. Currently, a tightening of this instrument is under discussion as it has only had an effect in some cities, reaching “only small parts of the population” according to an expertise.<sup>73</sup>

<sup>67</sup> Amaro Foro (2017) Dokumentation von antiziganistischen & diskriminierenden Vorfällen in Berlin.

<sup>68</sup> Interviews with representatives of *Amaro Foro*, *Sinti-Verein Ostfriesland*, *Roma Förderverein Frankfurt*, *Rom e.V. Köln*.

<sup>69</sup> Interview with a representative of *Sinti Verein Ostfriesland*.

<sup>70</sup> Interviews with representatives of *Amaro Foro*, *Roma Förderverein Frankfurt*. See also Leibnitz et al. (2014) Förderprognose: negativ. Eine Bestandsaufnahme zur Diskriminierung von Bulgar\_innen und Rumän\_innen mit zugeschriebenem oder tatsächlichen Roma-Hintergrund in Deutschland, p. 26

<sup>71</sup> Zentralrat Deutscher Sinti und Roma (2018) *Zentralrat kritisiert rassistische Äußerung des Duisburger Oberbürgermeisters auf kommunalpolitischer Konferenz zur Flüchtlingspolitik*. Press release 18 September 2015.

<sup>72</sup> Meschede, Laura (2017) *Wie aus einem Nachbarschaftsstreit ein Skandal wird*. Die Zeit 23 September 2017.

<sup>73</sup> Kholodilin, K. et al. (2018): *Mietpreisbremse ist besser als ihr Ruf, aber nicht die Lösung des Wohnungsmarktproblems*. In: DIW-Wochenbericht 7/2018.



Social housing, which targets households below a defined income threshold, has lost much of its former impact due to a lack of new construction and the phasing out of many flats that used to form part of the social housing stock:<sup>74</sup> in 2017, the social housing sector in Germany consisted of 1.2 million dwellings,<sup>75</sup> which corresponds to half of its size at the turn of the millennium.

Based on expert interviews, the RAXEN Report Germany assumes that an above-average share of German Sinti and Roma live in social housing, even though it is also acknowledged that it is impossible to quantify this precisely.<sup>76</sup> Half of the respondents of an expert survey thought that Sinti and Roma were facing specific difficulties in the access to social housing.<sup>77</sup> Given the increasing shortage of social housing in Germany these carefully worded assumption from a decade ago cannot be considered as a solid information basis to assess the access of Sinti and Roma to social housing today. We can only assume that the weakening (social) housing policy and rents skyrocketing in most major cities has worsened access to social and affordable housing for Sinti and Roma, along with other groups. Also, East-West mobility of EU citizens to Germany only started after the publication of the report.

Local data can shed light on the actual demand for social housing. In Munich, 210 households with Romanian citizenship and 245 households with Bulgarian citizenship were registered as applicants for social housing as by 31 December 2016,<sup>78</sup> an unknown number of which are Roma. Given a total of about 30,000 applicants for social housing,<sup>79</sup> the share of Bulgarians and Romanians among all applicants is about 1.5 per cent, which is slightly below their share among the total population. If one generously assumes four-person households (and thereby overestimates the number of beneficiaries) that would mean that about 6 per cent of the Bulgarians and Romanians present in Munich were applying for a social housing. The real proportion of applications for a social housing is probably smaller, and not all applicants will actually access social housing, as waiting lists are long, and only about 3,000 flats, that is 10 per cent, are allocated to applicants over a year, although one third of all applications is considered as very urgent.<sup>80</sup>

## Effectiveness of housing benefits and social assistance to maintain housing

Although there is in principle access to both social housing and housing subsidies regardless of nationality, the situation for disadvantaged non-German Roma in accessing these benefits is generally worse as than for German Sinti and Roma. As explained above (please, see page 20), since late 2016, citizens from Romania, Bulgaria and Slovakia have

<sup>74</sup> The dominant model of social housing provides subsidies for private owners against them ceding the flats temporarily, usually for a few decades, to the state for social housing purposes.

<sup>75</sup> Bundesministerium des Innern, für Bau und Heimat (2018) Reply to written question of MP Christian Kühn from 17 July 2018.

<sup>76</sup> 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)

<sup>77</sup> Bundesarbeitsgemeinschaft RAA; Madhouse; RomnoKher (2012) 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.

<sup>78</sup> Landeshauptstadt München (2017) Runder Tisch zur Armutszuwanderung aus EU-Ländern (Südosteuropa) Sitzungsvorlage Nr. 14-20 / V 09498. 52. Sitzung des Sozialausschusses des Stadtrates der Landeshauptstadt München, 09.11.2017.

<sup>79</sup> Hoben, Anna (2018) *30 000 Menschen warten in München auf eine Sozialwohnung*. Süddeutsche Zeitung, 26 February 2018.

<sup>80</sup> Hoben, Anna, see previous footnote.

been excluded from several types of assistance, in particular social assistance (ALG II – a comprehensive minimum income, which includes covering the real housing costs) if they are not officially employed. Within the first five years of their stay citizens from these countries will be asked to leave the country as soon as they apply for ALG II. This law provides a very restrictive interpretation of free mobility of persons within the EU and provides the message that citizens from other EU states are only welcome if they are not asking for public support. The discussions about “welfare abuse” preceding the re-regulation of access to social assistance sent the message that claims for social services of EU citizens also beyond the law’s scope are an object of suspicion and should be granted in a restrictive manner.

The direct housing subsidy (*Wohngeld*) which supports households not having access to ALG II but spending a high share of their income on housing, covers a percentage of a households housing costs: an average of 157 EUR was granted to 630,000 households in 2016.<sup>81</sup> Access to this subsidy has not been restricted based on residence status or nationality, but no data is available on the beneficiaries by nationality.

### Fight against residential segregation, discrimination and other forms of antigypsyism in housing

The central legal instrument for combating discrimination in Germany is the General Equal Treatment Act. In the field of housing, however, this law allows an exception for unequal treatment in the rental of housing, if it serves “the creation and preservation of socially stable resident structures and balanced settlement structures and balanced economic, social and cultural conditions” (paragraph 3, Art. 19 AGG). This broad and unspecific provision can serve to justify discrimination against members of ethnic minorities and, in turn, makes it more difficult to legally challenge homeowners refusing to accept tenants with a minority background. The elimination of this exception and the introduction of a right of associations to take legal action on behalf of victims constitute important objective of the Central Council of German Sinti and Roma.

In some cases, states and municipalities have taken the initiative to provide specific advice services against and register cases of discrimination on the housing market. One example is the service “fair rent – fair living” created in 2018 by a consultancy together with the Turkish Confederation of Berlin-Brandenburg (TBB) and funded by the Berlin Senate’s Department for Justice, Consumer Protection and Anti-Discrimination. It provides advice and support for victims of discrimination and covers legally recognised grounds of discrimination to establish a “culture of fair rental” in Berlin.<sup>82</sup>

The “*Planerladen*” in Dortmund, as another example, has a long-standing tradition of providing support against discrimination on the housing market and currently provides trainings for newcomers from Bulgaria and Romania on housing rights.<sup>83</sup>

An interesting development has been to take into account the precarious housing situation of immigrants from Romania and Bulgaria in the priorities and governance of the FEAD. In Germany, the fund focuses explicitly on newcomers from EU member states living in precarious situations, and aims to provide bridges to mainstream social services through counselling and outreach work. Through this approach and many of the FEAD projects

<sup>81</sup> Bundesinstitut für Bau-, Stadt- und Raumforschung (2018) Die Wohngeldreform 2016 in den Städten und Regionen. BBSR-Analysen Kompakt 07/2018.

<sup>82</sup> <https://fairmieten-fairwohnen.de>

<sup>83</sup> [http://www.planerladen.de/50.html?&tx\\_ttnews%5Btt\\_news%5D=985&cHash=db240b3d834926eee751f29a3ac57c4a](http://www.planerladen.de/50.html?&tx_ttnews%5Btt_news%5D=985&cHash=db240b3d834926eee751f29a3ac57c4a)

(some examples are quoted above) contribute to rights awareness and empowerment of immigrant Roma, although they cover only a limited number of cities, which are typically the more committed ones. In addition to that, the Hildegard Lagrenne Foundation for Education, Inclusion and Participation of Sinti and Roma in Germany has become one of the FEAD Monitoring Committee's 24 members, which has led to offering antigypsyism training to FEAD project coordinators.

### Improvement of housing conditions and regeneration of deprived neighbourhoods

The main policy instrument for integrated neighbourhood development in Germany is the "Socially Inclusive City" (*Soziale Stadt*) programme, which has been running since 1999 and which uses federal, state and EU funds (ERDF and ESF) to implement integrated social and physical interventions in the most disadvantaged neighbourhoods. The programme focuses on improving the living environment and the neighbourhood infrastructure, combined with neighbourhood-based measures for social inclusion, integration of migrants and strengthening of neighbourhood cohesion.<sup>84</sup>

There have been some programme areas of the social city with a German Sinti and Roma population identified as such, but their small number and the sparse occurrence of the topic of (German) Sinti and Roma in the rather extensive programme documentation that has been generated since the programme began nearly 20 years ago shows that this group does not represent a programme focus.<sup>85</sup>

With regard to immigrant Roma, the fact that many "*Soziale Stadt*" programme areas also are arrival neighbourhoods for immigrants from Bulgaria and Romania has resulted in the programme actually coming to represent an important resource for the social integration of these groups. As programme areas in Dortmund and Berlin show, the programme's integrated approach offers the opportunity to tackle the often-multi-dimensional disadvantages of members of this group in areas such as housing, health and education in an integrated, neighbourhood-based approach. For example, 100,000-200,000 EUR have been invested in Berlin neighbourhood management projects annually over the past few years in various districts to empower and inform immigrants from Romania and Bulgaria about the rights and obligations of tenants. The projects were run by non-profit organisations *Phinove e.V.*, *ImpULS e.V.* and *GEBEWO*.<sup>86</sup>

### "Junk real estate" and the political response

Within and outside the "*Soziale Stadt*" programme, the issue of exploitative housing in so-called "junk real estate" ("*Schrottimmobilien*"), meaning severely unsafe housing, has played a key role in housing policies and, at the same time, in discourses problematising the presence of Roma and other precarious immigrants from Romania and Bulgaria. In 2014, the state of North Rhine-Westphalia passed a housing supervision law that defines minimum standards for housing (for example, a minimum surface area of 9m<sup>2</sup> per person, functioning sanitary facilities, etc.) and provides municipalities with instruments to force housing owners to react (setting deadlines, carrying out repairs through the municipality

<sup>84</sup> See Ruiz Torres; Striethorst; Gebhardt (2014) *Monitoring der Zivilgesellschaft zur Umsetzung der „Integrierten Maßnahmenpakete zur Integration und Teilhabe der Sinti und Roma“ in DEUTSCHLAND*. 2012 und 2013. Budapest: Decade of Roma Inclusion Secretariat Foundation.

<sup>85</sup> For example, for the programme areas "Unterer Asterstein" in Koblenz, and "Frischer Mut" in Mannheim (mentioned in Raxen 2009), and for Singen-Langenrain (mentioned in the general programme database on "Städtebauförderung" <https://www.staedtebaufoerderung.info>) the goal to work with the notable Sinti population is mentioned explicitly.

<sup>86</sup> Senat von Berlin (2017) Zweiter Bericht zur Umsetzung des Berliner Aktionsplans zur Einbeziehung ausländischer Roma, 30.

at the expense of the landlord).<sup>87</sup> Currently, a further tightening of sanctions against landlords is already planned, and a similar law is about to be adopted in the Land of Saxony-Anhalt.<sup>88</sup>

The city of Dortmund, for example, runs a database of so-called problem houses and carries out inspections of buildings through its Task Force Nordstadt.<sup>89</sup> While this law primarily aims to protect tenants, and has managed to improve the situation in many problematic buildings, it is a double-edged sword, which weakens the inviolability of the dwelling and serves as a justification for carrying out “checks” on and sometimes against residents. The city of Duisburg has distinguished itself by a particularly problematic interpretation of the law, and has conducted, through its “task-force junk real estate” night inspections of flats inhabited by Roma because of alleged fire safety deficiencies and inhabitability, and evicted families from their apartments at night without offering replacement.<sup>90</sup>

**Example of promising practice: rehabilitation of a “junk real estate” in Dortmund**

In Dortmund, more than 100 houses are categorized as “junk real estate” – deteriorated housing which is used to make profit from the weakest population groups, among which are many Roma from Bulgaria and Romania. The house Malinckrodtstrasse 55 illustrates the city’s model of dealing with this situation in trying to address housing exclusion constructively and anticipatively, instead of just clearing problematic buildings. Previously this building was characterised by a fragmented and fast-changing ownership structure, in parts an irregular or informal renting practice, and problems with drug consumption and rubbish in common spaces. The city forced the community of owners in 2015 to cede the administration to the council and eventually bought the house in 2017 to start rehabilitation. It handed over the management to the social building company *Grünbau*. Common areas were improved, and security measures were implemented, a member of the Roma community was hired as a concierge and measures for tenants’ empowerment and accompaniment are organised. Flats are being renovated successively with the participation of the tenants.<sup>91</sup>

<sup>87</sup> Westpol (01.07.2018) Problemvermieter und die Politik. NRW-Kommunen kämpfen gegen Schrottimmobilien. WDR. <https://www1.wdr.de/nachrichten/landespolitik/schrottimmobilien-wohnungsaufsichtsgesetz-westpol-100.html>

<sup>88</sup> Landtag Sachsen-Anhalt (2018) Entwurf eines Gesetzes zur Beseitigung von Wohnungsmissständen (Wohnungsaufsichtsgesetz des Landes Sachsen-Anhalt - WoAufG LSA).

