



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

*Identifying blind spots
in Roma inclusion policy*

Prepared by:
Central Council of German Sinti and Roma
Documentation and Cultural Centre of German Sinti and Roma
Sozialfabrik
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LIST OF ABBREVIATIONS

ADS	Federal Anti-Discrimination Agency
AfD	Alternative for Germany
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
DBSH	German Professional Association for Social Work
ECJ	European Court of Justice
ERDF	European Regional Development Fund
ESF	European Social Fund
EVZ	Remembrance, Responsibility and Future Foundation
LADS	Berlin State Office for Equal Treatment and against Discrimination
MEP	Member of European Parliament
MP	Member of Parliament
NAP	National Action Plan on Combatting Racism
NPD	National Democratic Party of Germany
NRCP	National Roma Contact Point
NRIS	National Roma Inclusion Strategy
SPD	Social Democratic Party of Germany

EXECUTIVE SUMMARY

As antigypsyism is a widespread societal phenomenon, the public administration and social services are not exempted from antigypsyist attitudes and action. Sinti and Roma face discrimination in the public administration. Widespread antigypsyist public discourses have an impact on the attitudes and – assumed – knowledge of people working in institutions, on laws, policies and statutory regulations, that may cause discrimination at all levels of the public administration against Sinti and Roma. This discrimination appears stronger in the public social welfare services.

Antigypsyist discrimination is also an issue in social work. Disadvantaged Sinti and Roma may need the support of social welfare organisations and of social workers to access to social services. Self-organisations of Sinti and Roma criticise that a part of social workers treat clients reproducing antigypsyist stereotypes.

Discrimination exercised by public administration and social welfare administration and organisations hampers disadvantaged Sinti and Roma from realising and enjoying their civil and social rights. Although self-organisations of Sinti and Roma and experts have often criticised the antigypsyism in these fields, very few researches have been carried out and few measures have been undertaken. Urgent measures are needed to counter this phenomenon. Due to this reason, this monitoring report addresses antigypsyism in the public administration and in the social work, in order to raise awareness especially among policy makers, academics and social workers.

Antigypsyism in the public administration

Antigypsyism is reflected in direct and structural discrimination in the public administration. There is a larger amount of information on antigypsyist discrimination by public employment agencies and youth welfare offices. Disadvantaged Sinti and Roma are in an asymmetric situation towards public services and they often face discrimination what prevents them from exercising their social rights. Discriminatory patterns can include stricter examination of the documentation of the applicants, discretionary or unlawful rejection of applications, discriminatory ascription and assumptions, request of irrelevant or non-existing documents, illicit rejection of social benefits, and refusal to provide information. The General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz - AGG*) does not apply to cases of discrimination by public administration and is therefore not applicable. The anti-discrimination legislation aimed at preventing discrimination in the public sphere does not (yet) exist at the regional (*Länder*) level, while existing instruments are not effective so far.

A large amount of discrimination cases against disadvantaged intra EU mobile citizens from Bulgaria and Romania, whose Roma identity is ascribed in public discourses, are reported. Those public discourses are related to a series of legislative measures resulting into an ever-stronger curtailment of the right to free movement of intra EU mobile citizens. These measures and restrictions have a direct influence on the decisions taken by the staff of public authorities who perceive Bulgarians and Romanians as a problem. A large part of the discriminatory incidents reported by the intra EU mobile citizens are grounded in those restrictions of the right to free movement. Due to legal and administrative uncertainties or even pressure from the management, more stringent rules to examine the entitlement to social benefits for Romanians and Bulgarians – who are often seen as Roma – are applied. When decisions taken by the authorities are examined in more detail and appealed, the appeal is often successful, thus proving that many of these decisions are not in conformity with the law.

Some internal and external mechanisms are available to combat discriminatory structures and practices in the public administration. Internally, a number of public administrations, among them employment administrations, have anti-discrimination tools such as diversity management, further anti-discriminatory training and Equal Opportunity Officers at their

disposal. Unfortunately, these instruments have shown to be inefficient so far to counter antigypsyism in the public administration.

Antigypsyism in the social work

Disadvantaged Sinti and Roma get in touch with social welfare services and social workers because they often need support to claim their social rights. Many critical and dedicated social workers, educators and social pedagogues are highly committed to counter antigypsyism in all structures of society, especially in the field of social services. But in spite of these dedicated professionals, antigypsyism is (still) present in the social sector. There are social workers tending to treat their clients disrespectfully and to reproduce antigypsyist stereotypes. Thus, structures in the social sector may contribute to constantly reproduce antigypsyism.

A common thought among some social workers is that the disadvantaged position of parts of Sinti and Roma is related to their culture and that they are not capable to escape the vicious circle of social exclusion. The antigypsyism is expressed in different ways – either direct and openly or indirectly, based on thoughts and attitudes that reduce Sinti and Roma to certain stereotypes. An important part of the social worker force is guided by the premise to discipline their clients, to counter behaviour perceived as „deviated” and to (re-)integrate them into the society. Clients’ autonomy is denied; they are often not treated as autonomous citizens. Experts and interview partners have stated that this phenomenon does also exist in the attitudes of social workers towards disadvantaged Sinti and Roma.

Social workers have considerable power in their relation to their clients. Social workers can influence decisions affecting directly the living conditions of disadvantaged people. Social workers can e.g. give their opinion on whether children should be taken away from their parents and sent into childcare homes. They can decide on the distribution of resources among clients. For example, they can intervene before social housing offices recommending families that should get an apartment. Social workers can have a crucial role in influencing policy making delivering information that can be processed by decision makers of public services to design measures targeting the communities.

There are Sinti and Roma who are themselves social workers, educators and social pedagogues and work in self-organisations of the community or in organisations providing social welfare services. Others have completed trainings for becoming mediators and educational counsellors. However, they are not enough in order to be well represented and have a positive impact in countering antigypsyism in the social field.

INTRODUCTION

As we have stated in the [first Roma Civil Monitor Report](#) published in 2018,¹ policies aiming at the social inclusion of disadvantaged Sinti and Roma and at combating antigypsyism have been strengthened over the past ten years. This is related to the adoption of the European Framework for National Roma Integration Strategies that has pushed the German government, regional and local authorities to strengthen measures on social policy development at city level for dealing with the arriving of intra EU mobile citizens from Bulgaria and Romania; and on strengthening the federal government programs of civic education which are supposed to counter the increasing right-wing extremist tendencies in the society. These policy developments have been pushed at the same time by Sinti and Roma organisations which have been fighting for decades for achieving changes in terms of non-discrimination and equal treatment.

In terms of policy at federal institutional level, there have been no changes. The Federal Government insists that the National Roma Contact Point (NRCP) has no mandate to draft or coordinate programmes with the federal states or local administrations. The Federal Government justifies its position arguing that within Germany's federal system, the contact point cannot intervene in state, city and municipal level policies on Sinti and Roma. At federal level, ministries are responsible for programmes promoting the equal treatment and social integration of Sinti and Roma.

In Germany there is no National Roma Integration Strategy (NRIS). The German government has stated: *„... a specific Roma strategy is not required in Germany. Nor is a national strategy necessary for those foreign Roma who come to Germany as immigrants or refugees and have right of permanent residence. This is because these people have access to the same integration programmes as other groups of foreign nationals“.*² Due to this reason, there is an integrated package of measures which is reported every two years on and includes a list of initiatives and projects on the equal treatment and social inclusion of Sinti and Roma implemented at federal, regional (*Länder*) and local level. The progress reports on the integrated package of measures do not report whether Sinti and Roma have participated in these programmes and actions. The focus is not clearly defined – no explanation is given as to why certain programmes and measures are listed and others not. There is no information on the impact of these policies and programmes on the equal treatment and social inclusion of disadvantaged Sinti and Roma. Nor is it clear if they have prompted any change in the overall social climate that would enhance the participation of Sinti and Roma. No information on the evaluation of the listed programmes and measures is provided. No approach to planning, monitoring and developing measures can be identified.

The problem with the approach of German government is there are no structural and institutional framework conditions guaranteeing that disadvantaged Sinti and Roma access to inclusion programmes because racism against Roma and Sinti is not recognised as a structural and institutional problem. Disadvantaged Sinti and Roma face discrimination hampering them to exercise their civil and social rights. A German Action Plan should focus

¹ The first annual cycle of the Roma Civil Monitor was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

² Bundesministerium des Innern (2011) Bericht der Bundesrepublik Deutschland an die Europäische Kommission. EU-Rahmen für nationale Strategien zur Integration der Roma bis 2020, Integrierte Maßnahmenpakete zur Integration der Roma bis 2020, p. 29. Available at: http://ec.europa.eu/justice/discrimination/files/roma_germany_strategy_de.pdf

on the fight against antigypsyism in all societal spheres because it is the main cause for the social exclusion of groups among Sinti and Roma.³

During the implementation phase of this monitoring, antigypsyism has continuously been manifest in the German society: in statements of politicians, from right-wing oriented but also from conservative and social-democratic parties, in articles and reportages in the media and hate speech in internet. Antigypsyism has assumed also violent forms being the sharpest incidents the shooting at a Roma girl and injuring her with an alarm gun (2018) and a knife-attack to a Romni, who suffered serious injuries (2019). These incidents did not have a strong echo in the media coverage. It shows that antigypsyism continues to be treated as a normal phenomenon.

In policy terms, two developments should be stressed. Since 2017, antigypsyist criminal offenses are recorded separately in the statistics as „politically motivated criminality“, where they fall under the overarching category „hate crimes“ and the subcategory „xenophobic crimes“. Before 2017, there was no differentiation between different types of „xenophobic“ crime. In response to a parliamentary question, the Federal Government stated that between 1 January 2017 and 17 November 2017, 30 politically motivated crimes were reported as „antigypsyist“ by the states. The self-organisation of Roma in Berlin, Amaro Foro that runs a documentation office of antigypsyist incidents reports a higher number of incidents, just for Berlin.⁴ This shows, that the real number is much higher. The federal government should set up and finance an independent antigypsyism monitoring body in all areas. This office should continuously examine and document all antigypsyist incidents and developments, thus enabling a systematic recording and processing of cases of antigypsyism in all areas of public life, even where they do not constitute a crime.