<sup>89</sup> Stadt Dortmund (2018) Sachstandsbericht Zuwanderung aus Südosteuropa 2018

<sup>90</sup> WAZ (18.10.2016) Räumungswelle in Marxloh – Klagen über rabiates Vorgehen. Christian Balke. <https://www.waz.de/staedte/duisburg/raeumungswelle-in-marxloh-klagen-ueber-rabiates-vorgehen-id12283743.html>

<sup>91</sup> Quartiersmanagement Nordstadt 2017 Quartiersmanagement Nordstadt (2017) Geförderte Immobilien. Nordmarkt 3 / Mallinckrodtstraße 55, 57, 59 Soziale Bewirtschaftung und mit Bewohnern getragene Modernisierung seit Mai 2017; <https://www.nordstadtblogger.de>; [www.dortmund.de](http://www.dortmund.de)

# IMPACT OF HEALTH CARE POLICIES ON ROMA

## Ensuring equal access to public health care services

In Germany, the right to medical care, irrespective of residence status, is enshrined in the Basic Law as right to life and physical integrity (Article 2 (2), first sentence of the Basic Law). Since 2007, there is theoretically a compulsory insurance in the health insurance for all people. Statutory and private health insurance companies were obliged to accept people without insurance coverage.<sup>92</sup> According to the German government *"the regulatory systems and measures, which have been strengthened and expanded in recent years, in principle are open for the integration of foreign Roma. These [systems] are aimed at all foreigners who are permanently legally resident in the Federal Republic, for example EU citizens or persons who have been admitted for humanitarian reasons, and within the framework of applicable law [are aimed] at foreign Roma, too."*<sup>93</sup> This right should also apply to access to public, comprehensive outpatient and inpatient health care. It is, however, linked to either an employment with social insurance or the right to social benefits.

In practice, due to intricated legal regulations, further explained in the sections on access to healthcare of Roma from other EU countries (please, see page 28) and Roma from non-EU countries (please, see page 29), undocumented migrants and a large number of mobile EU citizens have difficulties to access health care or they cannot access it at all. Patients without health insurance can only use outpatient services provided by non-governmental and humanitarian medical advisory and treatment points which can only offer extremely limited services. Hospitals only treat patients in very acute emergencies. For prescription drugs, the doctor issues a prescription and the patient receives it at the pharmacy. As a member of a statutory health insurance, costs for medicines are covered except for a co-payment of max 10 EUR for adults older than 18 years (children are exempt from additional payment). Patients without health insurance have to bear all costs of medicines on their own.

Especially EU citizens from Bulgaria and Romania as well as persons from the Balkans are affected. Due to the non-collection of ethnic data, statistical data on the proportion of Roma is not available. In this report we refer to the reports of the counselling centres and non-governmental medical advisory and treatment centres, which describe the proportion as very high.<sup>94</sup> According to official figures of the German Statistical Office approximately 80,000 people, or 0.1 per cent of the whole population, were not insured in 2015;<sup>95</sup> as this number does not include homeless people or undocumented immigrants, CSOs' conservative estimates of the actual persons without healthcare coverage in Germany

<sup>92</sup> GKV-Wettbewerbsstärkungsgesetz-GKV-WSG (Law to strengthen competition in the statutory health insurance), March 26th, 2007, available at: [https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBl&start=//%255B@attr\\_id=%2527bgb1107s0378.pdf%2527%255D#\\_bgbl\\_%2F%2F%25B%40attr\\_id%3D%27bgb1107s0378.pdf%27%5D\\_1542576674322](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//%255B@attr_id=%2527bgb1107s0378.pdf%2527%255D#_bgbl_%2F%2F%25B%40attr_id%3D%27bgb1107s0378.pdf%27%5D_1542576674322)

<sup>93</sup> Reply of the Federal Government to the minor inquiry by the deputies Volker Beck (Cologne), Luise Amtsberg, Dr. med. Franziska Brantner, another Member of Parliament and the Alliance 90 / The Greens, "Situation of Sinti and Roma in Germany", printed matter 18/13498, 05.08.2017, available at: [https://www.dropbox.com/home/Sozialfabrik/Monitoring/Health?preview=1813498\\_Anfrage\\_Sinti\\_Roma\\_Deutschland\\_2017.pdf](https://www.dropbox.com/home/Sozialfabrik/Monitoring/Health?preview=1813498_Anfrage_Sinti_Roma_Deutschland_2017.pdf)

<sup>94</sup> According to information from for instance the *Romaverein Frankfurt e.V.*, in 2017 about 1/3 of the clients, about 150 families (Romanian Roma) are not entitled to regular health care (interview with Gabi Hanka, *Förderverein Roma e.V. Frankfurt/Main* and Annual Report 2017 *Förderverein Roma e.V.* (unpublished). At the Open.Med facility in Munich, doctors treated a total of 574 patients in 2017, including 73 children. Bulgarians were the largest national group with 26 percent.

<sup>95</sup> Press release Statistisches Bundesamt DESTATIS from 4 October 2016, available at: [https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/zdw/2016/PD16\\_40\\_p002.html](https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/zdw/2016/PD16_40_p002.html)

concerns hundreds of thousands. Causes of this problem are manifold; for those who are not of German citizenship, they are mainly grounded in the fact that they either have no residence status and therefore no access to public health insurance in Germany. For EU citizens, specifically from Bulgaria and Romania, clarifying their insured status in their home country, what is a condition for being covered in Germany, is often very tedious and/or many of them lack the money for paying the health insurance. And those who are self-employed, both Germans and foreigners, often cannot afford the payment of the obligatory contributions for self-employed. In Berlin alone, approximately 60,000 people are expected to have been uninsured in 2018. In October 2018, Germany received a complaint from the UN and was asked to review the laws to ensure access to adequate health care for EU citizens, asylum seekers and people without regular residence or undocumented leave.<sup>96</sup>

Largely due to the living conditions characterised by poverty already in the country of origin and the restrictive access to health care, many Roma in Germany suffer from health restrictions such as obesity, diabetes, circulatory disorders, respiratory problems, bad teeth or heart problems. No cooking facilities in some emergency shelters and insufficient heating lead to fast-food diets, ongoing infections and deficiency symptoms especially among children.<sup>97</sup>

The medical care of pregnant women without health insurance differs depending on the country or municipality. Family planning services mainly offered by public health offices and specific reproductive health and family planning centres are offered free of cost. Women using these and/or counselling centres can be referred to clinics or medical care prior to birth via medical advisory and treatment centres. Other women only come to hospitals at the time of the delivery. Hospitals in North-Rhine Westphalia (NRW) informally report an increased rate of sometimes serious complications during childbirth due to lack of preventive care.<sup>98</sup> It is also reported that specifically homeless pregnant women increasingly try to use low-threshold health care service that must refer them to others.<sup>99</sup> Aftercare hardly takes place – e.g. at the counselling centre in Frankfurt am Main, is not aware of any Roma woman who ever participated in a postpartum recovery course aimed at preventing health problems from childbirth like for example incontinence, dorsal pain, coxalgia and constipation. Most of the women making use of the counselling centre suffer from postpartum health consequences.<sup>100</sup>

### **Access to health care of Roma from EU countries**

The right to comprehensive health care is granted to EU citizens residing in Germany if they either: (a) work in employment which foresees insurance; (b) are entitled to social benefits on account of unemployment after at least six or twelve months of social security

<sup>96</sup> UN Economic and Social Office, Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Germany, 12 October 2018, ADVANCE UNEDITED VERSION, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/DEU/CO/6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/DEU/CO/6&Lang=en)

<sup>97</sup> Interview with Gabi Hanka, *Förderverein Roma e.V. Frankfurt/Main* and Annual Report 2017 *Förderverein Roma e.V.* (unpublished). For further information on the health situation of Roma, see also FRANET National Focal Point (2012): The situation of Roma 2012. Social Thematic Study. German Institute for Human Rights, p. 45f. Available at: <http://fra.europa.eu/sites/default/files/situation-of-roma-2012-1-de.pdf>

<sup>98</sup> Interview with Joachim Krauß, AWO-Integrations GmbH, Arbeitsgruppenleitung Migration und Integration, Duisburg.

<sup>99</sup> Interview with a representative of BAG-Wohnungslosenhilfe (Berlin).

<sup>100</sup> Interview with Gabi Hanka, *Förderverein Roma e.V. Frankfurt/Main* and Annual Report 2017 *Förderverein Roma e.V.* (unpublished).

contributions, receive benefits on top of a minimum income or are residing in Germany for at least five years or, or (c) have financial means to pay the minimum contribution of currently 148.19 EUR per month.<sup>101</sup> Since the beginning of 2017, the right of EU citizens legally residing in Germany to receive social benefits, including health care, has been further reduced.<sup>102</sup> EU citizens who cannot be assigned to one of the categories mentioned above are only granted bridging social benefits once for a maximum of four weeks within a period of two years. In this case, travelling expenses for the journey back to the country of origin can be taken over on a loan basis if requested.

Consequently, according to the government, *"there may be difficulties in regards to EU citizens who initially do not take up insurance-liable employment in Germany to determine [in practice] through which benefit system this security exists or can be brought about."*<sup>103</sup> All counselling centres and clearing centres report consistently that "determining" the right system is associated with an enormous amount of work and time and that people without access to counselling services can hardly enforce their rights.<sup>104</sup> According to information from the counselling centres most hurdles to the use of health services for Roma – especially from Bulgaria and Romania – are based on the following factors:

- lack of knowledge and lack of information on the registration process with statutory health insurance;
- difficult or denied access to legal benefits, which must be claimed by petitions and opposition procedures against the respective authorities
- missing health insurance or health insurance periods in the country of origin (a minimum insurance period of two years in the country of origin must be proved);
- contribution debts in the country of origin and lack of funds to pay them;
- poor cooperation between statutory health insurance funds in Germany and the countries of origin despite legal obligation;<sup>105</sup>
- missing EHIC cards or non-recognition of EHIC cards;
- language barriers and missing interpreters;
- lack of counselling services;
- denial of legally legitimate reimbursements by public authorities;
- refusal of treatments that are not considered to be absolutely acute;
- no possibility of treatment of chronic diseases.

### **Access of Roma from Non-EU countries**

Most of the approximately 50,000 Roma, who escaped to Germany due to the Balkan Wars in the 90s have been tolerated for a long time. Some of the Roma from the Balkan

<sup>101</sup> See: <https://www.bundesgesundheitsministerium.de/beitraege-und-tarife.html>

<sup>102</sup> "Law for the regulation of claims of foreign persons in the basic security for jobseekers according to the SGB II and in social welfare under the SGB XII"

<sup>103</sup> Abschlussbericht des Staatssekretärsausschusses zu „Rechtsfragen und Herausforderungen bei der Inanspruchnahme der sozialen Sicherungssysteme durch Angehörige der EU-Mitgliedstaaten“ v. 2.08.2014, p. 69, available at: [https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a841-abschlussbericht-st-ausschuss.pdf?\\_\\_blob=publicationFile&v=2](https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a841-abschlussbericht-st-ausschuss.pdf?__blob=publicationFile&v=2)

<sup>104</sup> We have conducted interviews with the following counselling centres for Roma: *Amaro Foro* (Berlin), *Förderverein Roma* (Frankfurt/Main) and *Rom e.V.* (Köln); with the clearing office of *AWO-Integrations GmbH – Migration und Integration* (Duisburg); the emergency response centres cooperating with doctors of the world *westend - hoffnungsorte hamburg/Migrantenmedizin Westend* (Hamburg) and *Medizin hilft e.V.* (Berlin); *BAG-Wohnungslosenhilfe* (Berlin) and *Deutsche AIDS-Hilfe* (Berlin) as member of the nationwide working group „*Gesundheit/Illegalität*“ (health/illegality).

<sup>105</sup> According to the EU Regulation on the Coordination of Social Security Systems (Regulation 883/2004) and the "Implementing Regulation" (Regulation 987/2009), available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004R0883> and <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0987>

countries who applied for asylum in Germany in the 21<sup>st</sup> century obtained the suspension of deportation. Roma whose countries of origin such as Bosnia, Serbia, and Macedonia and Albania, Kosovo and Montenegro were declared as safe in 2017 and 2015 respectively and who have not yet been deported do not have regular access to healthcare in Germany due to their suspension of deportation. To them, the catalogue of benefits laid down in paragraph 4 of the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) applies, which is restricted to the medical treatment of acute diseases and pain condition as well as to prenatal and maternal care (paragraphs 1, 1a and 4 of the Asylum Seekers Benefits Act). It is the officials in charge at the social welfare offices who decide whether further medical services are granted, depending on the circumstance "if these services are imperative to ensure ... health in the individual cases" (paragraph 6 of the Asylum Seekers Benefits Act). This disregards the treatment of chronic illnesses.<sup>106</sup> The services, which are included and excluded, continue to be the subject of debate sometimes resulting in their refusal. The advisory bodies for Roma report that the people they accompany who received suspension of deportation, face the following difficulties: neither psychotherapeutic treatment in languages of origin nor funding for interpreters accompanying Roma to the doctor are provided for by health insurance or public offices; a high sickness absence rate above average owed to persecution and the insecure situation in Germany.

Many people from the Balkan countries, of which many have a Roma background,<sup>107</sup> live in Germany without a legal residence status. Thus, they do not have access to regular healthcare. According to a number of estimates between 180,000 and 520,000 persons without legal residence status lived in Germany in 2014.<sup>108</sup> Since the declaration of the Balkan countries as safe countries of origin, Roma's applications for asylum are almost automatically rejected. As a result, it can be assumed that the proportion of people coming from these states who do not have legal documents is high. Theoretically, people without legal documents can claim medical services according to the Asylum Seekers Benefits Act. However, in order to raise a claim, they have to file an application for a certificate of illness at the social welfare office. As laid down in paragraph 87 (2) of the Residence Act (*Aufenthaltsgesetz*), this obliges the social welfare offices to report the persons concerned to the immigration authority (*Ausländerbehörde*). Consequently, they are at risk of deportation. Therefore, people without any legal documents primarily depend on the anonymous medical advisory and treatment centres as well as on the basic health care provided for by voluntary initiatives.

### Fight against discrimination and antigypsyism in health care

With regard to healthcare, the restrictive laws as well as the institutional procedures continue to indicate negative stereotypes about and a tendency to ethicising those people with a low income and an assumed or factual Roma background.<sup>109</sup> In Germany, many EU

<sup>106</sup> "Krank und ohne Papiere Fallsammlung der Bundesarbeitsgruppe Gesundheit/Illegalität" (April 2018), available at: <https://www.aerztedewelt.org/file/26733/download?token=auuyQOjp>.

<sup>107</sup> According to the response to a minor parliamentary enquiry in 2015 by the MPs Ulla Jelpke, Jan Korte-Sevim Dagdelen and the parliamentary group of "Die Linke", 18th of August 2015, <http://dipbt.bundestag.de/doc/btd/18/057/1805785.pdf>, one third of all refugees from the Western Balkans in the first three months of 2015 have been Rom\_nija (Serbia: 91% Macedonia 72%, Bosnia 60%, Montenegro 42%, Albania and Kosovo 9%).

<sup>108</sup> Vogel, Dita (2016): Kurzdossier: Umfang und Entwicklung der Zahl der Papierlosen in Deutschland. In: Universität Bremen, Fachbereich 12, Arbeitsbereich Interkulturelle Bildung, AbIB-Arbeitspapier 02/2016. [http://www.fb12.uni-bremen.de/fileadmin/Arbeitsgebiete/interkult/Arbeitspapiere/Vogel\\_2016\\_Kurzdossier\\_Umfang\\_Papierlose\\_in\\_Deutschland\\_Abib-Arbeitspapier\\_2.pdf](http://www.fb12.uni-bremen.de/fileadmin/Arbeitsgebiete/interkult/Arbeitspapiere/Vogel_2016_Kurzdossier_Umfang_Papierlose_in_Deutschland_Abib-Arbeitspapier_2.pdf)

<sup>109</sup> Ruiz Torres, Guillermo; Striethorst, Anna; Gebhardt, Dirk (2014) *Monitoring the implementation of the National Integration Roma Strategy in Germany*, p. 83f.



citizens from Bulgaria and Romania are affected by the Exclusion of Benefits Act (*Leistungsausschlussgesetz*), which came into force at the beginning of 2017 and severely restricts healthcare.<sup>110</sup> Antigypsyist political discourse is used by the right-populist party *Alternative für Deutschland* (AfD). Owing to a parliamentary question (*Kleine Anfrage*) by the AfD,<sup>111</sup> in August 2018, the health insurance cover guaranteed by the European regulation for free movement for EU citizens was discussed in the German parliament (*Bundestag*). The argumentation of the AfD states that Bulgarians and Romanians (often used a synonym for "Roma") without health insurance cover must be deported.<sup>112</sup>

Concerning the effects of the restrictive legislation, the case of the Bulgarian Roma woman Nadka Ivanova, aged 55, represents a prime example.<sup>113</sup> After she had lost her job in Bulgaria, Mrs. Ivanova did not have any prospects of work nor health insurance, suffering extreme poverty. Therefore, she migrated to Munich in 2016. She found a low-paid employment (*Minijob*) which theoretically entitled her to apply for additional social benefits and thus, for health insurance. However, she was not aware of that and avoided to deal with authorities due to discrimination experienced in Bulgaria. Due to the explosion of an old gas oven in her unheated room, she suffered severe burn injuries. As a consequence, she accumulated debts since she could not afford the following hospital stay. When leaving the hospital, she could not pay for further obligatory medical treatments, not even for bandaging material. Finally, only the parallel system of medical treatment centres, in this case *Doctors of the World*, was able to provide voluntary medical support and counselling as well as funding. It remains unknown to the authors whether or not Mrs. Ivanova was admitted to the social benefits system, to which she should have been entitled due to her administrative situation (being in employment) before the accident.

At the institutional level, it was reported that Romanian and Bulgarian citizens often have to bear medical costs on their own even when they present a European health insurance (EHIC) card. Some are even urged to pay the medical expenses in advance, which they, however, cannot afford. In one case, a health insurance card was even cut by an employee in a hospital.<sup>114</sup> The advisory bodies correspondingly report that applications for covering the costs of necessary medical treatments (paragraphs 25, 48 und 50 SGB XII) are usually denied. Many immigrants, including Romanians and Bulgarians, face informal obstacles, since doctors are reluctant to treat them due to communication problems and the risk of misdiagnoses and medical malpractices caused by misunderstandings.

Furthermore, addressing the vaccination status of Bulgarian and Romanian children shows ethicising and stigmatizing characteristics. Although many of these children do not have access to the regular health care system. Nevertheless, the vaccination coverage explicitly for children from Bulgaria and Romania is encouraged at the state and municipal level via specific policies and projects.

<sup>110</sup> The amendment to the law was reflected in the number of patients treated at contact points established by Doctors of the World (*Ärzte der Welt*). In Munich 446 persons received treatment and consultation in medical practices and ambulances in 2016, whereas in 2017 the figure rose to 822. Annual report 2017, Doctors of the World, p. 34-35, available at: <https://www.aerztederwelt.org/presse-und-publikationen/publikationen/2018/07/11/jahresbericht-2017>.

<sup>111</sup> <http://dip21.bundestag.de/dip21/btd/19/040/1904032.pdf>

<sup>112</sup> Reviewing the health insurance coverage of EU citizens within the scope of paragraph 2 (5) of the Freedom of Movement Law/EU, Minor Parliamentary inquiry of the MPs Jörg Schneider, René Springer, Uwe Witt, Dr. Christian Wirth, Paul Viktor Podolay, Frank Pasemann, Dr. Heiko Wildberg and the parliamentary group of the AfD, 28 August 2018, <http://dip21.bundestag.de/dip21/btd/19/040/1904032.pdf>.

<sup>113</sup> Doctors of the World, Annual Report 2017, p. 35 and <https://www.sueddeutsche.de/muenchen/notfallmedizin-wenn-eu-auslaender-keinen-platz-im-gesundheitssystem-haben-1.363961.1>

<sup>114</sup> Interview Melanie Mücher, hoffnungsorte hamburg/Migrantenmedizin Westend (Hamburg)

As explained in the first section, the Residence Act (*Aufenthaltsgesetz*), which also applies to many Roma originating from the Balkan countries, represents a distinct violation of the human right to health, ratified in international as well as European agreements: "*The Committee is concerned that Section 87(2) of the Residence Act (Aufenthaltsgesetz) obliges public authorities to report undocumented migrants to immigration authorities that can deter irregular migrant workers from seeking services that are essential for the enjoyment of their rights, such as healthcare, [...] (arts. 2(2), 12 and 13).*"<sup>115</sup>

### Addressing needs of the most vulnerable groups among Roma

Within the federal system of Germany, the responsibilities regarding the access to health care are separated into the system of statutory health insurance, that is overseen by the Federal Government, and measures outside the statutory regulatory system that are implemented by the *Länder*. It is therefore the *Länder* that provide the funds for health care and emergency medical care for people living in Germany who either do not have statutory health insurance or difficulties accessing it. This concerns also and in particular Roma from EU countries (specifically Bulgaria and Romania) and the Balkans. With regard to non-insured persons, the Federal Government only implements very few accompanying programmes in specific areas.<sup>116</sup>

Apart from the two FEAD-funded projects (see above) and the initiatives financed under the Roma Berlin Action Plan, measures do not explicitly focus on Roma or Sinti. Policies target people without or with difficult access to the health system in general, the Federal Government is referring to the fact that "*the health policy measures of the Federal Ministry of Health (BMG) are [...] geared towards equal access to health care for all population groups*"<sup>117</sup> and would hence not focus on specific and/or ethnic groups. However, some measures do focus on "EU citizens from South-Eastern Europe" or more specifically from Bulgaria and Romania. In any case, most medical non-governmental initiatives and Roma self-help organizations regard provisions for medical care that specifically target Sinti or Roma as unnecessary and not desirable. These could have an ethnizing and / or stigmatizing effect e.g. with regard to vaccinations or offers in the field of sex work.<sup>118</sup> All people living in Germany regardless of their country of origin, residential status or ethnicity should have access to the regular health care system instead.<sup>119</sup>

Humanitarian medical support for people with no or only very limited access to public health care services<sup>120</sup> and no or insufficient financial means in Germany is only provided by non-governmental and humanitarian medical advisory and treatment points. However,

<sup>115</sup> UN Economic and Social Office, Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Germany (*Ibid*)

<sup>116</sup> Final report of the Secretary of State Committee on Legal Aspects and Challenges in the Use of Social Security Systems by Members of the EU Member States „Rechtsfragen und Herausforderungen bei der Inanspruchnahme der sozialen Sicherungssysteme durch Angehörige der EU-Mitgliedstaaten“ 2.08.2014, p. 69, [https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a841-abschlussbericht-st-ausschuss.pdf?\\_\\_blob=publicationFile&v=2](https://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a841-abschlussbericht-st-ausschuss.pdf?__blob=publicationFile&v=2)

<sup>117</sup> Response of the Federal Government from 5.9.2017 to the inquiry of the members of parliament Volker Beck (Köln), Luise Amtsberg, Dr. Franziska Brantner, additional members of parliament and the parliamentary party BÜNDNIS 90/DIE GRÜNEN, „Situation von Sinti und Roma in Deutschland“, <http://dipbt.bundestag.de/doc/btd/18/134/1813498.pdf>

<sup>118</sup> Ruiz Torres, Guillermo; Striethorst, Anna; Gebhardt, Dirk (2014) *Monitoring the implementation of the National Integration Roma Strategy in Germany*, p. 83f. and Interview with Amaro Foro (Berlin)

<sup>119</sup> Interview with Amaro Foro (Berlin)

<sup>120</sup> These are mainly undocumented migrants from countries outside the EU, citizens from an EU-country with no or a not recognized health coverage by German authorities, and also a number of mainly self-employed or roofless persons with German citizenship.

those cannot offer comprehensive, needs-based medical services, but only the most makeshift basic care in acute emergencies and/or referral to informal support networks. These advisory and treatment points are – often on a voluntary basis and financed via donations - run by civil society or ecclesiastical organisations and initiatives (e.g. Malteser or Doctors of the World). They are insufficiently equipped and often only have a few hours of opening time/week.