The second relevant policy development is the establishment of a commission of experts on antigypsyism by the German government after a resolution of the Bundestag in 2019. This commission – like the Independent Expert Group on Anti-Semitism – will present its report and recommendations on combatting antigypsyism in early 2021. The experts' commission should investigate the diverse causes, manifestations and effects of antigypsyism in politics and society, develop strategies to combat antigypsyism and make proposals and recommendations to policy makers. It is expected that the federal government will strengthen its policies and measures aiming the fight against antigypsyism and inclusion of disadvantaged Sinti and Roma.

Selection of topics

Antigypsyism is historically rooted in the German society. The public administration is not an exception of this phenomenon. A study of the Federal Antidiscrimination Office (ADS) reveals that there are discrimination patterns related to all discrimination grounds in the public administration. According to self-organisations of Sinti and Roma, Civil Society Organisations (CSOs) and experts, Sinti and Roma face discrimination by the public

³ We use the concept of antigypsyism developed by the Alliance against Antigypsyism:

„Antigypsyism is a historically constructed, persistent complex of customary racism against social groups identified under the stigma 'gypsy' or other related terms, and incorporates:

- 1. a homogenising and essentializing perception and description of these groups;*
- 2. the attribution of specific characteristics to them;*
- 3. discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages.“*

Alliance against Antigypsyism (2017) Antigypsyism. A Reference Paper, p. 5, <http://antigypsyism.eu/wp-content/uploads/2017/07/Antigypsyism-reference-paper-16.06.2017.pdf>

⁴ See the website of the Documentation Office on antigypsyist incidents of Amaro Foro: <http://amaroforo.de/antidiskriminierungsarbeit/dosta-dokumentationsstelle-antiziganismus>

administration. Disadvantaged Sinti and Roma are in an asymmetric situation towards social welfare services and they often face discrimination what hampers them to exercise their social rights. There is a need to research and monitoring patterns of discrimination in the social welfare public services and introduce effective measures to counter them.

Due to this asymmetric situation towards the social welfare public administration, disadvantaged Sinti and Roma get in touch with social welfare organisations and social workers because they might need support to claim their social rights. Self-organisations of Sinti and Roma have stated that a number of social workers and social welfare organisations, who are, in fact, supposed to support disadvantaged Sinti and Roma, tend to treat their clients disrespectfully and to reproduce antigypsyist stereotypes. Thus, structures in the social sector which support the constant reproduction of antigypsyism are strengthened. Social workers are also not an exception in manifesting widespread antigypsyism in the society. Antigypsyism in the social work has not been sufficiently researched. There is as well an urgent need to carrying out monitoring in this field and to implement the necessary measures to counter antigypsyism among social workers and social welfare organisations.

Methodology

Information on the disadvantaged position of Sinti and Roma has been requested 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. The following documents have been analysed: policy documents, parliamentary enquiries, reports from city administrations, civil society organisations (CSOs) and studies of research centres and CSOs. The authors of the study have carried participative observation at two seminars (one organised by a city administration and the other by a university) attempting at finding out knowledge and attitudes of social workers, educators, social pedagogues and students of social work on Sinti and Roma communities, discrimination and exclusion faced by them and on antigypsyism.

Twenty-five semi-structured interviews have been conducted with the following stakeholders: representatives of the self-organisations: Regional Associations of German Sinti and Roma of Baden Württemberg, Hamburg, Hessen, Rhineland-Palatinate (written answer), Amaro Foro, Amaro Drom, Carmen e.V., Rom e.V.; representatives of counselling centres providing services to Sinti and Roma: Diakonie Hasenberg from Munich, Katholische Erwachsenen- und Familienbildung Dortmund (Catholic Adults and Family Education), Roma Förderverein Frankfurt, Re/init e.V.; representatives of the Federal Antidiscrimination Office / National Equality Body (ADS), of the Berlin Antidiscrimination Office (LADS); of the Communal Integration Centres of the cities Siegen and Hagen and of the Coordination of the Communal Integration Centres of the North Rhine Westphalia; Kathrin Schrader from University of Applied Sciences Frankfurt and Timo Ackermann from University of Applied Sciences Alice Salomon Berlin; Lisa Riedner from University of Applied Sciences of Eichstätt and from the initiative „Europa in Bewegung“ (Europe in Movement), Makus End, Center for Research on Antisemitism and member of the Independent Commission on Antigypsyism established by the German government; Ombudsman of the Jobcenter (public employment office) of the district Friedrichshain-Kreuzberg, Berlin. representative of the Jobcentre of the administrative district Mayen-Koblenz, Rhineland-Palatinate.

Talks were also conducted with five students of Social Work at the Universities of Applied Sciences of Frankfurt, Siegen and Alice-Salomon of Berlin; written answer by a student of the University of Applied Sciences -Dual Studies-, Munich. Information reflected in the study was also gathered through the attendance at two conferences in Siegen, North Rhine Westphalia (September 2019) and in Berlin (January 2020) on access to social services for intra EU mobile citizens and at one conference on antigypsyism in the social work at University for Applied Sciences in Frankfurt (October 2019).

ANTIGYPSYISM IN PUBLIC ADMINISTRATION

Definition of the problem

Antigypsyism is historically rooted in the German society and is a wide spread phenomenon nowadays.⁵ This antigypsyism is the cause for the social exclusion of groups among Sinti and Roma in Germany.⁶ Due their social and/or economic situation, disadvantaged Sinti and Roma are more vulnerable to be discriminated in all public and societal spheres, including in public administration.

Accordingly, the dominant current picture of Sinti and Roma in public German discourses is that of poor migrants, mainly from Romania and Bulgaria, intending to „abuse“ the German welfare state. These discourses have an impact on the attitudes and – assumed - knowledge of people working in institutions, on laws, policies and statutory regulations, that may cause discrimination at all levels against Sinti and Roma. A large portion of this report mainly focuses on Roma migrants from EU member states, since they are – based on their often poor socio-economic situation and the discrimination already experienced in their countries of origin – the most vulnerable to institutional racism in Germany. It goes without saying that (mainly German) Sinti and/or Roma, including those not relying on social benefits, are also confronted with discriminatory practices and attitudes in public institutions. Relevant laws and policies specifically affecting Roma from non-EU countries (for example the Balkans) are also taken into account in this report. Antigypsyist discrimination in the public administration is addressed by this report. However, the larger amount of information provided by counselling centres is about discrimination by public employment agencies and youth welfare offices.

According to research reports, interviews and reports from consultation centers, self-help organisations and welfare associations, the following institutions managing public social services and immigration law issues are specifically relevant when examining discrimination against Sinti and Roma: public employment offices (*Agentur für Arbeit* and *Jobcenters*), followed by the Aliens Departments (*Ausländerbehörden*), Social Welfare Offices (*Sozialämter*) and Youth Welfare Offices (*Jugendämter*). The present report will hence focus on these institutions and specifically the following areas related to social benefits and immigration law: unemployment allowance type II (so-called „Hartz I“), social assistance („*Sozialhilfe*“) and child benefits.⁷ At this point, it must be explicitly underlined that we are by no means intending to stigmatise all Sinti and Roma as subject

⁵ See surveys on antigypsyist tendencies in the German society: Decker, Oliver; Brähler, Elmar (2018): *Flucht ins Autoritäre. Rechtsextreme in der Mitte der Gesellschaft. Die Leipziger Autoritarismus-Studie 2018*. Universität Leipzig. Zentrum für Antisemitismusforschung; Institut für Vorteils- und Konfliktforschung (2014): *Zwischen Gleichgültigkeit und Ablehnung. Bevölkerungseinstellungen gegenüber Sinti und Roma. Im Auftrag der Antidiskriminierungsstelle des Bundes (ADS)*

⁶ Antigypsyism as cause for social exclusion can be illustrated through following case: German Sinti and Roma children are often sent to special schools (*Förderschulen*) without that those pupils have special needs. They are sent there because teachers, educators and school authorities categorise those children as having „emotional or learning“ handicaps. Self-organisations of Sinti and Roma and those working with them have stated that such categorisation is often arbitrary and is made as a rule based on antigypsyist prejudices. This assessment is backed by a study of the ADS criticising this practice towards migrant children. There are even cases reported from Frisia, Northern Germany, where Sinti families are invited to enrol their children into the special school of the neighbourhood just because they are Sinti and their relatives attended that school. With a school leaving certificate of a special school, a youngster has almost no chance to continue capacity building or obtaining an adequate job at the labour market. The same racist classification is also made with foreign Roma children from disadvantaged families. It should be stressed that these Sinti families are descendants of the survivors of the Nazi genocide who faced widespread discrimination and racism in the perpetrators society (See second report of German Roma Civil Monitor, p. 41 ff).

⁷ Discrimination through the school administration is not addressed explicitly in this report since it was already addressed in the chapter on education of the second German Roma Civil Monitor report.

to social benefits or other welfare services. However, reports prove that antigypsyism is particularly present in this context.

Short definition of institutional racism/structural discrimination

This report examines discrimination against Sinti and Roma in the German administrative system. Since German administrative practice is carried out by institutions and their staff, the theoretical basis for the present study is the „MacPherson“ definition of institutional racism: *“[Institutional racism is] The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people. It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease”.* (paragraph 6.34).⁸

Additionally, to this broad definition, the concept of discrimination as outlined in the EU-Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁹ can also be linked to institutional discrimination: *„1. [...] the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin. 2. For the purposes of paragraph 1: (a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin; (b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”*

Based on these definitions, institutional discrimination also encompasses discriminative/racist behaviour or attitudes of individual staff members of public authorities. This report will hence outline discriminative processes, policies, attitudes and behaviour against Sinti and Roma both at the institutional and the individual level. It will also examine laws and law amendments putting Sinti and Roma at a particular disadvantage compared to other people.

Background and cause of the problem

Legal framework

Major legal instruments aimed at protecting citizens and/or migrants from discrimination at EU-, federal and/or regional (*Länder*)-level prove insufficient when it comes to fundamental rights of Sinti and Roma in Germany. Neither do they offer ample protection against structural antigypsyist discrimination, nor are they focusing on specific features of institutional discrimination like for example staff attitudes, additional structures, provision of monitoring, complaint and control mechanisms.