### Federal level

The federal foundation *Bundesstiftung Frühe Hilfen* (“Early Assistance”)<sup>121</sup> for pregnant women and families with small children supports the federal states with 51 million EUR annually. It aims for establishing binding links between health care services, offers and institutions for families and children; it also seeks to train key stakeholders such as family midwives in order to enable them to take the specific challenges of migration-sensitive approaches to families into account. The programme “Migration counselling for adult immigrants” (*Migrationsberatung für erwachsene Zuwanderer*), which has received federal funding since 2005, also provides information on health. It is implemented by members of the national independent welfare services (*Spitzenverbände der Freien Wohlfahrtspflege*).

The Progress Report on the “EU Framework for National Roma Integration Strategies 2016 to 2020 – Integrated Policies for the Integration and Participation of Sinti and Roma in Germany”<sup>122</sup> mentions the web portal “Migration and Health” which is provided by the Federal Ministry of Health.<sup>123</sup> It is available in German, English, Russian and Arabic only, and therefore Roma from EU countries or third countries can hardly benefit from its information. The municipalities are responsible for carrying out vaccination campaigns. One possibility to close vaccination gaps of children is to vaccinate them with parental consent at school (“outreach vaccination”).<sup>124</sup> Since 2015, however, the statutory health insurance funds are obliged to pay the vaccination costs of children from other EU Member States whose insurance status is undetermined when the vaccination is administered (paragraph 20i para 3 sentence 2 SGB V).<sup>125</sup>

The FEAD primarily supports additional information centres. The Federal Ministry of labour and social affairs and their European Funds department is responsible for its implementation.

Projects are designed to facilitate access to already existing counselling services, i.e. for medical advice. They focus on the *“small part of the recently immigrated EU citizens as well as the recently immigrated children of EU citizens [who] are particularly burdened because of their personal living situation. In their countries of origin these people lived in conditions characterized by poverty and social exclusion and find it difficult to gain admission to society in Germany as well... Another target group are those who are homeless and those at risk of homelessness.”*<sup>126</sup> Although a disproportionately large part of the Roma pertain to this target group, especially considering the discrimination they

<sup>121</sup> <https://www.bmfsfj.de/bmfsfj/aktuelles/presse/pressemitteilungen/bundesfamilienministerium-unterstuetzt-laender-und-kommunen-dauerhaft-mit-jaehrlich-51-millionen-euro-fuer-fruehe-hilfen/118428>

<sup>122</sup> [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/minderheiten/umsetzung-2016-strategie-integration-roma.pdf;jsessionid=B043D5BFDBA8E050B3565E7E19C2BC10.2\\_cid287?\\_\\_blob=publicationFile&v=5](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/minderheiten/umsetzung-2016-strategie-integration-roma.pdf;jsessionid=B043D5BFDBA8E050B3565E7E19C2BC10.2_cid287?__blob=publicationFile&v=5), p. 49

<sup>123</sup> The address of the web portal is: <https://www.migration-gesundheit.bund.de/de/startseite>.

<sup>124</sup> Final report of the Secretary of State Committee, 2.8.20014 (Ibid), p. 87

<sup>125</sup> The complete text of the is available at: <https://www.sozialgesetzbuch-sgb.de/sgbv/20i.html>

<sup>126</sup> <https://www.bmas.de/DE/Themen/Soziales-Europa-und-Internationales/Europaeische-Fonds/EHAP/ehap.html>

face in their country of origin, available funding does not reflect this: During the first funding period (from December 2015 until the end of 2018) only two counselling organisations that specifically address Roma are funded, in Frankfurt am Main and in Berlin. Only one of these is a Roma association. A third project in Halle has already ended on 31 December 2016. Both funded projects also provide counselling on access to health care and arrange for non-governmental healthcare providers in case of acute medical conditions. They also cooperate with health insurances and job centres to review the access to health insurance and offer support to procure the necessary documents in Germany or from the home country.<sup>127</sup> Additionally, projects funded via FEAD do also address Roma, though not explicitly. As an example, a project providing health care information for sex workers in Kassel ("Gwen") specifically targets Roma from Bulgaria and Romania.

### **State and municipal level**

At provincial regional and municipal level, only the "Berlin Action Plan for the Involvement of Foreign Roma", adopted in July 2013, aims to provide access to public regulatory systems, and thus to health care, among other things, for foreign Roma, as well as to fight against antigypsyism. In line with this action plan vaccinations of non-insured EU citizens, for which there was a particular demand by Roma, were made available between 2015 and mid-2017.<sup>128</sup> In addition, the programme supported "*Frauentreff Olga*", an association for psychosocial and health counselling of women in prostitution, which included many Roma.

It covered the medical expenses of 93 deliveries in the period from 2016 to mid-2017 by means of an emergency fund for deliveries of uninsured women. In addition, up to 100,000 EUR per year are made available for language mediators as part of the Berlin Emergency Fund. It should be pointed out that the funding only extends to childbirth, but neither prenatal care nor post-natal care. The emergency fund for childbirth is a measure that is necessary due to the current legal situation but hardly sufficient. Lack of prenatal care can lead to serious complications during childbirth. Informal accounts from North Rhine-Westphalia reported cases of complications during childbirth to the point of deaths among women with Roma background due to a lack of preventive examinations.<sup>129</sup> In 2018, a clearing centre that is also open for foreign Roma women was set up in Berlin to facilitate the transfer into the formal health system (see point 3). The clinic for Sinti and Roma women at the Municipal Health Agency in Frankfurt am Main in Hessen has been discontinued.<sup>130</sup> The authors of this report are neither aware of any other initiatives regarding health care in the context of action plans for Sinti or Roma women nor of offers at the state or municipal level directed at them. Also, "*The federal government has no detailed information on individual Sinti and Roma health care projects that are carried out on a regional / state basis.*"<sup>131</sup> Sinti and Roma women who do not have access health care or whose access is restricted must therefore rely on projects and offers outside the formal system. Apart from the clearing centres (see the textbox below) these are highly limited.

<sup>127</sup> Interviews with Amaro Foro (Berlin) and Förderverein Roma (Frankfurt/Main)

<sup>128</sup> <https://www.parlament-berlin.de/adosservice/18/Haupt/vorgang/h18-0191.B-v.pdf>

<sup>129</sup> Interview with AWO-iGrations gGmbH (Duisburg)

<sup>130</sup> Interview with Förderverein Roma (Frankfurt/Main)

<sup>131</sup> Response of the Federal Government of 5.9.2017, (Ibid.)

**Promising Practice: Clearing Centres/Clearing Houses**

Clearing Centres are points of contact for people without health insurance or with unclear insurance status. The aim is to provide access to the German health care system. Their mission is to clarify conditions for individual access to a health insurance. If this is not possible due to missing prerequisites, clearing centres check if in case of acute illness medical treatment costs are covered e.g. via emergency aid under SGB II. If neither option is possible, patients are referred to the voluntary basic health care initiatives. Clients are EU citizens, asylum seekers, Germans and third country nationals with secure or without status. Many of the clients are Roma. As a temporary solution due to the current restrictions to the access to comprehensive statutory health insurance/coverage, they have proved helpful.

As a pioneer in Germany, the *Land* North Rhine-Westphalia has been supporting a three-year model project of five clearing centres with a total of around 2.5 million EUR since mid-2016. During the period from 1 May to 31 December 2017, a total of 3,797 consultancy contacts were recorded in all clearing centres with almost the same proportion of men (50.25 per cent) and women (49.75 per cent). 82 per cent of those seeking advice were EU citizens, of whom 54.9 per cent were Romanian, 19.3 per cent Bulgarian and 5.8 per cent Polish.<sup>132</sup> However, the advisory services at the clearing centres are not sustainable, since funds are currently only available until mid/end of 2019. The *Land* North Rhine-Westphalia has not yet guaranteed a prolongation of the project or a shift to regular public financing after the 3-year pilot. Another clearing centre in Hamburg with an annual budget of 250,000 euros allotted by the state government reached 36 people from Bulgaria, Romania and Poland in 2016 as well as 33 persons from Serbia and Macedonia.<sup>133</sup>

<sup>132</sup> Report by the Ministry of Employment, Health and Social Issues in NRW regarding the Clearing centres in NRW from 24.05.2018, available at: <https://www.landtag.nrw.de/Dokumentenservice/portal/WWW/dokumentenarchiv/Dokument/MMV17-803.pdf>, p. 3

<sup>133</sup> Evaluationsbericht 2016 der Clearingstelle zur medizinischen Versorgung von Ausländerinnen und Ausländern, Zentrale Information und Beratung für Flüchtlinge gGmbH, Flüchtlingszentrum Hamburg, <http://www.hamburg.de/contentblob/9135074/3327010c5a84646b7db65919fbb6ec2e/data/evaluationsbericht-clearingstelle-2016.pdf>

## EDUCATION

The educational situation of Sinti and Roma is the result of persistent discrimination that goes a long way back to history and continues in the present.<sup>134</sup> It is combined with the prevailing and misanthropic idea of the majority society that Sinti and Roma would be neither interested in learning and educational successes, nor able to reach them.<sup>135</sup> Additionally, the current strong social disparities in the education sector in Germany do apply to all socially disadvantaged groups and is not a specific Sinti and Roma problem. However, given the persistent structural, institutional and direct discrimination of Sinti and Roma, it can be assumed that it applies to them disproportionately. Due to the specific education system in Germany, which among other factors separates children at the age of 9 or 10 already, children from high-educated households are more likely to attend general education (76 per cent) leading to higher education than children from lower education (54 per cent)<sup>136</sup> and the individual provenance, which mostly coincides with socio-economic and migration-related problems, has proven to be particularly significant for positive or negative education outcomes.<sup>137</sup> Due to the structural, institutional and direct discrimination, to which many members of this community are subjected in both Germany and – if applicable – their country of origin, they are confronted with a disadvantaged position in the education system. Given the non-collection of ethnical data in Germany, quantitative indicators to support this thesis are not available. However, the few existing studies based on qualitative indicators, interviews and case studies<sup>138</sup> as well as information provided by self-organizations and by organizations working with Sinti and Roma support this. Most data collected by research on the education of Sinti and Roma relate to the situation of disadvantaged Sinti and Roma with unsuccessful educational biographies. Successful educational biographies of Sinti and Roma are still only rarely scientifically explored.<sup>139</sup> Therefore, and in cooperation with the Central Council of German Sinti and Roma, a first comprehensive scientific study on the sensitivities, motives, motivations, goals and successes of (mostly autochthonous) Sinti and Roma in Germany

<sup>134</sup> "The underlying causes of poor education (of Sinti and Roma in German) cannot not only be attributed to poor housing conditions or the low income of many families but also to the centuries-old marginalisation and the current racism against Sinti and Roma in Europe." in: Zentralrat Deutscher Sinti und Roma (2012) Gleichberechtigte Teilhabe für Sinti und Roma in Deutschland. Rahmenstrategie der Europäischen Union für die Verbesserung der Lage von Roma in Europa; p. 118

<sup>135</sup> Intergenerational memories of Nazi-persecution and century-long exclusion from education of Sinti and Roma in Germany, combined with "normal" conflicts, are creating numerous experiences of discrimination. As an example, in the Third Reich they were not allowed to attend school. In the post-war period many Sinti and Roma parents did not send their children to school because there were the same teachers who collaborated to send them to the concentration camps. In that time Sinti and Roma children were separated with colouring books, while others learned to read and write. For more information, see esp. *Albert Scherr, Lena Sachs (2017) Erfolgreiche Bildungsbiografien von Sinti und Roma, in: Beltz, Juventa*. And the discrimination experienced by parents and grandparents of eastern European Roma both in their home countries and in Germany has taught them that the institutions of non-Roma ("Gadje") cannot be relied on, and that the crucial experiences for adult life are made in the family and the street. Equally great is the concern of the parents that a school visit without regard to bilingualism, education for independence, and a life in lack of power would alienate their children from their families. See Annual report 2017: Kindertagesstätte Schaworalle, Förderverein Roma e.V., Frankfurt/Main.

<sup>136</sup> S. Bildungsbericht 2018, p. 5

<sup>137</sup> S. Bildungsbericht Deutschland 2018, p. 14 and "Country note Germany: Equity in Education. Breaking down barriers to social mobility", OECD (2018), <http://www.oecd.org/pisa/Equity-in-Educationcountry-note-Germany.pdf>

<sup>138</sup> See specifically Leibnitz, Mirja; Schmitt, Anna; Ruiz Torres, Guillermo; Botescu, Diana (2015). Förderprognose: negativ. Eine Bestandsaufnahme zur Diskriminierung von Bulgarinnen und Rumäninnen mit zugeschriebenem oder tatsächlichem Roma-Hintergrund in Deutschland; Hornberg; Brüggeman (ed.) (2013) Die Bildungssituation von Roma in Europa.