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

⁹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Article 2, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000L0043>, latest access 3rd December 2019

EU-level

The right to free movement, one of the basic rights of EU citizens, is provided for both in Treaties governing the EU and in EU Directives and Regulations. The EU Treaties provide „every citizen of the Union a primary and individual right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaty and to the measures adopted to give it effect.“¹⁰ This right should, „be also granted to their family members, irrespective of nationality. For the purposes of this Directive, the definition of ‘family member’ should also include the registered partner if the legislation of the host Member State treats registered partnership as equivalent to marriage.“¹¹

In Germany, the right to free movement applies to all EU member states, including Poland (since May 2011), Bulgaria and Romania (since January 2014) and Croatia (since July 2015). A number of EU nationals exercising their right to free movement from those countries, the highest percentage from Bulgaria and Romania, have an ascribed or actual Roma-background. As examined in chapter 4 (structural discrimination, incl. the right to free movement) Germany has specifically restricted conditions related to „[...] the right of residence in the host Member State for a period not exceeding three months without being subject to any conditions or any formalities other than the requirement to hold a valid identity card or passport [...]“¹². Restrictions and/or impeding formalities to this right are mainly based on the argument that: „Persons exercising their right of residence should not, however, become an unreasonable burden on the social assistance system of the host Member State during an initial period of residence. Therefore, the right of residence for Union citizens and their family members for periods in excess of three months should be subject to conditions.“¹³

In several cases taken to the European Court of Justice, those restrictions and impeding formalities have been confirmed at EU-level. However, some of them have at least partly been repealed by national German legislative processes, stating that these restrictions are incompatible with human rights guaranteeing human dignity.

Federal and regional level

The major legal instrument to protect citizens, inhabitants and migrants in Germany against discrimination in public service delivery is the basic law (*Grundgesetz*), equivalent to a constitution. As stipulated in the basic law, article 3: "(3) No one shall be disadvantaged or preferred on account of his or her sex, ancestry, race, language, homeland, origin, creed, religious or political convictions. No one shall be disadvantaged because of his disability."¹⁴

The General Equal Treatment Law (*Allgemeines Gleichbehandlungsgesetz*, AGG), which is transposing the Racial Equality Directive in Germany, does not apply to cases of discrimination by public administration and is therefore not applicable. Anti-discrimination legislation aimed at preventing discrimination in the public sphere does not (yet) exist at the regional (*Länder*) level. Only the Berlin administration is currently preparing an anti-

¹⁰ DIRECTIVE 2004/58/EC on the right of EU citizens and their family members to move and reside freely within the territory of the member states, [https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0038R\(01\):EN:HTML](https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0038R(01):EN:HTML), last accessed 1st December 2019

¹¹ *Ibid.*, Preamble (5) of Directive 2003/58/EC, last accessed 1st December 2019

¹² *Ibid.*, (9)

¹³ *Ibid.*, (10)

¹⁴ http://www.gesetze-im-internet.de/gg/art_3.html, last access 1 December 2019

discrimination law at regional level that is supposed to be approved by the current legislative period until 2021.

Institutional discrimination and public administration

Racism is a widespread phenomenon in German public administration: according to a study of the federal anti-discrimination office (*Antidiskriminierungsstelle des Bundes, ADS*), developed on grounds of a survey among 45 counselling offices on anti-discrimination, public authorities and administration are on the fourth place among those areas of life on which incidents of discrimination are reported. Here, it must be noted that most of the anti-discrimination offices interviewed in the framework of this survey focus on migration and racism issues. And although the wide-ranging term racism is not congruent with antigypsyism, and much more minorities and migrants than Sinti and Roma are affected, anecdotic evidence suggest that the findings of the ADS can also be applied to antigypsyist incidents.

At first place among complaints against public administration are the public employment offices (*Agentur für Arbeit* and *Jobcenters*), followed by the Aliens Departments (*Ausländerbehörden*), Social Welfare Offices (*Sozialämter*) and Youth Welfare Offices (*Jugendämter*). Most of the complaints reported with regards to public employment offices were related to ethnic grounds and racism. Most of these complaints are related to degrading and disrespectful treatment (63%), of which 26% also included a disrespectful statement. The treatment was related to denying social benefits.¹⁵ It should be stressed that the relation between citizens and public administration offices has an asymmetric character. The so-called „clients“ demanding social benefits are in a relation of dependence vis-a-vis the public administration which has the decision-making power. Clients have limited possibilities to counter decision-making of the civil servants.

Exemplary, the fundamental structures of institutional discrimination in the public employment agencies are highlighted in this report. There are two types of public employment agencies in Germany: Employment Agency (*Agentur für Arbeit*) and Jobcentre. Both are supposed to support people by offering available jobs, job counselling and/or - where applicable - provide further qualifications. The *Agentur für Arbeit* is mainly responsible for people who are entitled to an unemployment benefit called ALG I. ALG I can (and must according to law) be paid when a person worked for at least twelve months and paid social security contributions within the same period. The payment of ALG I is limited to a maximum period of two years, depending on how long a person has contributed to the social security scheme. The *Jobcentres* are mainly responsible for those receiving an employment benefit called ALG II (or „*Hartz IV*“). People can receive ALG II when at least the following conditions are met:¹⁶ jobseekers are at least 15 years old and not yet at the age limit for pension; they live in Germany and Germany is the centre of their life; they can work at least 3 hours a day; the jobseeker or any relatives living with them in their „community of need“ who require (financial) support are not able to cover their essential living costs.

According to the Federal Office for Migration and Refugees, the main problems of people with migration background in their relation with the public employment offices are: a lack of translation services, missing knowledge about offers of public employment offices, and the legal situation of migrants.¹⁷ It is also due to the division of the employment services and poor coordination with the social services that existing rights to labour market integration can hardly be exercised by citizens of the European Union seeking employment.

¹⁵ Antidiskriminierungsstelle des Bundes (2017) *Diskriminierung in Deutschland. Dritter gemeinsamer Bericht der Antidiskriminierungsstelle des Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages*, p. 378

¹⁶ See: <https://www.arbeitsagentur.de/arbeitslosengeld-2/voraussetzungen-einkommen-vermoegen>

¹⁷ ADS (2017), p. 386

Only destitute employable persons receive both financial and integration services from jobcentres. Persons who are not able to work and have no connection to the labour market are cared for by the social services. However, Union citizens looking for work, and this applies to many with a Roma background, cannot be assigned to these categories. They are (partly) destitute and employable but excluded from the jobcentre's area of responsibility. It is the social services that are in charge of them, but there is no system in place referring social assistance recipients to the relevant employment agencies. Missing offers of active labour market promotion to Union citizens seeking employment infringe the right to equal treatment for job seekers under Article 5 of Regulation No 492/2011 and thus also the prohibition of discrimination under Article 45 AEUV.¹⁸

Apart from this and other forms of institutional discrimination related to structural causes (see also chapter 4), the employees of public employment offices tend to favour people who are supposed to have better chances to get re-integrated into the labour markets.¹⁹ And 13% of the respondents of a survey on discrimination experiences stated that they were discriminated by civil servants because of their ethnic origin.²⁰ Bulgarians and Romanians with an actual or ascribed Roma background, for example, are often confronted with direct antigypsyist statements and/or actions by civil servants of various authorities.²¹

Structural discrimination in the legal framework

The right to freedom of movement for EU citizens from Romania and Bulgaria came into force on 1 January 2014. Since this date, press articles and reports paint a generally similar picture of Romanian and Bulgarian citizens abusing the German Welfare state. Politicians have taken up the discourse of social spongers and shirkers, in which Bulgarians and Romanians were equated with widespread antigypsyist prejudices, in their political campaigns.

Those public discourses are related to a series of legislative measures resulting into an ever-stronger curtailment of the right to free movement of intra EU mobile citizens. At EU level, two judgments of the European Court of Justice (ECJ) from 2014 and 2015, deal with German cases. They allow for the exclusion of non-jobseekers from certain „special non-contributory cash benefits“ and the denial of benefits to citizens who have a right to residence based on being job-seeking EU citizens.²² At national level, a special law on claims of foreigners entered into force in 2016. Its primary purpose is to exclude EU citizens from receiving social benefits from three month after entering Germany who a) have come without a material right to residence or as jobseekers; or b) as former workers who derive their right to reside in Germany from their children's education or vocational training. These measures, as described by the *Neuen Richtervereinigung* (Association of judges and prosecutors), regarding the final law of 2016 „mainly [target] Sinti and Roma from Romania and Bulgaria, whose presence is considered particularly undesirable, by unthinkingly following a tradition“.²³

¹⁸ *Ibid.* p. 417

¹⁹ *Ibid.* p. 401

²⁰ *Ibid.* p. 64

²¹ See: Leibnitz, Mirja; Schmidt, Anna; Ruiz Torres, Guillermo; Botesco, Diana (2016) *Eine Bestandsaufnahme zur Diskriminierung von Bulgar_innen und Rumän_innen mit zugeschriebenen oder tatsächlichen Roma Hintergrund in Deutschland*

Amaro Foro (2018) *Dokumentation antiziganistischer und diskriminierender Vorfälle in Berlin*, p. 7ff

²² These judgments were partially weakened by the 4th Chamber of the Federal Social Court (Federal Social Court 2015). It ruled that granting at least social assistance in form of a regular subsistence allowance at statutory rate is subject to discretion when residence in Germany has been stable for at least six months.

²³ <https://www.neuerichter.de/details/artikel/article/zum-entwurf-eines-gesetzes-zur-regelung-von-anspruechen-auslaendischer-personen-in-der-grundsicherung-fuer-arbeitssuchende-nach-dem-zweiten-buch-sozialgesetzbuch-und-in-der-sozialhilfe-nach-dem-zwoelften-buch-sozialgesetzbuch-bt-drs-1810211-499.html>

Interview partners strongly suggest that these measures and restrictions have a direct influence on the decisions taken by the staff of public authorities who perceive Bulgarians and Romanians as a problem. A large part of the discriminatory incidents reported by those intra EU mobile citizens are grounded in those restrictions of the right to free movement. Due to legal and administrative uncertainties or even pressure from the management, more stringent rules to examine the entitlement to social benefits for Romanians and Bulgarians – who are often supposed to have a Roma background – are applied. When decisions taken by the authorities are examined in more detail and appealed, the appeal is often successful, thus proving that many of these decisions are not in conformity with the law.²⁴

In July 2019, the „[Law on illegal employment and abuse of social benefits](#)“ was passed, further restricting the right to child allowances e.g. for unemployed intra EU mobile citizens. According to the law, intra EU mobile citizens are not allowed to apply for child allowances within the first three months of their residence in Germany if: a) they do not have any revenues, or b) they lost their job but keep on staying in Germany because for example the children are attending school in Germany. It is very likely that the law will unproportionally affect those depending most on social benefits like single mothers and will strengthen poverty patterns among the Roma community.

Structural discrimination is also expressed itself in the situation of Roma asylum seekers. A considerable number of asylum seekers from the Balkan countries, among them many Roma, are still living in Germany. Many of those are only „tolerated“ („*Duldung*“) in Germany, a specific status for asylum seekers that includes enormous restrictions on the right to education and to work. The status „*Duldung*“ is granted to asylum seekers whose asylum application was denied but who cannot (yet) be deported. 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. Human rights organizations report that a large part among them are Roma.²⁵ As a rule, these asylum seekers are denied vocational training (*Ausbildung*) or university studies unless explicit authorization of the Aliens Department.²⁶

Asylum seekers are allowed to work only once the employment office approved that the jobs, they applied for cannot be carried out by Germans or by foreigners holding a work permit. Asylum seekers may not be allowed to work at all or may have to wait years without being allowed to work. Only if a „tolerated“ asylum seeker has lived in Germany for more than four years already, an approval of the employment agency is not required. „Tolerated“ asylum seekers have to regularly – every 3, 6 or 12 months – ask for an extension of their residence permit, which is not guaranteed. Therefore, employers are reluctant to employ them, and it is extremely difficult to find a job.²⁷ Additionally, „tolerated“ asylum seekers from so-called „safe countries of origin“ – which the Balkans are – are legally excluded from active labour market re-integration measures.²⁸

²⁴ Leibnitz, Mirja et. al. (2015), p. 29ff

²⁵ 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

²⁶ On 1 January 2020, a new „[Act on Duldung \(toleration\) in Training and Employment](#)„ will enter into force, It is supposed to guarantee „tolerated“ persons, under certain conditions and for a certain period of time, a reliable residence status in form of a „long-term toleration“ in case they are completing an apprenticeship or are employed. Following an apprenticeship or employment tolerance, they may, under certain conditions, be granted a residence permit. It remains to be seen to what extent the law will have a positive effect on the employment situation of asylum seekers.

²⁷ Zentralrat Deutscher Sinti und Roma; Dokumentations- und Kulturzentrum Deutscher Sinti und Roma; Sozialfabrik (2019) 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, p. 13

²⁸ ADS (2017), p. 447

Examples of discriminatory discourses, policies and practices against Sinti and Roma

Registering and surveying antigypsyism by public authorities

The association of Roma *Amaro Foro* runs the registration office on discriminatory and antigypsyist incidents in various societal fields in Berlin. The following numbers of incidents with public authorities were registered: 35 in 2015, 43 in 2016, 61 in 2017, and 77 in 2018. Incidents are classified according to these categories: unlawful rejection of applications, discriminatory ascription and assumption, request of non-existing documents, illicit rejection of social benefits, request of irrelevant supporting documents, and refusal to provide information. The report also provides information on the frequency of incidents according to the various public agencies: In 2017, out of 61 incidents 39 were reported from jobcenters, 12 from the family benefits agency (*Familienkasse*), 4 from the social welfare office (*Sozialamt*), maintenance payments office (*Unterhaltsvorschussstelle*), pension scheme office (*Rentenversicherung*) and city administration (*Senatsverwaltung*). Persons affected were mainly Roma from Bulgaria and Romania. However, some incidents also involved discrimination of non-Roma mistakenly considered to be Roma. It should be emphasized that these figures are not representative. Experts assume that the number of unreported cases is much higher, and people do not report them for the following reasons: Due to the fact that they have always been treated this way, many disadvantaged people do not recognize discriminatory treatment.²⁹ A high number of victims of discrimination are living in extremely precarious conditions. They do not want the registration office to intervene, since they are afraid of potential negative consequences, more discriminatory treatment, and even harsher administrative measures that might result into worse living conditions.³⁰

But not only foreign Roma experience discrimination by public authorities. According to a survey on the living conditions of the German Sinti community in Lower Saxony, carried out by the *Niedersächsische Verband Deutscher Sinti* (Association of German Sinti of Lower Saxony) and the Working Group for interdisciplinary Structural Social Research, 80% of the respondents stated that they have suffered discriminatory treatment by public authorities at least once in the past, 50% of them multiple times. Also 50% stated this might have been caused by communication problems. 25% criticised the competence of the civil servants.³¹

Jobcentres: Unemployment allowance type II (ALG II) and social benefits

Sinti and Roma and self-organisations representing them and interviewed in the framework of this and past studies report numerous examples of direct discrimination against Sinti and Roma by jobcentres:³² cases when civil servants ask for more documents than actually required or for the same documents two or three times; original documents, which have been accepted by a civil servant, get lost within the jobcentre department and the clients are facing enormous difficulties trying to get new ones from their country of origin. One of the most common discriminatory treatment is that civil servants question

²⁹ Statement provided by counselling centres, Amaro Foro, Roma Förderverein Frankfurt, Katholische Erwachsenen- und Familienberatung Dortmund, Rom e.V.

³⁰ Amaro Foro (2019) 5 Jahre. Dokumentationsstelle Antiziganismus, p. 20

³¹ Erchenbrecher, Bori (2016) Bildungsteilnahme und soziale Situation deutscher Sinti in Niedersachsen. Eine Studie des Niedersächsischen Verbands deutscher Sinti e.V., p. 258, in: Stender, Wolfram, Konstellationen des Antiziganismus. Theoretische Grundlagen, empirische Forschung und Vorschläge für die Praxis

³² Interviews with Amaro Foro, Carmen e.V., Roma Förderverein Frankfurt, Katholische Erwachsenen- und Familienberatung Dortmund, Rom e.V., RE/init e.V., Lisa Riedner from University of Applied Sciences of Eichstätt, Regional Associations of German Sinti and Roma of Baden-Württemberg and Hessen

the authenticity of employment contracts from Bulgarians and Romanians rejecting or suspending the application procedure until more proof is delivered.³³

According to our interview partners, prejudices against Sinti and Roma are widespread among civil servants at all levels. Sinti can be also subject of discriminatory treatment. Often, civil servants assume that an applicant is Sinti because of their surnames and of the neighbourhood they live.³⁴ An interview partner from the Municipal Integration Centre of the city Siegen informed us that a high level civil servant of the jobcentre stated at a public event that „Roma from Bulgaria and Romania come to Germany to abuse our social care system.“³⁵

The Employment Agency (*Agentur für Arbeit*) developed guidelines orienting its employees to be especially strict when processing applications from Bulgarian and Romanian citizens. The guidelines that were developed for internal use are entitled: „Fight against the organized abuse of social benefits by EU citizens“. The guidelines are alerting employees to intra EU mobile citizens committing fraud by applying for unemployment benefits. They give advice on how to proceed to counter this supposed fraud. Bulgarians and Romanians are mentioned explicitly as suspects of fraud practices.^{36,37}

Child allowance

In Germany, parents are entitled to child allowances (*Kindergeld*) currently amounting to 204 EUR for the first and second child, 210 EUR for the third and 235 EUR for the fourth and every additional child. Foreigners living and working in Germany are also entitled to child allowances and different public offices are processing applications from foreigners. Counselling centres all over Germany stated that the processing of applications from Bulgarians and Romanians takes longer than from another EU citizen. In Berlin, the processing time of applications from German nationals takes between 2-3 months, for EU citizens between 4-5 months and for citizens from Bulgaria and Romania between 7-8 months. The interview partners think that civil servants of the family benefits agency (*Familienkasse*) assume that Eastern European citizens, especially Bulgarians and Romanians, commit fraud by trying to obtain illegal child allowances.³⁸ Media extensively covered the subject of supposed fraud of Bulgarians and Romanians illicitly receiving child allowances in the last years, which may have contributed to these discriminatory attitudes.

A Bulgarian mother in Munich had to wait 2.5 year in order to get child allowances approved.³⁹ In cases reported from Frankfurt, Berlin and North Rhine Westphalia,

³³ Interviews with representatives of Amaro Foro, Roma Förderverein Frankfurt, the Regional Association of German Sinti in Hamburg, Communal Integration Centre of Siegen

These patterns of discrimination correspond to the finding of the ADS report according to which, clients of Jobcentres complaint that they have problems to reach out the civil servants, the notifications are not understandable and the information is often contradictory; there is a wider spread feeling of being treated disrespectfully. Decisions are not transparent. See: ADS (2017), p. 406.

³⁴ Interview with representative of Regional Association of German Sinti and Roma Baden-Württemberg

³⁵ Interview with the Communal Integration Centre of Siegen

³⁶ Netzwerk Europa in Bewegung (2018) Die Arbeitshilfe „Bekämpfung von organisiertem Leistungsmisbrauch durch EU-Bürger“ – Ein Leitfaden zur Kriminalisierung und Ausgrenzung prekariertter Unionsbürger*innen?!

³⁷ There is a project of the Jobcenter of the administrative district of Mayen-Koblenz, Rhineland-Palatinate, attempting at providing Sinti and Roma with adequate jobs and capacity building. This shows that a more inclusive approach can be implemented (Interview with representative of Jobcenter Mayen-Koblenz).

³⁸ Interview partners from Berlin, Frankfurt and North Rhine Westphalia

³⁹ Leibnitz, Mirja; Schmidt, Anna; Ruiz Torres, Guillermo; Botesco, Diana (2015) Eine Bestandsaufnahme zur Diskriminierung von Bulgar_innen und Rumän_innen mit zugeschriebenen oder tatsächlichen Roma Hintergrund in Deutschland.

Interview with Amaro Foro.