<sup>139</sup> Hansenjürgen; Genenger-Stricker; Schmidt-Koddenberg (2014) Zur Bildungssituation von eingewanderten Roma, in: Beltz, Juventa. Migration und soziale Arbeit, 2, p. 151

has been conducted recently. It was aimed at making available “a knowledge of those Sinti and Roma who successfully pass through primary, secondary, vocational and higher education, thus providing a counterpart to the influential stereotype of the uneducated and low-skilled Sinti and Roma.”<sup>140</sup> The study as a result identifies three educational motives that should be recognised and also promoted by the majority society: escaping from a situation characterised by the entanglement of poverty and discrimination, becoming a role model for others within the Sinti and Roma community and emancipation from gender-related restrictions.<sup>141</sup>

### Access to quality preschool education

Although children from the age of one have a legal right to “early child development in a day care facility or in a child day care” since 1 August 2013 (paragraph 24 Abs. 2 sentence 1 SGB VIII), due to the insufficient expansion of kindergartens and the lack of preschool teachers, there currently exists a lack of day care places. This is particularly the case in big cities such as Berlin, Munich and Frankfurt. Therefore, parents often have to ask persistently for such a place at institutions and authorities. Refugees and disadvantaged migrants, who lack language skills and who are unfamiliar with the structure of the authorities, have difficulties to find day care places. Furthermore, administrative authorities and consultation centres report that immigrant Roma families are often denied a place in kindergartens due to alleged prejudices.<sup>142</sup>

In order to overcome structural and institutional obstacles, and focussing on historical, socio-economic and cultural characteristics, the *Förderverein Frankfurt* and *Rom e.V. Köln* have established kindergartens for up to 60 Roma children from Romania and 20 Sinti or Roma children. And a project piloted by *Sinti-Verein Hamburg* in cooperation with Department of Labour, Social Affairs, Family and Integration Hamburg and the Institute for Vocational Education Hamburg is offering a vocational training as “educational Sinti/Roma assistant for day-care centre for small children”. The first three Sinti men and seven Sinti women have been trained as “educational assistants for day-care center for small children”, aimed at building bridges to those Sinti and Roma families who have reservations in sending their children to kindergarten or subsequently school.<sup>143</sup>

### Improving quality of education until the end of compulsory schooling

Depending on each state (*Land*), general compulsory schooling begins for all children in the Federal Republic of Germany in between 5-7 years and nine or ten years of full-time schooling. Those not attending a full-time general education or vocational school at upper secondary level once they have completed their 9 or 10 years of compulsory general schooling are supposed to still attend part-time schooling (compulsory vocational education or “*Berufsschulpflicht*”).<sup>144</sup> In practice, vocational education is rather a right than an obligation. However, the system has shortcomings that seriously affect this right for socially disadvantaged families, including many immigrant Roma children. According to organisations based in Berlin, Duisburg and Cologne that work with immigrant Roma, the access to schools for Roma children from migration backgrounds is often delayed. Waiting times of several months are not unusual, and some families have to wait for up

<sup>140</sup> See Albert Scherr, Lena Sachs (2017) Erfolgreiche Bildungsbiografien.

<sup>141</sup> See the review by Dr. Jos Schnurer at: <https://www.socialnet.de/rezensionen/23272.php>

<sup>142</sup> In the implementation report of the Roma Action Plan of Berlin, the district of Lichtenberg reports that kindergartens seem to have a negative attitude towards Roma families. This could be explained due to anti-gypsyism, yet it cannot be verified (The Senate of Berlin [2017] Zweiter Bericht zur Umsetzung des Berliner Aktionsplans zur Einbeziehung ausländischer Roma, p. 89). Report about such an incident was recorded by Amaro Foro [2017] Dokumentation antiziganistischer und diskriminierender Vorfälle in Berlin, p. 26).

<sup>143</sup> Specifically in Hamburg (<http://www.sinti-verein.de>), Frankfurt/Main (<http://www.schaworalle.de/>) and Köln ([https://www.romev.de/?page\\_id=34](https://www.romev.de/?page_id=34)).

<sup>144</sup> See also: [https://eacea.ec.europa.eu/national-policies/eurydice/content/germany\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/germany_en).

to a year until their children are settled into a school.<sup>145</sup> This constitutes a serious obstacle to the implementation of compulsory education.

Another group experiencing structural discrimination in compulsory education is that of illegalised migrants. There is no compulsory education for children without a legal residence permit (*sans papiers*) in any state (*Land*). The majority of the concerned do not send their children to school because they fear that school authorities will denounce them to the police and thus may even face deportation. As reported by the interviewed counselling centres, especially children not officially registered with a valid home address are facing major problems with regard to their access to school. This equally affects Roma children holding the EU citizenship.

Asylum seekers experience serious problems regarding the school attendance. Furthermore, most children from Roma families seeking asylum or having “tolerated” asylum live in constant fear of imminent deportation. Hence, many are forced to change their place of residence on a regular basis. This in turn has a serious impact on the school attendance of their children.<sup>146</sup> Asylum seekers whose asylum applications were denied, among them Roma children, were sometimes receiving lessons under inadequate conditions in detention centres that did not comply with school curricula.<sup>147</sup> Compulsory fulltime education in Germany ends after the 9<sup>th</sup> or 10<sup>th</sup> grade (depending on the *Land*), followed by either fulltime education leading to higher and more recognised graduations or compulsory vocational training. Due to the shortcomings of the selective German education system, a considerable part of adolescents from disadvantaged families, many with migration background or migrants themselves, leaves school with the most basic graduation (“*Hauptschulabschluss*”).<sup>148</sup> Chances to find an apprenticeship training position with the most basic graduation are much more difficult than with a higher graduation. According to information from counselling centres, a proportion of socially disadvantaged Sinti and Roma children does not graduate from school at all. Unfortunately, programmes meant to support youngsters from disadvantaged families in graduating are hardly successful. To graduate via “second chance education” (*auf dem zweiten Bildungsweg*) requires not only time and commitment, but also financial means.<sup>149</sup> Although diversity is a topic in teacher training programmes, attendance it is not obligatory, and rarely does it focus specifically on antigypsyism. Nonetheless, the topic became more prominent in the last years and requests to deal with this topic increased. However, one training event on

<sup>145</sup> Ruiz Torres, Guillermo; Striethorst, Anna; Gebhardt, Dirk (2014), p. 63; Leibnitz et al. (2015), p. 36; Brüggemann, Christian; Hornberg, Sabine; Jonuz, Elizabeta (2014) Heterogenität und Benachteiligung. Die Bildungssituation von Sinti und Roma in Deutschland, in: Hornberg, Sabine; Brüggemann, Christian (Ed.): Die Bildungssituation von Roma in Europa, p. 99, and Interviews with Amaro Foroe.V., RAA - Berlin, Rom e.V.

<sup>146</sup> Interview with Rom e.V. Köln.

<sup>147</sup> Sozialfabrik; Central Council of German Sinti and Roma; Documentation of German Sinti and Roma (2018) Civil society monitoring report on implementation of the national Roma integration strategy in Germany. Focusing on structural and horizontal preconditions for successful implementation of the strategy, p.22.

<sup>148</sup> As an example, in Germany, adults with tertiary-educated parents [were] eight times more likely to complete tertiary education than adults with low-educated parents (OECD average: 11 times more likely; only three times more likely in New Zealand and 4 times more likely in Canada, Estonia, Finland and Sweden;), OECD CountryNote Germany (2018) *Equity in Education. Breaking down barriers to social education*. Available at: <http://www.oecd.org/pisa/Equity-in-Education-country-note-Germany.pdf>.

<sup>149</sup> In many cases, the financial support provided via *Jobcenters* and public scholarship programmes (e.g. BAFÖG) do not cover the minimum living cost expenditures needed.



the subject of Sinti and Roma organised by the Ministry of Education in Baden-Württemberg was cancelled because only four teachers had registered.<sup>150</sup>

To improve the education of Sinti and Roma, the "*Nationwide working group to improve participation in education and educational success of Sinti and Roma in Germany*" developed recommendations. This working group was initiated by the public *Foundation Remembrance, Responsibility and Future (EVZ)*. It was composed of representatives of ministries, municipalities, foundations, academia, and organisations of Sinti and Roma. After having submitted their recommendations, the working group was dissolved, and the work was not continued. Public institutions did not take over the task to promote the implementation of these recommendations at the levels of *Bund, Länder* and municipalities. The recommendations represent a basis for the framing and realization of improved measures. One of the most important outcomes of this process is that the Foundation EVZ has started a funding programme on the basis of these recommendations. This programme strengthens an equal participation in education and organizations of Sinti and Roma in Germany.<sup>151</sup>

In this context, the demand of the *Zentralrat Deutscher Sinti und Roma* should be mentioned. It calls for a permanent working group settled in the *Kultusministerkonferenz*, which treats the topic of Sinti and Roma or national minorities in Germany respectively as a main item on its agenda, including the relevant organizations of minorities.<sup>152</sup> One of the tasks of this working group would be to draft, monitor and evaluate the educational standards with regard to the history and culture of Sinti and Roma. Currently, the *Kultusministerkonferenz* in cooperation with the Central Council and the Coalition for Solidarity with the German Sinti and Roma prepares a recommendation to integrate teaching about Sinti and Roma in schools, which will be passed in 2019 to 2020.

### **Promising practice: The model of educational counsellors**

Since 1990s, mediators and educational counsellors have been installed in schools to support the school performance of Sinti and Roma children in particular. Educational counsellors employed in both general and educational schools aim to establish a connection between pupils, their families and school in order to create a better and more successful learning environment for children of Sinti and Roma.

One of these programmes is the State Institute for Teacher Education and School Development Hamburg, which is funded by the Land Hamburg. As part of the programme, young Sinti and Roma are given a one-year training to become educational counsellors for Sinti and Roma pupils in schools.<sup>153</sup> Another similar project is the 18-month training of Sinti as an educational counsellors (*Bildungsbegleiter*) in the city of Leer in Ostfriesland. The project was carried out by the *Sinti-Verein Ostfriesland* between 2016 and 2018 and was funded by the EVZ Foundation. After their training, graduates are engaged in schools and institutions of educational and youth work.<sup>154</sup>

<sup>150</sup> Information provided by Oliver von Mengersen, expert on education, *Dokumentations- und Kulturzentrum Deutscher Sinti und Roma*.

<sup>151</sup> Link to the recommendations: <https://www.stiftung-evz.de/handlungsfelder/handeln-fuer-menschenrechte/engagement-fuer-sinti-und-roma-in-deutschland/arbeitskreis-bildung.html>

<sup>152</sup> See demand of the Central Council of German Sinti and Roma: <http://zentralrat.sintiundroma.de/arbeitsbereiche/minderheitenrechte/>

<sup>153</sup> Bürgerschaft der Freien und Hansastadt Hamburg (2017) Schriftliche Kleine Anfrage des Abgeordneten Prof. Dr. Jörn Kruse (AfD) vom 05.07.17 und Antwort des Senats Drucksache 21/972821. Wahlperiode 11.07.17)

<sup>154</sup> Interview with Sinti-Verein Ostfriesland. School mediation is also offered by f.e. Diakonie Hasenberg and Madhouse, both Munich. And RAA Berlin has developed and implemented another comprehensive concept of school-mediation (Interview and see Nader, Andrés, « Die Roma-Schulmediation der RAA Berlin » in unsere jugend, 67. Jg., S. 257-261 (2015).