Bulgarian and Romanian applicants had to wait more than a year. Sometimes, Bulgarians and Romanians are told that they are not entitled to apply for child allowances and sent away.⁴⁰ Romanian and Bulgarian citizens are often asked for unnecessary documents when applying for child allowances. German citizens are just asked for their tax identification number,⁴¹ Bulgarian and Romanian citizens might be asked for rental contracts, electricity or supermarket bills, employment contracts or even for their children's school certificates. There are families who do not have documents such as employment contracts, they may even make their living by e.g. collecting bottles with refundable deposit. Nevertheless, they are entitled to receive child allowances. And although the applicants are not obliged to submit such kind of documents, they often do so when they have them in order to avoid problems.⁴²

During interviews, counselling centres for intra EU mobile citizens have stated that they have tried to get in contact with family benefits agencies to complain about them and try to stop the aforementioned discriminatory practices but there was no reaction from them.

Right to free movement

Intra EU mobile citizens can apply for a permanent residence permit five years after their arrival in Germany. Interview partners from Berlin and North Rhine Westphalia have stated that Aliens Departments (*Ausländerbehörden*) are specifically strict when handling permanent residence applications from Bulgarians and Romanians. If the applicants can not submit employment contracts at the moment of submitting the application, the applications might be rejected, or the application procedure might be stopped. Once rejected or stopped, the applicants lose their right to freedom of movement and are not entitled to any social benefits like child allowances or subsidies. To reinitiate the application procedure can take more than 6 months.

Civil servants of public order office (*Ordnungsamt*) may personally visit domicile addresses of applicants in order to verify them. If the applicants' names can not be found on the doorbell signs, the application might be stopped. Counselling centres supporting disadvantaged intra EU mobile citizens, among them Romanians and Bulgarians, have stated that it is extremely difficult to get in contact with the Aliens Departments to clarify application problems and that they are not willing to cooperate.⁴³

Lack of translation and accessibility to services

Foreigners, Roma among them, have problems when they deal with public offices because, as a rule, there is no translation services. The public employment offices offer the most important forms in several languages, also in Romanian and Bulgarian. Social welfare organisations state that it is a major problem of migrants, foreign Roma among them, by accessing to social services.⁴⁴ When intra EU mobile citizens, Roma among them, submit an application at the Jobcentre without the support of an interpreter, it is very likely that the application will be rejected. In Berlin and Brandenburg, the Jobcentre provides a

⁴⁰ Interviews with Amaro Foro, Roma Förderverein Frankfurt, Katholische Erwachsenen- und Familienbildung Dortmund

⁴¹ For foreign disadvantaged people can be very difficult to obtain a tax identification number because one needs to be registered at the city administration. Many disadvantaged people cannot register because they are homeless, or they live with relatives or friends whose domicile can maybe not be used for registering because there are too many people already registered at that address.

⁴² Interviews with representatives of Amaro and Katholische Erwachsenen- und Familienbildung Dortmund, Communal Integration Centre of Hagen, RE/init e.V.

⁴³ Interviews with representatives of Amaro and Katholische Erwachsenen- und Familienbildung Dortmund

⁴⁴ Statement made by representatives of Caritas, AWO and Amaro Foro at the conference organised by the last one on access of social services (Berlin, 29th January 2020) See event's information at: <http://amaroforo.de/fachtagung-vermittlung-von-neuzugewanderten-eu-buergerinnen-den-strukturen-der-regulieren>

computer system through which is shown which foreign languages the civil servants speak. Nevertheless, this service is not well known among the clients and not wide used.⁴⁵ The Jobcentre Duisburg has an interpreter's pool for supporting its clients in several languages. In some cities, e.g. in Berlin, there are projects of integration facilitators (*Integrationslotsen*) who accompany intra EU mobile citizens and migrants to public offices for dealing with bureaucratic procedures.

Another problem of structural discrimination, disadvantaged people, among them Sinti and Roma, are facing, is the accessibility of services. Foreigners, Roma among them, complain that they often have to make appointments with public offices through online services and that they do not have digital skills.⁴⁶

Youth welfare office

Youth welfare offices (*Jugendämter*) are often careless when taking away child custody from disadvantaged foreign Roma. Youth welfare offices are supposed to guarantee the welfare of children and young people. Interview partners stated the desperate situation of disadvantaged families is often not taken into consideration. On the contrary, youth welfare offices are threatening families who are homeless or living under severe conditions to take their children under custody.⁴⁷ There are even examples when the youth welfare offices testify unacceptable living conditions when two children are sharing a bed.⁴⁸ The loss of their children would bring these families in an even more desolate situation. From a public financial point of view, it would be much more economic to support such families in finding a proper accommodation than sending the children to children's homes.

In order to obtain a place at a kindergarten, families have to apply for a *Kitaschein* (official document) at the municipality. In Berlin, various district administrations are asking people from Bulgaria and Romania for additional documents Germans and other citizens are usually not asked for.

The ADS reports on the case of a Roma woman who was subject to discriminatory insults by a civil servant at the Youth Welfare Office (*Jugendamt*). A pregnant Romanian citizen, she was shouted at in a very aggressive way and called "parasite" and "abuser of the welfare system" and asked to go back to where she came from as soon as possible.⁴⁹

Other local authorities

Accompanied by a member of the Regional Association of Sinti in Hamburg, a Sinto went to a tax office (*Finanzamt*) in Hamburg to apply for an "added value tax book" (*Umsatzsteuerbuch*) since he wanted to start a business. The official in charge must have recognized that the applicant was Sinto due to his name and the fact that he lives in a well-known public housing estate for Sinti. The official denied the document, stating that he „would not get anything from them since he was already there". The applicant contradicted and it was only for the representative of the Regional Association who

⁴⁵ Information provided by Amaro Foro

⁴⁶ Interview with representative of RE/init e.V.

⁴⁷ As a rule, the intervention of counselling centres avoid that children are taken away from the families; foreign families might leave the city or the country because of the fear of losing their children.

⁴⁸ Interviews with representatives of Amaro Foro, Roma Förderverein Frankfurt, Rom e.V., Regional Association of German Sinti and Roma of Baden-Württemberg

In Berlin, the threat to take the custody away from the parents has been also exercised by employees of the public order office, see: Amaro Foro (2017), p. 20

⁴⁹ ADS (2017), p. 127

intervened and asked the official to re-examine the case, that he finally received the VAT book.⁵⁰

A Sinteza applied to the agency for basic security (*Amt für Grundsicherung*) in Hamburg to receive a subsidy for the renovation of her bathroom according to the needs of elderly people. The applicant lived in the same neighbourhood as the Sinti applying for a VAT book, and it can hence be assumed that the official in charge was aware of her ethnic background. She rejected the application, arguing that the applicant: “you could wash yourself twice or three times a week with a cloth”. Although the applicant appealed the decision, the administrative procedure was finally stopped due to the death of the applicant.⁵¹

Policy answer to the problem

Remedies to enforce non-discrimination of Sinti and Roma

Some internal and external mechanisms are available to combat discriminatory structures and practices in the public administration. Internally, a number of public administrations, among them employment administrations, have anti-discriminatory tools such as diversity management, further anti-discriminatory training and Equal Opportunity Officers at their disposal.⁵²

Of those, only anti-discriminatory trainings are related to the enforcement of non-discriminatory practices towards Sinti and Roma. However, according to the perception of consulting organisations, antigypsyism trainings for authorities are hardly accepted. Some of civil servants do not have any interest because they do not see the need to attend such trainings. Another group of them might be afraid to be stigmatised as racist.⁵³ Anyway, there is a smaller group of civil servants who show interest in diversity trainings focussing on antigypsyism.⁵⁴ Although such trainings constitute a progress, they remain largely ineffective in terms of structural changes.

*„In the framework of the project ROMACT⁵⁵ intercultural trainings targeting municipalities and other public administration offices have been carried out. In 2016, two trainings were carried out, 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. The focus of the training programme is the sensitisation about antigypsyism and a better understanding of the challenges and strategies very poor Roma families have to face.“⁵⁶ The self-organisation of Roma, *Amaro Foro* from Berlin, will*

⁵⁰ Interview with representative of the Regional Association of German Sinti in Hamburg. Finally, the civil servant asked her superior for advice, and only then he received the VAT book.

⁵¹ Interview with representative of the Regional Association of German Sinti in Hamburg

⁵² ADS Report

⁵³ Interview with representative of Communal Integration Centre of Siegen

⁵⁴ A representative of the Berlin State Office for Equal Treatment and Against Discrimination - LADS, stated that 2018 just one training focusing on antigypsyism was carried out by the LADS Academy because there was no interest in further trainings. Nevertheless, it should be said that the various public institutions have the autonomy to carried out trainings.

⁵⁵ ROMACT is a joint initiative of the European Commission and the Council of Europe seeking to assist mayors and municipal authorities to work together with local Roma communities to develop policies and public services that are inclusive of all, including Roma. (<http://coe-romact.org/>)

⁵⁶ Zentralrat Deutscher Sinti und Roma; Dokumentationszentrum Deutscher Sinti und Roma; Sozialfabrik (2019), p. 15, Interview with former ROMACT coordinator in Germany

carry out a project on awareness raising on antigypsyism targeting civil servants funded by Berlin State Office for Equal Treatment and against Discrimination (LADS).⁵⁷

At the office of the Responsible of the Federal Government for Migration, Refugees and Integration (*Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration*), a department for equal treatment (*Gleichbehandlungsstelle EU-Arbeitnehmer*)⁵⁸ has been set up to support mobile EU-citizens to exercise their right of free of movement. This office has limited resources; it commissions publications on subjects of relevance for intra EU mobile employees, offers counselling and attempts to foster the networking between civil society organizations, trade unions, state institutions and other relevant actors of the field.

Sinti and Roma who are subject to discrimination as customers at public service institutions have hardly any access to complaint and appeal facilities. The establishment of complaint offices in public administration institutions is not legally obligatory. Although complaint management has been established, for example, in most public employment agencies, complaint procedures have not been regulated and are neither obliged to neutrality nor independent.⁵⁹ Additionally, a number of independent offices specialized in anti-discrimination advice do exist – mainly in metropolitan areas – in Germany. But these are very unfamiliar in general and it can be assumed that only very few – if at all – Sinti and Roma approach them.⁶⁰

It is thus mainly counselling services for labour migrants from Eastern Europe, self-help organizations for Sinti and Roma and other non-governmental counselling services (mainly) Roma migrants are referring to when facing discrimination at public services. They are in general well-informed in legal aspects related to the granting of social benefits and other legal claims like for example forced departure or forced child custody. As outlined in Chapter 5, many Roma migrants are refused social benefits they are legally entitled to, specifically unemployment benefits. Once unemployment benefits are delayed or denied by the employment services, jobseekers have hardly any legal protection options. And additionally, complaints on a non-adequate treatment may lead to negative, disadvantaging decisions for the clients.⁶¹ As one of the only options available, counselling services can offer support by referring them to the social welfare court (*Sozialgericht*), which might judge in favour of the jobseeker. Although social courts can hardly ever award employment benefits, they may decide that somebody is entitled to social benefits (BSG of 03.07.2003 - B 7 AL 66/02 R).

Citizens who felt to have been discriminated by public employment agencies can submit a complaint to the head of the agency. Some agencies have an ombudsperson.⁶² Furthermore, the Employment Office (*Agentur für Arbeit*) has a website where complaints can be submitted. Many citizens do not want to file complaints because they are afraid to get into troubles with the employment agencies. According to the ADS, complaints on grounds of discrimination are seldom filled because the clients do not receive as rule a

⁵⁷ Interview with representative of the LADS and of Amaro Foro. See here section on trainings of social workers

⁵⁸ <https://www.eu-gleichbehandlungsstelle.de/eugs-de>

⁵⁹ *Ibid.* p. 136

⁶⁰ According to the 3rd anti-discrimination report of the ADS, most people affected by discrimination initially contact counselling points not specialized in non-discrimination and may also visit them. *Ibid.* p. 348

⁶¹ *Ibid.* p. 406

⁶² There are very few ombuds offices at employment agencies in Germany. It seems that employment agencies see in independent ombuds offices as interference in their competences and internal structures. In an interview, the ombudsman of the employment agency of the district Friedrichshain-Kreuzberg in Berlin has stated that his office has just positive experiences and outcomes mediating between clients and agency employees resolving conflicts or clarifying misunderstandings.

written notification or these are written in an extreme short form so that it is very difficult to suit a case.⁶³

The European Commission has a website where complaints can be submitted when a citizen believes that national authorities have infringed Union law. This might be the beginning of an infringement procedure of the European Commission against the member state that has infringed against Union law.⁶⁴

⁶³ *Ibid.* p. 434

⁶⁴ See: https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law/how-make-complaint-eu-level_en

ANTIGYPSYISM AND SOCIAL WORK

Definition of the problem

This chapter enquires into antigypsyism in the realm of social work.⁶⁵ As demonstrated in the [previous two reports](#) produced within the Roma Civil Monitor project, widespread antigypsyism, historically rooted in German society, is one of the main reasons for the social exclusion of many Sinti and Roma communities. Disadvantaged Sinti and Roma get in touch with social welfare services and social workers because they often need support to claim their social rights. Especially, foreign people often do not have the language skills to manage existential bureaucratic barriers and thresholds, such as enrolling children in school, applying for child benefits or looking for an apartment. Hence, they depend on such services. In many cities, counselling centres offer advice on social issues for intra EU mobile citizens from Bulgaria and Romania, among them also Roma. These focal points are run by municipal administrations, church organisations like Caritas or Diakonie, social welfare organizations and self-organisations of Sinti and Roma. In many cases, the employees of these counselling focal points are either trained social workers or act and are perceived as such. It goes without saying that many critical and dedicated social workers, educators and social pedagogues are highly committed to counter antigypsyism in all structures of society, especially in the field of social services. But in spite of these dedicated professionals, antigypsyism is (still) present in the social sector. During interviews, self-organisations of Sinti and Roma have stated that a number of social workers and social welfare organisations, in fact supposed to support disadvantaged Sinti and Roma, tend to treat their clients disrespectfully and to reproduce antigypsyist stereotypes. Thus, structures in the social sector reproduce the practice of antigypsyism.

Early days of Antigypsyism in the Social Work

The history of Sinti and Roma in Germany is a history of power perpetrated by the majority society against the minorities.⁶⁶ In the 18th century, educational concepts for „Gypsy children and young people“ were developed; they comprised the establishment of orphanages, penitentiaries and workhouses for re-education. In Württemberg and Prussia, Sinti children were taken away from their families and either sent to orphanages or handed over to families belonging to the majority society.⁶⁷ In the 19th century, the Protestant Church established associations to do missionary work with Sinti and Roma. First missionary ventures took place in Friedrichslohra, Saxony between 1830-1837. One aim was to „educate“ Sinti and Roma children to work.⁶⁸

The Nazi regime pursued a racist ideology that did not just define Sinti and Roma as sub-humans but aimed for complete annihilation. The Nazi genocide of the Sinti and Roma was denied in the newly founded Federal Republic of Germany for decades, the victims received neither recognition nor reparations.⁶⁹ It was only due to the foundation of the Sinti and Roma civil rights movement at the end of the 1970s in West-Germany

⁶⁵ This chapter is about antigypsyism in the social work. This includes social workers but also other disciplines that are related to it and fulfil similar functions in Germany as social pedagogues and educators (Erzieher).

⁶⁶ See: <https://www.sintiundroma.org/en/>

⁶⁷ 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

⁶⁸ Meier Verena (2017) Gutachten zum Forschungsstand zum Thema „Protestantismus und Antiziganismus“. Gutachten im Auftrag des Zentralrats Deutscher Sinti und Roma, p. 11

⁶⁹ Zentralrat Deutscher Sinti und Roma; Der Bundesgerichtshof (2016) Doppeltes Unrecht - eine späte Entschuldigung. Gemeinsames Symposium mit dem Bundesgerichtshofes und des Zentralrates Deutscher Sinti und Roma zu den Urteilen vom 7. Januar 1956

that antigypsyism, still deeply rooted in all areas of German society, was revealed and became a topic of discussion.

A key leading figure of antigypsyist discourses and practices in Social Work in the 1960s and 70s was Silvia Sobeck. A social worker, she was a staff member of the „*Katholische Zigeuner- und Nomadenseelsorge*“ („Catholic Pastoral Care for Gypsies and Travellers“), a charity organisation of the Catholic Church working with Sinti and Roma.⁷⁰ For some time, she also was one of the most recognised consultants in the field of Sinti and Roma to the German government and published in well-known journals relevant to social work like „The Journal for Caritas Sciences and Caritas work“. She was the representative of social work penetrated by antigypsyist, patronising stereotypes, prejudices and discourses of the German majority society, reflected in statements like: „*They [the Gypsies] have to be regulated and mobilised with all means and all fields of their independence, idiosyncrasy, willingness to adaption, functional efficiency and self-esteem. They should be stabilised not for us and for our benefit, but for their own benefit so that they can enter into a development process.*“⁷¹ Additionally, as a member of the expert panel on „Gypsy issues“, as it was called, and consultant to the Ministry of Family Affairs, she was in a very powerful position. Sobeck’s work had a strong influence on research and teaching about Sinti and Roma for some decades. Up to now, academics in socio-professional sectors argue that Sinti and Roma should at the same time become „integrated“ into German majority society and maintain their „ethnic identity“ and „culture“. ⁷² Sinti and Roma are continuously constructed as a „different group“, as „the other“ – different specifically in terms of discipline, career orientation and work habits.

The Protestant Church continued with its missionary activities after the defeat of the Nazi regime. There were several missionary initiatives started throughout West-Germany. The *Berliner Stadtmission* (Berlin City Mission) was a milestone in the missionary aims of the Evangelical Church towards the community. A pastor who pretended to do missionary work among Sinti and Roma wrote in the article „Some thoughts about the education of Gypsies“ that such education should be implemented after the model of the missionary work with primitive, exotic people.⁷³ Journals of social work have also played a crucial role reproducing and strengthening antigypsyist stereotypes through as from Caritas and Diakonie. These journals have been read by social workers but also by university professors, policy makers and academics researching on Sinti and Roma.

Background and cause of the problem

(Re-)Producing Antigypsyism in Social Work

As a consequence of the widespread antigypsyism and due to the historical legacy of disadvantage, parts of Sinti and Roma communities face social exclusion and poverty. Social workers became a kind of bridge between these excluded Sinti and Roma and social welfare services. However, social workers are not automatically immune to antigypsyist attitudes and prejudices. They too, as individuals, may – consciously or unconsciously, direct or indirectly -reproduce them. At best, these are reflected already during their academic education, in further training and supervision. In the worst case, even best intentions can turn into discriminating behaviour and acts. Then, social

⁷⁰ As a result of the protest of the Central Council of German Sinti and Roma, who criticised that the organisation kept a name stereotyping the community and reproducing prejudices, the organization changed its name in 2008. They are now called „Katholische Seelsorge for Sinti and Roma“ (Catholic Pastoral Care for Sinti and Roma).

⁷¹ Sobeck, Sylvia, 1973, Integration – Chance oder notwendiges Übel? in Caritas. Zeitschrift für Caritaswissenschaft und Caritasarbeit 74 (6): 311:315, p. 313,

⁷² Stender, Wolfram (2016) Über die Schwierigkeit Sozialer Arbeit, nicht antiziganistisch zu sein, in: Stender, Wolfram, Konstellationen des Antiziganismus. Theoretische Grundlagen, empirische Forschung und Vorschläge für die Praxis, p.336

⁷³ Meier, Verena (2017), p. 21

workers do not just help disadvantaged Sinti and Roma, but may act as intervening agents attempting to control them, to „discipline“ them. Thus, these Sinti and Roma should be (re-)integrated into society; their autonomy as free citizens is not taken into consideration. Through social work, prejudices that are dominating in the majority society can be reproduced and strengthened.

A common thought is that the disadvantaged position of parts of Sinti and Roma is related to their culture and that they are not capable to escape the vicious circle of social exclusion. Although social workers are closer to the every-day-life of their clients and their problems, a lack of understanding on the consequences of structural discrimination faced by disadvantaged Sinti and Roma is not unusual. For example, when Roma children do not go to school because they do not have money for local transportation or youngsters have to take care of small children because the parents have to work, it is interpreted that Roma are not interested in schooling their children. There is often no understanding that especially disadvantaged foreign Roma families have to set up priorities in order to survive within a system where they do not have access to many social welfare benefits.⁷⁴

Social workers have considerable power in their relation to their clients. Social workers can influence decisions affecting directly the living conditions of disadvantaged people. Social workers can e.g. give their opinion on whether custody over children should be taken away from their parents and sent into childcare homes. They can decide on the distribution of resources among clients. For example, they can intervene before social housing offices recommending families that should get an apartment. Social workers can have a crucial role in influencing policy making delivering information that can be processed by decision makers of public services to design measures targeting the communities. Well-established social welfare organisations are often asked by policy makers, especially at local level, for recommendations to be implemented to improve social policies.