According to experts, cooperation with educational counsellors has led not only to a positive development in terms of participation in the classroom and regular school attendance, but also to the improvement of school performance and to a better contact with parents.<sup>155</sup> However, it has to be noted that the competences of mediators have to be broadened and strengthened. Moreover, programmes must be initiated which raise awareness amongst educational staff for the problem of antigypsyism. It is also very essential to strengthen networking between the mediators and the local, federal and national authorities responsible for the training of the mediators.<sup>156</sup>

### Support of secondary and higher education particularly for professions with high labour market demand

The education and vocational training situation of older pupils with a migratory background, including immigrant Roma, must generally be described as problematic and lacking in prospects. On the one hand, newly arrived youngsters, who have reached the age of 16 and are no longer subject to compulsory education, are very often not taken into consideration by the school authorities.<sup>157</sup> The age limit is based on the concept that at the age of 16, the compulsory education of nine years has already been completed. The minimum requirement for the recognition of a foreign school certificate and an equal status with the German basic school leaving certificate (*Hauptschulabschluss*) and thus the admission to a qualified vocational training in Hessen, NRW, Bavaria and Berlin, is the proof of at least nine consecutive and successfully attended schooling years. However, this is contrary to the individual biographies, since a part of these adolescents have not attended school continuously for nine years. There is a large proportion of immigrant Roma children who, due to lack of financial resources of their families or due to structural and open antigypsyism in their home countries, entered school for the first time in Germany at the age of 8, 9 or 10.<sup>158</sup>

Often youths, who are 14 and 15 years old when coming to Germany, have little chance to enter a regular school class before the end of compulsory education. One arrived, they enter a so-called "welcome class" for children and young people aimed at learning the German language. These classes are affiliated to primary, secondary or vocational training, sometimes also to special schools. In theory, children should attend these classes for a maximum of a year or until they are able to follow regular classes in German. In practice, it is not uncommon – specifically for those who enter with 14 or 15 years – to finish school with a school leaving certificate from these "welcome classes", which is not recognised officially.<sup>159</sup> Thus, these newly arrived young people are often stuck in measures of vocational orientation for people without school certificate. These hardly lead to officially recognized training qualifications and hence socially insured employment. As an alternative, they can visit one of the "second chance education" programmes. However, access to those can be difficult for immigrants due to their lack of German language

<sup>155</sup> Interviews with Amaro Foro, RAA-Berlin, Rom e.V., Sinti-Verein Ostfriesland

<sup>156</sup> Ruiz Torres; Striethorst; Gebhardt (2014), p. 62; EUROCITIES (2011) Roma School Mediation, Peer Review Report, p. 11

<sup>157</sup> Leibnitz et al. (2015), p. 38; Interviews with Förderverein Roma e.V., Frankfurt/Main und Amaro Foro, Berlin.

<sup>158</sup> Interview with Rom e.V.

<sup>159</sup> Pfeffer-Hoffmann, Christian; Kyuchukov, Hristo; Stapf, Tobias; de Jongh, Bertine (2015) Integrationsunterstützung für neu zugewanderte Roma in Berlin. Informations- und Integrationsmanagement für neu zugewanderte Roma aus Bulgarien und Rumänien in Berlin, p. 55-56

skills.<sup>160</sup> German language classes for most refugees with a certain status and migrants from EU and non-EU countries are available and often free of costs, but they only cover a certain amount of basic language lessons. Additionally, for most people not trained in formal education, it is difficult to reach a language level sufficient for a qualified job. ESF-funded “job-oriented language classes” are aimed at further qualifying participants both linguistically and professionally with this idea to improve chances on the job market. If prerequisites are fulfilled (e.g. residence permit, registered as job seeking and/or participant of certain vocational orientation or training programmes), these are free of charge. However, evaluation results of the first programme (2006-2013) could not verify a “positive effect on employment” or participants within the period of observation.<sup>161</sup> Evaluation results of the current programme are expected in 2021, data about Sinti or Roma as participants are not available.

Usually various NGOs provide vocational training programmes for Sinti and Roma. Nevertheless, given the high rate of unemployment among young Sinti and Roma, efforts to help them in receiving a vocational training are moderate. Existing projects only reach very few young people. Firstly, many young Sinti and Roma do not know how to apply for vocational training courses, and it is only with the support of consultative services like the Migration Advisory Service for Adult Immigrants or the Youth Advisory Service that they will even understand how to apply. But even the advisory services – once young people found their way to them – can only support in the application process. Still, many fall out of the scheme because they do not fulfil the prerequisites demanded, or because the established training programmes hardly take into account the needs of socially disadvantaged people with often few experiences in formal training, including Sinti and Roma.<sup>162</sup>

### Fight against discrimination and antigypsyism in education

One of the largest problems in the education system is the special school system, which aims to provide an alternative for children requiring a special needs education. Astonishingly, this is not adequately researched. Although due to the implementation of the UN Convention on the Rights of Person with Disabilities, the German school system is currently under transition (see below), children being sent to special schools is still a common problem. To start with, the decision about the visit or transfer of a child to the special school or a school focusing on special education should be taken by the parents or in agreement with them. In practice, however, decision-making power lies primarily with class teachers, the school management and other responsible persons in the education administration. In many cases, children who allegedly require a special needs education are taught in special schools without parental consent. Parents are often insufficiently informed about the negative consequences which schooling in a special school may cause.<sup>163</sup> As several institutions report, whether a child successfully attends a regular school completely depends on the school staff. In some schools, the intervention of teachers or educators could prevent the transfer of a pupil to a special school. The families often do not know how to prevent that.<sup>164</sup> The *Roma Förderverein Frankfurt* reported that

<sup>160</sup> Interview with Amaro Foro. The Sinti-Verein Ostfriesland has stated, that Sinti youngsters feel often under pressure and so deviled by the Jobcenter, so that they do not have any motivation to take part of the measures given by them.

<sup>161</sup> Walter, T. a.o.: Evaluation “Programm zur berufsbezogenen Sprachförderung für Personen mit Migrationshintergrund (ESFBAMF-Programm)”. Abschlussbericht. Mannheim 2014, p. 112 f. Available at: [https://www.esf.de/portal/SharedDocs/PDFs/DE/Meldung/2014/evaluation\\_bamf.pdf?\\_\\_blob=publicationFile&v=1](https://www.esf.de/portal/SharedDocs/PDFs/DE/Meldung/2014/evaluation_bamf.pdf?__blob=publicationFile&v=1)

<sup>162</sup> Ruiz Torres, Striethorst, Gebhardt (2014), p. 66, Interviews with Amaro Foro, Sinti-Verein Ostfriesland, Roma Förderverein Frankfurt am Main

<sup>163</sup> Interviews mit Rom e.V. Köln und Roma Förderverein Frankfurt, RAA Berlin

<sup>164</sup> Interviews Förderverein Roma e.V. Frankfurt/Main, Amaro Foro e.V. Berlin

most families accept the decision of the school because they fear bureaucratic problems with the authorities.

The risk of educational discrimination by sending children to special schools is higher among children with migrant backgrounds than among children of the majority society.<sup>165</sup> Children from a migration background are often placed to special schools because of their insufficient German language skills, which are often misinterpreted as "language deficit" and then reinterpreted as "generally retarded development". Not having attended a kindergarten can be misinterpreted as "not being able to work in a group" and as "lack of social skills".<sup>166</sup> Children are also placed in special education when they are unable to follow the class in a regular school, when they allegedly exhibit peculiar behaviour or when they disturb the class. All these are classified as children with "learning problems". In the opinion of many teachers, these deficits are rooted in the origins of the children. In this context, it is not questioned what kind of support the regular school should actually provide to these children in order to adequately cover their individual needs.

Due to German legislation it is not allowed to collect statistical data on ethnic grounds. However, a study of *Sozialfabrik* and *Amaro Foro* showed that children from Bulgaria and Romania are overrepresented in special schools and special classes. According to the interviewees, a significant proportion of these children are immigrant Roma.<sup>167</sup> Sinti and Roma self-organisations and other community-based organizations report that Sinti and Roma children, both German and immigrants, are often sent to special schools and classes based on the reasons mentioned above: alleged "language deficits", "inability to work in a group", "inappropriate social behaviour" and "learning problems".<sup>168</sup>

In this context, a ground-breaking case has occurred. The *Land* court in Cologne decided in favour of a young Serbian Roma because of his arbitrary placement in a special school. The *Land* of North Rhine-Westphalia was convicted to pay compensation. The court accuses the *Land* of North Rhine-Westphalia that the responsible teachers should have realized with the help of their annual reviews that the plaintiff did not require special education. Already as a child, then back in Bavaria, the youngster was classified in need of special education on the basis of a so-called intelligence test, which was carried out without the assistance of an interpreter, whilst the child's knowledge of the German language was still minimal at that time and he did not understand what was asked from him. The intelligence test was never repeated, neither in Bavaria nor in North Rhine-Westphalia. This case shows the arbitrary practice whereby children, including many children with a migratory background as well as German Sinti and German and Immigrant Roma, are sent to special schools without requiring any real need for that.<sup>169</sup> This practice

<sup>165</sup> Antidiskriminierungsstelle des Bundes - ADS (2013) Diskriminierung im Bildungsbereich und im Arbeitsleben. Zweiter Gemeinsamer Bericht der Antidiskriminierungsstelle des Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages, p. 85

<sup>166</sup> Ibid., p. 86

<sup>167</sup> See Leibnitz et al. (2015), p. 45. According to the study, Bulgarian (5.75%) and Romanian students (7.47%) were slightly to strongly disproportionately represented at special schools compared to German (3.89%) and foreign (5.42%) students in the school year 2014/2015. Additionally, the percentage of Bulgarian (5.42%) and Romanian (4.23%) students who are referred to high schools (Gymnasium) after primary school is small. Thus, in comparison to foreign students (16.04%), Romanian students visit almost 4x less often a high school, in comparison to German (28.51%) about 6.5 times less often. For Bulgarian pupils, the Quote is about 1:3 compared to all other foreign students, compared to Germans about 1: 5.

<sup>168</sup> Interviews with Sinti-Verein Ostfriesland, Diakonie Hasenberg München, Rom e.V. Köln, Roma Förderverein Frankfurt

<sup>169</sup> Schmitz (2017) Ehemaliger Kölner Förderschüler erhält Schadenersatz; Link to article and video of the story: <https://www1.wdr.de/nachrichten/rheinland/foerderschueler-koeln-klage-nrw-urteil-landgericht100.html>; Interview with Rom e.V. Köln, which supported the demander to file the compliant. In an

ruins the lives of many young people who will not have any chance in vocational education and the labour market later. In the case of the German Sinti and Roma, other factors also play an implicit role for the high level of children diagnosed with a need for special education. After the genocide of the Sinti and Roma by the Nazi regime, the survivors were forced to live in a society in which the former perpetrators continued to hold public offices. Until up to the 1970s, Sinti and Roma were denied the right to attend school regularly or lacked adequate and safe conditions to enable them to attend a regular school. As a result, many German Roma and Sinti could not attend school or did not complete their school education.<sup>170</sup> This is inscribed in the history of the families. Additionally, following the introduction of the special education system in Germany, children of Sinti and Roma families were placed in special schools because of discriminatory classifications and due to the fact that they often grew up in a socio-cultural environment in which they could not acquire the necessary resources for schooling in the regular German school system.<sup>171</sup> It was and is very difficult to successfully file an objection once teachers, educators and/or an educational authority has recommended special schooling for a child. This situation combined with the everyday discrimination and racist assaults in regular schools contributed to the fact that a number of German Sinti and Roma families preferred to send their children to special schools.<sup>172</sup>

Since the ratification of the UN Convention on the Rights of Persons with Disabilities, there has been an increase of inclusive schooling in regular schools. Unfortunately, the concept of inclusive schooling has been implemented inadequately and not nationwide. Currently, only 39 per cent of the children affected are integrated into a regular school.<sup>173</sup> And although inclusion focussing on children with supposed or actual learning difficulties in regular schools is increasing, this does not apply to the focus theme "socio-emotional handicaps".<sup>174</sup> According to the counselling services and organisations interviewed, socioemotional handicaps are stated as a reason to many Sinti and Roma for sending their children to special schools. It is noticeable that foreign children are less likely to be taught in integrative classes compared to German children.<sup>175</sup> Only every second child sent to a special school returns to a regular school later on. Three quarters of all children who attend a special school do not obtain the German basic school leaving certificate.<sup>176</sup> According to official data, the proportion of students in need of special education support in 2016 was 7 per cent.<sup>177</sup> However, there is no official information about the proportion of Sinti and Roma within this group.

The educational level differs among the migrant groups. According to surveys by the German Statistics Office from 2017, the proportion of students from Vietnam, Afghanistan or the Russian Federation in special schools and classes is approximately equal to that of children with German citizenship. By contrast, the proportion of children from Bulgaria, Kosovo, Romania or Serbia is three times higher than that of children with German

interview with RAA Berlin it was confirmed that Roma children are sent to special schools ("Förderzentren") though they do not belong to those but based on language or motoric grounds.

<sup>170</sup> Interview mit Sinti-Verein Ostfriesland; Diakonie Hasenberg München

<sup>171</sup> Brüggemann, Hornberg, Jonuz (2014), p. 96

<sup>172</sup> Ruiz Torres; Striethorst; Gebhardt (2014); von Mengersen, Oliver (2012) Sinti und Roma in der Schule – die Meinung von Lehrerinnen und Lehrern; Interview with Diakonie Hasenberg München.

<sup>173</sup> Autorengruppe Bildungsberichterstattung (2018) Bildung in Deutschland 2018. Ein indikatorengestützter Bericht mit einer Analyse zu Wirkungen und Erträgen von Bildung, p.7

<sup>174</sup> Klemm, Klaus (2018) Unterwegs zur inclusive Schule, Lagebericht 2018 aus Bildungstatistischer Perspektive, p. 14

<sup>175</sup> ADS, p. 179

<sup>176</sup> Ibid, p. 181

<sup>177</sup> Autorengruppe Bildungsbericht 2018: 7

citizenship.<sup>178</sup> It is noticeable that students from countries with a distinguished Roma population and a representative immigration rate to Germany are overrepresented in special schools. This observation that immigrant Roma children are overrepresented in special schools and underrepresented in high schools, is seconded by the interviews with self-organizations and other community-based organisations.<sup>179</sup> The placement in a special school is mainly a result of structural and openly practised antigypsyism, which will be discussed here.