Social workers can have a decisive influence in reproducing antigypsyist stereotypes in the public opinion. In the last years, many journalistic reports on migration of Roma from Eastern Europe appeared in newspapers, magazines, radio and television. In most of these reportages, Roma migrants as depicted as the cause of social problems. In many cases, social workers can be gate keepers, allowing journalists to approach, examine and judge about their clients who will be the subject of the reports.

Studying Social Work in Germany

The German Professional Association for Social Work (DBSH) defines social work as both a discipline and a profession: *„It [Social work] acts on the basis of scientific knowledge and justified methods. It helps people to achieve a satisfying participation in life. It supports society in its social and democratic obligations. The profession of social work supports individuals, groups and the community to solve problems that cannot be solved by nursing, health and private law services.“*⁷⁵ In Germany, social work is mainly studied at universities of applied sciences (*Hochschulen*), which have the legal (though not the academic) status of universities. Both a B.A. and an M.A. can be acquired as a degree. Most Bachelor's programmes are generalised – however, some of them already offer specializations like for example a B.A. in „Flight and Migration“ in Berlin. Within the M.A. programmes, universities are specializing on topics like for example „research in Social Work“ or „Development of Social Spaces“. In general, seminars on topics like racism, diversity, discrimination or migration are offered on a voluntary basis only and do not have a compulsory character. Students can choose those seminars among others within

⁷⁴ Interviews with Amaro Foro, Roma Förderverein Frankfurt, Christoph Leucht from Hildegard-Lagrenne-Stiftung, Markus End, Member of the Commission on Antigypsyism at the Bundestag and Lisa Riedner from the Catholic University Eichstätt-Ingolstadt and activist of the initiative against discrimination of mobile EU citizens, Europa in Bewegung

⁷⁵ https://www.dbsh.de/fileadmin/downloads/grundlagenheft_-PDF-klein_01.pdf

compulsory modules but are not obliged to do so. Nor are professors obliged to offer seminars dealing with these topics. Consequently, only very rarely are they addressed within other seminars as social work with youth and children, since those topics – like for example „racism“ – comprise complex subjects and questions. To treat them detached from the obligatory curriculum within just one or two modules of about 1.5- 3 hours does not make sense. As a matter of fact, students can finish their studies of social work without ever having attended seminars on racism, diversity and/or migration.⁷⁶

Only very few universities have been offering seminars on antigypsyism, and most of them rather arbitrary. Exceptions are for example the Protestant University Freiburg, the University of Applied Sciences of Hannover and at the University of Applied Sciences Alice-Salomon of Berlin which have been offering seminars on antigypsyism, or the University of Applied Sciences Frankfurt/Main, currently offering a two-part seminar on the topic. However, these seminars are only offered if professors themselves are personally engaged, consider the topic important and are trying to fill the gap in the Curriculum. In Frankfurt/Main, the lecturers who initiated the course due to the urgent need to address antigypsyism are cooperating with the *Förderverein Roma* from Frankfurt and with the Regional Association of German Sinti and Roma Hessen. The aim is to implement the seminar as an obligatory subject in the Curriculum of Social Work at the University in Frankfurt/Main.

In general, social work studies are aimed at acquiring measurable methodical, strategic, socio-educational and social-security competences enabling future social workers to work efficiently. Critical approaches also questioning structural and socioeconomic causes of poverty are not prominent. The students are oriented towards perceiving potential clients as individual problems rather than putting into question power relations and structures that promote discrimination, racism and antigypsyism. It would be desirable to question the fundamental premise of social work with regard to Sinti and Roma. And to open up ways in the study of social work that make it possible not to regard Sinti and Roma as objects of a „different“ group. But rather, to involve members of the minority as far as possible, and to learn from their perspectives. This would also enable a more critical approach to the roots and manifestations of antigypsyism in Germany.

According to Professors Kathrin Schrader at the University of Applied Sciences Frankfurt/Main and Timo Ackermann at the Alice-Salomon University of Applied Sciences Berlin, the transformation of the university after the „Bologna Reform“ has rather strengthened this phenomenon. Students have even less time to follow courses which impart detailed concepts and methods on core issues of society or provide time for critical reflection. And also, professors have little or no time at all to offer additional seminars on top of the obligatory curriculum. Hence, it is almost impossible to provide students with instruments that would enable them to reflect on structural problems and to meet their clients on an equal basis rather than trying to „discipline“ and „normalize“ them, or to deny them their autonomy.

Apart from missing lectures on and about antigypsyism, antigypsyist statements by lecturers and scholars do also occur.⁷⁷

Despite of the aforementioned development of Social Work studies, there are faculties of social work that offer special study programmes through which is intended to foster reflection on power structures around the social work. The University of Applied Sciences Dortmund is offering the Bachelor study programme social work with focus on poverty and (refugees-) migration aimed at training students to critically reflect upon the

⁷⁶ It is not the case of the University of Applied Sciences of Berlin where the attendance of a course on racism and migration in B.A. studies is compulsory.

⁷⁷ Information from Frankfurt and Berlin

(societal) structures that give rise to the plight of migrants.⁷⁸ The Alice Salomon University of Applied Sciences of Berlin, where an obligatory module on racism and migration is offered, is considered as pioneer and has a leading role in integrating racism and inequality as subjects in social work studies.

Making the case – Antigypsyism in social work

Organisations and experts interviewed in the framework of this and past researches have expressed the urgency to address antigypsyism in social work. Self-organizations of Sinti and Roma and those working for the community from Berlin, Cologne, Frankfurt, Dortmund and Hamburg confirmed that there is a lack of awareness on antigypsyism among a number of social workers working in counselling offices for intra EU mobile citizens from Bulgaria and Romania. The antigypsyism is expressed in different ways – either direct and openly or indirectly, based on thoughts and attitudes that reduce Sinti and Roma to certain stereotypes. In interviews with counselling centres for Sinti and Roma it was pointed out that there are always cases in which social workers want „the best“ for their clients. Nevertheless, in their interaction with Sinti and Roma, stereotypes and prejudices are revealed that reproduce and strengthen the structural discrimination disadvantaged Sinti and Roma face.⁷⁹

An important part of social workers is guided by the premise to discipline their clients, to counter „deviated“ behaviour and to „(re-)integrate“ them into the society. Clients' autonomy is denied; they are often not treated as autonomous citizens. Experts and interview partners have stated that this phenomenon does also exist in the attitudes of social workers towards disadvantaged Sinti and Roma.⁸⁰

Antigypsyism and discrimination against Sinti and Roma has been detected in the following fields:

Migration in small towns

Exercising their right to freedom of movement as stipulated by the EU, Roma have entered or migrated to Germany as intra EU-mobile citizens for many years already. Due to increasing rents in large cities like Berlin and Frankfurt in the last years, Bulgarians and Romanians with a low socio-economic status have been moving to smaller towns, where rents are still affordable. As a consequence, social services and social welfare organizations have become overstrained. Not infrequently, social workers in public or social welfare services express prejudices towards Roma. To a large extent, these prejudices are grounded in ignorance of the problems faced by them and the community itself. The city administrations react to this development with different approaches. In the case of Siegen, in North-Rhine-Westphalia, the communal integration centre (*Kommunales Integrationszentrum*) organised a conference with the goal to spread knowledge about Roma communities among civil servants and social workers of NGOs who deal with citizens from Bulgaria and Romania, among them Roma who have been settling in the city for the last 3-4 years.⁸¹ Similar efforts have been undertaken by the Communal Integration Centre of the city Hagen.⁸²

⁷⁸ Hochschule Dortmund (2015) Dualer Studiengang „Bachelor Soziale Arbeit, Schwerpunkt Armut und (Flüchtlings-) Migration. Anlage 1: Modulbeschreibungen

⁷⁹ Interviews with Katholische Erwachsenen- und Familienbildung Dortmund, Coordination of the Communal Integration Centres in North Rhine Westphalia, Amaro Foro

⁸⁰ AKS-Autor*innenkollektiv (2016) Antiziganismus - Thema (kritischer) Sozialer Arbeit? Ein Wohnzimmergespräch, p. 304, in: Stender, Wolfram, Konstellationen des Antiziganismus. Theoretische Grundlagen, empirische Forschung und Vorschläge für die Praxis

⁸¹ The organisers stated that the conference had a positive impact among civil servants and social workers working with Bulgarians and Romanians. They have expressed that the conference served to clarify misunderstandings with regard to the communities.