These findings proof the observations and recommendations of the UN Committee on the Elimination of Racial Discrimination of 15 May 2015 on the 19<sup>th</sup> to 22<sup>nd</sup> periodic reports of the Federal Republic of Germany. The Committee is concerned that the tripartite school system in Germany is, among other factors, disadvantageous for pupils who do not speak German. The Committee criticizes that minorities, including Sinti and Roma, are overrepresented in lower educational levels and thus are disadvantaged in achieving higher degrees or successfully entering the regular labour market. It recommends enhanced measures to improve below-average performance of minority children, to increase the level of educational attainments (by eliminating exclusion and reducing dropout rates), thus also stopping the de facto segregation of Sinti and Roma in education.

According to organisations of German Sinti and Roma, the attendance in a special school among German Sinti and Roma has fallen but remains high in comparison with the majority society. In the course of a survey on the situation of German Sinti and Roma belonging to three generations, 10.7 per cent of 275 interviewees stated that they had attended a special school. The percentage is 9.4 per cent for the group between 14 and 25 years of age and 13.4 per cent for the group between 26 and 50.<sup>180</sup> With respect to the ratio of the total number of all children required to attend school, the proportion of pupils going to special schools or classes is around 5 per cent, while among children with a migrant background the percentage is between 6 and 8 per cent.<sup>181</sup> Even if these data are not representative, they give an impression of the share of German Sinti and Roma placed in special schools.

The ratification of the UN Convention on the Rights of Persons with Disabilities by the Federal Government in 2009 directly impacts on the system of special schools. Although Germany ratified the Convention in 2009, it still lacks full implementation in all federal states (*Länder*). Only in Berlin, Bremen, Hamburg and Schleswig-Holstein, more pupils with special needs are placed in regular schools than in special schools.<sup>182</sup> In addition, another problem is that regular schools with an inclusive concept are often not equipped with the adequate staff and resources to support children with special needs.<sup>183</sup> Nonetheless, the UN Convention provides an effective tool in order to abolish or at least reduce the segregating character of the German school system.

<sup>178</sup> ADS, p. 85, Statistisches Bundesamt 2017: 355

<sup>179</sup> The study "*Förderprognose*" demonstrates the overrepresentation of Bulgarian and Romanian pupils in special schools and the underrepresentation of them in high schools, based on the grounds of official statistics. Leibnitz et al. (2015), p. 44

<sup>180</sup> Strauß, Daniel (2012) Studie zur aktuellen Bildungssituation deutscher Sinti und Roma. Dokumentation und Forschungsbericht, p. 32

<sup>181</sup> Ibid: p. 22

<sup>182</sup> Autorengruppe Bildungsberichterstattung (2018), p. 104

<sup>183</sup> Interviews with Amaro Foro, Rom e.V. und Roma Förderverein Frankfurt; conversations with teachers of inclusion classes in Berlin between 2014-2018. In North Rhine-Westphalia, the *Land* government decided in 2017 to stop the close of special schools because there were no capacities to provide regular schools with the necessary resources to set up or enlarge inclusion classes.

At this point, it should be emphasized that the placement of children and youngsters of Roma immigrant families in special schools is primarily justified by their allegedly insufficient German language skills, while children and youths of German Sinti and Roma families are sent to such schools because of their assumed “emotional or motoric difficulties”.<sup>184</sup> In many cases, this can be considered as discriminatory practice by the school staff.

### **Segregation in the German school system**

School segregation<sup>185</sup> has different forms in Germany. Firstly, it results from the tripartite structure of the education system. Children from socially disadvantaged families are more often sent to special, basic and comprehensive schools (*Förder-, Haupt- and Gesamtschulen*).<sup>186</sup> As criticized by the UN Committee on the Elimination of Racial Discrimination of 15 May 2015 on the 19<sup>th</sup> periodic report of the Federal Republic of Germany, this leads to an overrepresentation of minorities and socially disadvantaged in lower education and a reduction in the chances of obtaining higher degrees and access to the regular labour market. In particular, the Committee criticises the very high representation of Sinti and Roma as well as other minorities. It recommends enhanced measures to improve underperformance of ethnic minority children, increase the level of educational attainment by preventing exclusion and reducing dropout rates, and stop the de facto segregation of Sinti and Roma in education.<sup>187</sup>

Secondly, school segregation is related to spatial segregation. Socially disadvantaged people, often including migrants, refugees and immigrant Roma, are also subject to spatial segregation, as they often live in deprived neighbourhoods. In residential areas with a high proportion of migrants, schools are usually attended almost exclusively by children with migrant backgrounds. Academic performance at these schools is often very poor because the German school system is not designed to meet the pedagogic and social needs of children coming from socially disadvantaged families. The likelihood that children attending these schools could succeed in graduating or going to high school is lower than for pupils at schools in more affluent districts.<sup>188</sup> Particularly, families with a migrant background often do not know that – although the procedure is very complicated, time-consuming and not always successful – have the right to file an application for a transfer to a school in another district.

Thirdly, within the school system, structural and institutional mechanisms of discrimination against refugee and migrant children, including Roma children, can be perceived in the structure of the so-called “welcome”, “side-entry” (*Seiteneinsteigerklassen*) or “Ü-classes”. These classes are named differently depending on the municipality or *Land*. In Bavaria they are called “Ü-classes” (with the “Ü” standing for the German expression for “transition”) and in Hessen and NRW they are known as “side-entry classes”. In the *Land* of Berlin the so-called “learning groups for new entrants without knowledge of German” were introduced in 2011, which are also called “welcome classes”.

<sup>184</sup> For example, in an interview with RAA Berlin, it was confirmed that Roma children are sent to special schools (“Förderzentren”) in Berlin, though they do not belong to those but based on language or motoric grounds.

<sup>185</sup> The school segregation of disadvantaged Sinti and Roma in Germany distinguish from it in Eastern European countries. Although structural and open antigypsyism is the main cause for segregation in Germany, this phenomenon has stronger characteristics in Eastern Europe and there are fewer means to fight against it.

<sup>186</sup> Autorengruppe Bildungsberichterstattung (2018), p. 5

<sup>187</sup> The observations of the UN-Report (see: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/DEU/CO/1922&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/DEU/CO/1922&Lang=En)) were confirmed in the interview with *Amaro Foro*.

<sup>188</sup> Autorengruppe Bildungsberichterstattung (2018), p. 7

In order to illustrate the segregating character of these classes, discriminatory elements of the “welcome classes” in Berlin are presented here. This information was described in the report *Förderprognose* published by *Sozialfabrik* and *Amaro Foro*. Complementing experiences of consultancy organisations contacted in Duisburg, Munich and Frankfurt am Main are explicitly stated as such.

The situations of Bulgarian and Romanian adolescents in “welcome classes” of secondary education in Berlin do not represent isolated cases. A series of written requests to the Berlin House of Representatives between 2013 and 2015 failed to provide any concrete answers to the official occupancy, the criteria for admission and transition to regular education, and the length of attendance of pupils in a Berlin “welcome class”.<sup>189</sup> In some districts of the city of Duisburg, it is reported that children usually stay one year in the so-called “side-entry classes”. Yet, cases with longer retention are also known.<sup>190</sup>

In most of the cases, school boards, school authorities, youth welfare offices and schools explain to the parents that there is no alternative to placing their child in a so-called “welcome class”. They do not or only insufficiently grant the parents freedom of choice. In some districts of Berlin, pupils have to wait for a long period of time until they are placed in one of the “welcome classes”.<sup>191</sup> The concept of the “welcome classes” is to transfer children in a regular class as soon as possible. If they are – and often they are not (see below) – transferred, many pupils have to change schools, since only certain schools provide a “welcome class”. Usually, they are not located in the catchment areas of these children. The long waiting times and the change to another school are further explained below in the section about discrimination.

In primary schools, “welcome classes” do not follow a certain curriculum. The content of the lessons is determined by the educational staff.<sup>192</sup> As most of the documented cases show, lessons in “welcome classes” are shorter in comparison to those given to pupils at the same age in regular classes. There are “welcome classes” with children who do not only share Bulgaria or Romania as their country of origin, but also come from the same region in those countries.<sup>193</sup> As a consequence, learning achievements are poor since the common language spoken in these classes is not German. Only a few districts in Berlin consider the linguistic diversity of immigrant children while assigning them to the

<sup>189</sup> Abgeordnetenhaus Berlin (18. Dezember 2013): Schriftliche Anfrage der Abgeordneten Martin Delius und Fabio Reinhardt (PIRATEN) vom 17. Dezember 2013 und Antwort. Willkommensklassen an Berlin Schulen (II) – Ausgrenzung statt Inklusion und Chancengerechtigkeit? Drucksache 17/13009

\_\_\_\_\_. (24. Juni 2014): Schriftliche Anfrage der Abgeordneten Martin Delius und Fabio Reinhardt (PIRATEN) vom 23. Juni 2014 und Antwort. Willkommensklassen an Berliner Schulen IV – Verfahren, Teilnehmer\*innenzahl und Verweildauer. Drucksache 17/14 065

\_\_\_\_\_. (24. September 2014): Schriftliche Anfrage der Abgeordneten Stefanie Remlinger (Grüne) vom 8. September 2014 und Antwort. Willkommensklassen in Berlin – Zahlen und Daten. Drucksache 17/14 509

\_\_\_\_\_. (7. September 2015): Schriftliche Anfrage der Abgeordneten Martin Delius und Fabio Reinhardt (PIRATEN) vom 28. August 2015 und Antwort. Willkommensklassen an Berlin Schulen V. Drucksache 17/16 953

<sup>190</sup> Leibnitz et al. (2015), p. 41

<sup>191</sup> In some cases, migrant children, Roma among them, have to wait until one year to obtain a school place. Interview with Regionale Arbeitsstellen für Bildung, Integration and Demokratie - RAA Berlin

<sup>192</sup> Karakayalı, Juliane; zur Nieden, Birgit; Kahveci, Çağrı; Groß, Sophie; Heller, Mareike; Güleriyüz, Tutku (2017) Die Beschulung neu zugewanderter und geflüchteter Kinder in Berlin. Praxis und Herausforderungen, p. 10

<sup>193</sup> Interview with Amaro Foro



“welcome classes”. A similar trend can be observed in Duisburg-Marxloh – almost all pupils of the “side-entry classes” originally come from Bulgaria (primarily) and Romania.

Children, who visit the third grade or higher, are assigned to the “welcome classes”, whereas children in first and second grade go to “welcome classes” which are not appropriate to their age and hence do not exist officially.<sup>194</sup> Neither is there a fixed timetable, they do not follow the official curriculum nor an official language teaching programme, nor any clearly defined criteria reasonably justify the continued attendance in these classes. After having visited a “welcome class”, its pupils are not assigned to a regular class at some schools. Instead, they visit so-called “international classes”, which are composed of the former pupils of “welcome classes”. This depicts the perpetuation of the segregation inhabiting the German school system.<sup>195</sup>

Although the establishment of those “welcome classes” is regarded and portrayed as a successful method for the integration of immigrant Roma children by federal governments and municipalities, educational experts and activists of Sinti and Roma criticise it as discriminating and segregating.<sup>196</sup> Rather than teaching children with migrant backgrounds separately from other pupils, they argue the case for promoting their visit of regular classes with the help of additional educational staff.<sup>197</sup>

### **Discrimination at school**

The scope of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*) explicitly does not include public education, the latter being the responsibility of the federal states. They also have failed, however, to implement the EU law. Their education laws do not lay down any explicit and comprehensive prohibition of discrimination and neither provide for corresponding protection and complaint mechanisms nor for possible legal action. This impedes the fight against the discrimination at school faced by Roma and Sinti children and adolescents.<sup>198</sup>

Many refugees and immigrant Roma children face structural discrimination within the school system. The tense situation of the German housing market combined with the discrimination experienced when looking for apartments might force disadvantaged people to move out of their quarter or town. The children are then referred to a new school, which often results in being placed on a waiting list, only. If the children continue to attend school in their former neighbourhood, they spend a disproportionate part of their time on commuting.

Students are usually assigned to schools located near their homes. However, previous research showed that students who attend German classes on one hand and welcome classes on the other hand are very often schooled in different urban districts which sometimes involves long journey times. It also causes financial strain for many families: free long-distance public transport tickets in many cities are only available beyond a certain distance between the school and the place of residence. If the distance is only a few meters below the minimum distance, these are not approved. Many families cannot

<sup>194</sup> Karakayali (2017), p. 8, First report for the implementation of the Berlin Action Plan concerning the involvement of immigrant Roma September 29<sup>th</sup>, 2015, <http://www.parlamentberlin.de/ados/17/Haupt/vorgang/h17-0369.L-v.pdf>, p. 10

<sup>195</sup> Abgeordnetenhaus Berlin (2017)

<sup>196</sup> Interviews with RAA, Amaro Foro

<sup>197</sup> Karakayali (2017), p. 27. The office of the Landesbeauftragte for Integration and Migration also criticises the lack of criteria concerning the further attendance in “welcome classes” as well as the fact that children visiting the first and the second grade are assigned to these classes. At present, the “welcome classes” are evaluated. In this context there are expectations for guidance in order to improve their implementation (Interview with Robin Schneider, Referatsleiter Querschnittsfragen der Integrationspolitik)

<sup>198</sup> Sozialfabrik; Central Council of German Sinti and Roma; Documentation Centre of German Sinti and Roma (2018), p.19

afford regular tickets for their children. As a result, children are either often absent from school or they take public transport without a valid ticket. Chances are high that they are caught dodging the fare which in turn nourishes the cliché of the “cheating Roma.” This financial context of parents’ reluctance to have their children attend school is often neglected when the latter is construed as “hostility to education”.<sup>199</sup>

In addition to this structural discrimination, Sinti and Roma children often find themselves being the target of open antigypsyism that ranges from insults to bullying by other children, parents, and school staff.<sup>200</sup> This discrimination often draws on their language of origin or poverty markers such as clothing for stereotypical attributions.<sup>201</sup>

In the course of a survey on the situation of German Sinti and Roma 55.9 per cent of the interviewees answered that they are sometimes discriminated. 8.4 per cent of them indicated that they regularly face discrimination, 12.3 per cent said often and 4.6 per cent very often.<sup>202</sup> The organisations interviewed within the scope of this survey further confirmed that at schools Sinti and Roma are subject to antigypsyism on a regular basis. In many cases, they are bullied by other groups of pupils and prejudices against Sinti and Roma by the teaching staff can be observed.<sup>203</sup> In this context, it has to be underlined that 71.26 per cent of the interviewed Sinti and Roma confessed themselves as such, whereas 14.18 per cent did not do so and 37.0 per cent stated both.<sup>204</sup>

Stereotyping of immigrant Roma in the school system, which has its grounds in antigypsyism, strengthens the *cliché* of immigrant Roma children having a minor performance potential. Such forms of stereotyping can be found in reports at the municipal level, for instance in the documents concerning the Berlin Roma Action Plan.<sup>205</sup> By way of example, an opinion in the implementation report of the Roma Action Plan given by the Berlin district Reinickendorf states the following: “More work needs to be done at the ISS [integrated secondary schools] to prevent some pupils from directly slipping into crime, but to remain in schools instead [...]. In the ISS and the puberty, they often bring their experiences from the shadow economy to everyday school life”.<sup>206</sup> This indicates that Roma pupils tend to engage in crimes and that they bring those practices to school routine.

Different initiatives actively oppose antigypsyism and the manifold forms of discrimination faced by Sinti and Roma in schools and educational institutions, such as the project “School without Racism” (*SOR*) which is realised and accompanied by *Aktion Courage e.V.* and integrated in 1,400 schools by now.<sup>207</sup> This programme offers workshops for pupils and teachers, dealing with the topic of antigypsyism. Another project worth mentioning in this context is “Recognizing, Naming, Counteracting Antigypsyism” (*Antiziganismus erkennen*,

<sup>199</sup> Leibnitz et al. (2015), p.41-42. (This information is based on information gathered from interviews with Förderverein Roma e.V., Frankfurt/Main, AWO Duisburg-Marxloh and Amaro Foro conducted in 2015-2016.)

<sup>200</sup> Abgeordnetenhaus Berlin 2018. Interview with RAA Berlin, confirming that direct discrimination in the classroom/school is reduced once the Roma mediation programme is established at a school.

<sup>201</sup> Amaro Foro (2016), p. 13; Amaro Foro (2017), p.24; Brügemann; Hornberg; Jonuz (2014), p. 101

Interviews with Amaro Foro, Diakonie Hasenberg München, Förderverein Roma e.V. Frankfurt/Main, RAA Berlin, Roma e.V. Köln and Sinti-Verein Ostfriesland

<sup>202</sup> Strauß (2012), p. 45

<sup>203</sup> Interviews with the afore mentioned organizations Amaro Foro, Förderverein Roma Frankfurt, Rom e.V

<sup>204</sup> Strauß (2012), p. 47

<sup>205</sup> cf. Leibnitz et al. (2015) 39; Ruiz Torres; Striethorst; Gebhardt (2014), p. 64

<sup>206</sup> Der Senat von Berlin (2017), p. 82

<sup>207</sup> <http://www.schule-ohne-rassismus.org/start.html>

*benennen, entgegenwirken*). Within the scope of this project, seminars addressing the fight against antigypsyism are organised, mostly in schools. It is scheduled from 2015 until 2020, carried out by the *Alte Feuerwache Jugendbildungsstätte Kaubstraße* in Berlin and funded by the *Bundesprogramm Demokratie Leben*.<sup>208</sup> Civil society organisations such as the Documentation and Cultural Centre of German Sinti and Roma, *Amaro Foro, Amaro Drom, Madhouse* and organisations, which work together with Sinti and Roma, e.g. *Diakonie Hasenberg*, also conduct workshops about the history of Sinti and Roma and about antigypsyism at schools.

### **Sinti and Roma as a topic in class**

Sinti and Roma are – if at all – only discussed marginally in German school lessons. On the one hand, this is due to a general lack of interest. On the other hand, the majority of teachers themselves do not have any knowledge about this topic, since it is not part of a teacher's training in hardly any *Land*.<sup>209</sup> Only within the scope of antiracism, it may be occasionally addressed and discussed as well as the related antigypsyism. Furthermore, in the curricula Sinti and Roma and the holocaust of this minority are seldom or insufficiently covered.

At the level of the *Länder* the *Regionalverband Deutscher Sinti und Roma Hessen* maintains an intensive dialogue with the federal ministry for education of Hessen aiming at integrating the history and genocide of Sinti and Roma in the curricula for the school subject history.<sup>210</sup> Within the framework of its state treaty Baden-Württemberg introduced the topic Sinti and Roma in its new education plan in 2016.<sup>211</sup>

<sup>208</sup> For further information see the project's website:

<https://www.kaubstrasse.de/index.php/bildungsbereich/projekte/rassismus-gegen-roma-und-sinti>

<sup>209</sup> Interview with the Documentation and Cultural Centre of German Sinti and Roma

<sup>210</sup> Interview with Roma-Förderverein e.V.

<sup>211</sup> Landtag von Baden-Württemberg Kleine Anfrage des Abg. Reinhold Gall SPD und Antwort des Staatsministeriums Bisherige Erfahrungen bei der Umsetzung des Vertrags des Landes Baden-Württemberg mit dem Verband Deutscher Sinti und Roma, Landesverband Baden-Württemberg e. V. und Prüfung einer Anschlussregelung. 16. Wahlperiode. Drucksache 16 / 1723. 02. 03. 2017, p. 3

## RECOMMENDATIONS

### Employment

#### **1. To strengthen anti-bias training for public employment services**

Public employment services are required to deliver non-biased services for all citizens; therefore, anti-bias trainings for employees in public employment agencies should address antigypsyism. On the other hand, the capacity of Sinti and Roma organisations and individuals shall be increased in order to monitor antigypsyist behaviour of public services, to file complaints against discrimination and to support victims of discrimination.

#### **2. To strengthen victim support and advisory structures**

Adequate advisory and victim support structures, in particular those run with and by Roma self-organisations, shall be established. These focal points should receive adequate training on labour rights in general and for citizens from other EU Member States and Third Country Nationals in particular in order to inform Roma migrant workers about their rights, on filing complaints against companies or individuals exploiting Roma migrant workers or violating the labour rights of the Roma migrant workers in different ways and on compensation mechanisms. Further, these structures shall be trained in understanding antigypsyism as the root cause for disadvantaged Romani migrant workers becoming exposed to exploitation or human trafficking.

#### **3. To open non-discriminatory opportunities for legal labour migration**

Following the provisions of the "Act on the Acceleration of Asylum Procedures" of 2015/2016, the German government promotes "legal labour migration opportunities" for citizens from the Western Balkan countries in order to curb down on migration. Roma constituted the overwhelming majority of asylum applicants from Serbia and Macedonia and considerable shares of the applicants from the other four Western Balkan countries. In total, up to 150,000 Roma from Western Balkans might have applied for asylum in Germany between 2009 and 2018.

Programmes facilitating legal labour migration from the Western Balkans should therefore, actively outreach to, prepare and include Roma. Antigypsyism in the Western Balkans should be addressed as root cause of forced migration, while labour migration opportunities shall create alternative pathways to asylum-seeking and forced return with its complex aggravating impact both in Germany and Western Balkans.

### Housing and essential public services

#### **4. To research housing conditions**

More participative analysis is needed to better understand the obstacles Sinti and Roma face on the housing market. With regard to the situation of immigrant Roma, with relatively few resources knowledge of the various local advisory structures should be gathered to understand the housing situation and the specificities of discrimination against this group. This research should have a participative character and should be carried out in cooperation with organisations of Sinti and Roma.

#### **5. To invest into social housing policies**

The trend of continuously thinning out social housing policies in Germany over the last three decades needs to be reversed to give people with scarce resources, whether Sinti and Roma or not, a chance to find dignified housing, in particular in urban areas.

## **6. To ensure antidiscrimination legislation**

The clause of paragraph 3, Art. 19 in the German Anti-Discrimination law, which allows ethnic discrimination to create or preserve a socially stable resident and settlement structures, and balanced economic, social and cultural conditions, should be abolished as it acts as a shield for discriminatory practices against Sinti and Roma and other disadvantaged minorities. If it is not the case, the new housing supervision laws should be monitored against their possible abusive interpretation as an instrument against immigrant Roma.

## Impact of health care policies on Roma

### **7. To ensure access to statutory health insurance**

The restrictions to health care services and health care coverage which are enshrined in a number of policies, legislation and principles in Germany are affecting Roma both from EU-countries (specifically Bulgaria and Romania), the Western Balkans and third countries above average. The recommendations of the nation-wide working group health/illegality hence also apply to Roma. Following the recommendations of the nation-wide NGO-working group health/illegality (case-study Bundesarbeitsgruppe Gesundheit/Illegalität "[Krank und ohne Papiere](#)", April 2018), of utmost urgency is thus the legal readjustment and repeal of federal restrictions in order to ensure an immediate and unimpeded entitlement to benefits within the scope of the catalogue of benefits of the statutory health insurance. This requires a consistent separation of health and migration policy strategies, which are currently intertwined, leading to the often-dramatic exclusion of medical health care benefits.

### **8. To abolish obligatory reporting of irregular migrant workers by public health providers**

Only as a temporary solution, nationwide local consultancy services as currently established for a three-year period and in five cities of NRW only (see textbox on "Clearing houses" in the chapter) have proved helpful. These services should be equipped with sufficient translator services in the languages spoken by "Roma migrants" in Germany. They should provide informed legal advice and administrative support aimed at clarifying the health insurance status of the clients and conveying them to comprehensive health care services/health insurance.

## Education

### **9. To create a coordinating body by the Conference of Ministers of Education**

The Conference of Ministers of Education (KMK) shall establish a permanent coordination body on education between the state ministries, Sinti and Roma organizations and key stakeholders. The coordination body shall build on the working group that was coordinated by the Foundation EVZ and published in 2015 key recommendations for the equal educational participation of Sinti and Roma in Germany. Furthermore, the body shall build on the process that was launched in 2018 in order to design, monitor and evaluate educational guidelines for addressing the history and culture of Sinti and Roma, as well as antigypsyism in the school curricula.

### **10. To increase educational success through holistic empowerment programs**

In order to achieve equal educational participation of Sinti and Roma a holistic approach to education should build on empowerment programmes that strengthen the identity, self-awareness, motivation, skills and networks of students, creating incentives and conditions of educational success. Also, where necessary, mediators in particular of Sinti and Roma background should be trained and qualified, as well as appointed in schools and in vocational schools, for supporting the communication between pupils, school and parents.

### **11.To strengthen the anti-discrimination policy and system in education**

In order to effectively combat discrimination faced by Sinti and Roma children and young people 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 should provide advice and support for filing complaints against discrimination and antigypsyism. Awareness-raising programmes for educators, school staff and other multipliers about antigypsyism should be scaled up, and build synergies to the non-formal civic educational approaches in the federal programme "Living Democracy".

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