⁸² Interviews with the Communal Integration Centres of Siegen and Hagen

Organisations providing social welfare services

An organization in Berlin is running a residence for homeless people, offering them to stay over for a couple of hours, to take a shower and a rest. This organization established a „Roma day“ to restrict the use of the services by Roma to only certain days. However, non-Roma could also use the services at the „Roma day“, in addition to the days Roma were not able to use. By this way, the services were segregated between Roma and non-Roma. According to the managers, this was necessary since the number of Roma was too high and they were bothering other clients. The Roma organisation *Amaro Foro* intervened before the Senate of Berlin to change this policy of the organization. After this advocacy work, the managing organization abolished the discriminatory selection and changed its staff.⁸³

Educators and special schools

At schools, educators, sometimes social pedagogues or social workers, are engaged to support the work of teachers and to take care of the pupils in extracurricular activities at schools. As outlined in the Monitoring Report II, a considerable part of Sinti and Roma children are sent to special schools, although they do not have special needs. Reasons are manifold: If children are not quiet during the several hours of frontal lessons at regular schools, they are sent to special schools under the pretext of having „socio-emotional problems“. Or if teachers and school authorities hold the opinion that those children can't develop adequately in a „common“ environment, they can also be sent to special schools. Children attending special schools only rarely (re-)integrate into regular schools, nor do they have realistic chances at the labour market or in securing a vocational training or apprenticeship. Several studies and the interviews that we have conducted in the framework of this and past studies show that antigypsyist prejudices play a decisive role for placing disadvantaged Sinti and Roma children into special schools.⁸⁴ Such decisions are taken by the teachers, the school administration and by the local school authority. But educators, social workers and social pedagogues working at schools can play a decisive role in supporting or countering such decisions.⁸⁵

Educators and social pedagogues also work in kindergartens and schools. As set out in a study undertaken by the National Antidiscrimination Office (ADS) educators with migration background are severely underrepresented at kindergartens. The total share of educators with migration background in the whole of Germany is around 8%, with a higher percentage in areas with a huge proportion of migrants. This figure is much lower than children with migration background attending kindergartens.⁸⁶ The increase of educators with migration background might have a positive effect on countering antigypsyism in kindergartens. However, it must be taken into account that migrants or

⁸³ Amaro Foro (2017) Dokumentation antiziganistischer und diskriminierender Vorfälle in Berlin; Interview with Amaro Foro

⁸⁴ Schulze, Erika (2016) „... und dann heißt es, eure Kinder machen die Inklusion kaputt“ Antiziganismus in pädagogischen Handlungsfeldern, p 286-287, in: Stender, Wolfram, Konstellationen des Antiziganismus. Theoretische Grundlagen, empirische Forschung und Vorschläge für die Praxis

⁸⁵ One of the authors of this study attended a conference organised by a municipality of North Rhine Westphalia. There was a workshop on education attended by school directors, teachers, educators and social workers. Some of the last ones support pupils with weak school performance. They stated that a considerable number of pupils attend special schools (*Förderschulen*). The workshop leader, who is Romni herself and works for an organization targeting Roma, explained that in most of the cases Roma pupils are sent to special schools because of a discriminatory selection. When children do not follow the disciplining rules of school, they are very often stigmatized as children with social-emotional problems and are sent to special schools. This decision is often taken on grounds of antigypsyist prejudices. Most of the workshop participants contradicted this statement, stating that those children would need special schooling. Some educators stated that they went through an „intelligence test“ which should be prove that these children have special needs.

⁸⁶ 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. 65

people with a migratory background are not per se free of antigypsyist attitudes and prejudices. Interviews suggest that migrants who originate from the majority society of countries with a high proportion of Roma (for example Bulgaria, Romania, Poland, Turkey or the Balkans) are not free of prejudices neither.⁸⁷

Data protection

Data protection is a sensitive area within social work and within the Sinti and Roma community – who due to history and everyday discrimination is often very sensitive to (ethnic) data collection.⁸⁸ A social worker of a welfare organisation informed us that sensible information on clients is delivered during team meetings. The goal of such meetings is that the team leader and members notice whether the tasks were fulfilled and that an exchange of experiences between the team members takes place. Nevertheless, sensible data is delivered and stereotypes are reproduced among the social workers. The team leader does not undertake necessary steps to change this practice, to reflect on the antigypsyism in the own team and to try that the data of the clients is as much as possible protected.⁸⁹

Paternalism

Some social workers try to convince Sinti and Roma clients that their „way of life“ is not the correct one. They criticise the number of children they have or their children being late at school. For example, although these social workers are aware of the socio-economic situation, resulting in sometimes serious problems of their clients, leading e.g. to bringing children late to school, they hold on to this disciplinary and missionary approach.⁹⁰ Following the same approach, activities like sport are offered to the clients so that they can „integrate“ into normal society environment.

Positive racism

The „exotism“, perceiving Sinti and Roma as exotic subjects and „others“, has always been present in the social work with the community.⁹¹ Incidents and attitudes based on positive racism on the part of social workers and negatively affecting Sinti and Roma clients have been reported. Characteristics ascribed to Roma – as though they were a homogenous community – include assumptions like „they are so nice“, „always happy“ and „have a great sense of freedom“. Furthermore, these characteristics have less worth in the values scale of our neoliberal meritocratic society. Once the Roma clients of social work fail to deliver on these assumptions, the positive racism easily turns in its opposite, and Roma become „impolite Roma“.⁹²

Antigypsyism towards Roma mediators and counsellors

Roma mediators and counsellors work at counselling focal points and schools. As counsellors, they advise and accompany clients to offices of public social services, employment agencies or youth welfare offices. As school mediators, they support families of foreign Roma in their relation to school staff. Through their work, they counter antigypsyist tendencies and structures in public social services and at school.

⁸⁷ Interviews with Diakonie Dortmund and with Amaro Foro

⁸⁸ <https://zentralrat.sintiundroma.de/dossier-zum-fachaustausch-datenerhebung-von-antiziganismus-antidiskriminierungs-und-gleichstellungsdaten/>

⁸⁹ Interview with social worker. The institution is not mentioned for not risking the job of the interview partner.

⁹⁰ Interview with Roma Förderverein Frankfurt, Katholische Erwachsenen- und Familienbildung Dortmund

⁹¹ After a training on antigypsyism a social worker stated: „it is great, I have already Arabs and Turks, now I have Sinti and Roma“, told by Markus End during presentation at University of Applied Sciences Fulda

⁹² Interview with Katholische Erwachsenen- und Familienbildung Dortmund

Sometimes, these mediators and counsellors claim that they are not taken seriously by colleagues at school or by the staff of the public social services.⁹³

Refugee/asylum centres

A large part of asylum-seekers from the Balkan countries are Roma, escaping the widespread antigypsyism in their home countries which threatens their material property, social well-being, physical integrity, and even lives and often expresses itself violently. After the Balkan countries were declared „safe countries of origin“ by the German government, asylum applications from citizens from these countries are rejected. Nevertheless, the procedure of rejection can take a couple of months or even years. During this time, asylum seekers are settled in refugee/asylum centres. Self-organizations of Roma have condemned the insupportable living conditions of Roma living in asylum centres for up to three years and the discriminatory treatment by employees of the social services.⁹⁴

These cases illustrate patterns of antigypsyism in the social work. Social workers act as disciplining agents of a state that tries to compensate structural social inequalities and, at the same time, to make disadvantaged people, the clients, functional to dominating societal structures and patterns. A part of social workers reproduces antigypsyist prejudices dominating in the society. These prejudices are expressed, as shown above, in different ways, as paternalism, as positive racism, as open racism, as segregation. Sinti and Roma clients are often treated as helpless persons. The ethnisation and culturalisation of social problems among disadvantaged Sinti and Roma are stronger than in other institutional fields. The disadvantaged position of certain Sinti and Roma is also ascribed by social workers to their „culture“, to their „otherness“. In many cases, there is a lack of reflection among social workers on direct and structural discrimination Sinti and Roma face and that contribute to the above described structural discrimination.

Policy answer to the problem

Trainings for social welfare organisations and social workers

Several self-organisations of Sinti and Roma and Roma-rights defending organisations, as the Documentation and Cultural Centre of German Sinti and Roma, *Amaro Foro* (Berlin), Rom e.V. (Cologne), *Roma Förderverein* (Frankfurt), Madhouse (Munich), among others, have been conducting awareness raising trainings on antigypsyism targeting organisations offering social welfare services and social workers.

A social welfare organisation running a counselling focal point for intra EU-mobile citizens from Bulgaria and Romania in Dortmund, many Roma among them, stated that they had to offer diversity trainings with focus on antigypsyism to their counsellors because they manifested prejudices towards Roma clients. Unfortunately, cases like this, when the social welfare organisation take actions itself to counter antigypsyism within its own structures, are not the rule.⁹⁵

The self-organisation of Roma *Amaro Foro* from Berlin will carry out a project on awareness raising on antigypsyism targeting social workers. The project starts on 1 January 2020 and will last at least one year, eventually two. In the first part of the project implementation, a specific training concept for target group will be developed. The project is funded by the Berlin State Office for Equal Treatment and against Discrimination (LADS).⁹⁶ Social welfare organisations and self-organisations of Roma

⁹³ Interviews with Roma Förderverein Frankfurt, RAA Berlin, Katholische Erwachsenen- und Familienbildung Dortmund

⁹⁴ Roma Büro Freiburg (2018) Roma / Sinti Diskriminierungsbericht; Interview with Amaro Foro

⁹⁵ Interview with organisation offering advice on social issues for Bulgarians and Romanians based in Dortmund

⁹⁶ Interview with Antidiscrimination Office Berlin (LADS)

that are obtaining funds from the Berlin Action Plan targeting Foreign Roma have stated in the framework of an evaluation of the Plan, that awareness raising trainings on antigypsyism targeting civil servants and social welfare organisations should be implemented.⁹⁷

In the framework intercultural trainings of the aforementioned the project ROMACT, social workers, educators and social pedagogues working for public services and for social welfare organisations were conducted. According to one of the trainers, the training contributed to start a process of reflection among the participants.⁹⁸

Sinti and Roma in the social services: actors of empowerment

There are Sinti and Roma who are themselves social workers, educators and social pedagogues and work in self-organisations of the community or in organisations providing social welfare services but not enough to change the institutional mentality and approach towards Roma. Others have absolved trainings for becoming mediators and educational counsellors. In many cases, these have been installed in schools to support the school performance of Sinti and Roma children in particular.

Since the 1990s, there have been several programmes and initiatives for training Sinti and Roma as mediators. The most ambitious programme in this field has been implemented by 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.⁹⁹ 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.

RAA Berlin has developed and implemented another comprehensive concept of school-mediation¹⁰⁰ The Roma organisation Romano Than in cooperation with the city of Dortmund and the *Land* North Rhine Westphalia will conduct a two-years training for building up five mediators who are supposed to work during and after the capacity building at schools and social welfare organisations.

Self-organisations of Sinti and Roma run often counselling centres because they assume the responsibility towards the community. They know that disadvantaged Sinti and Roma will obtain a better support through them and they will contribute to counter antigypsyism in the social services and in the society through this task.¹⁰¹ For example, *Amaro Foro* started to run its counselling centre for migrants from Eastern Europe in 2010 without financial means because the city administration was not capable to provide this service. In other cases, the public administration sees self-organisations as the fire

⁹⁷ Minor (2019) Erste Empfehlungen aus dem im Jahr 2018 geführten Dialogprozess der Evaluation. Working Paper II der Evaluation des Berliner Aktionsplans zur Einbeziehung ausländischer Roma, p. 14

To a parliamentary inquiry from the Berlin parliament answered the Berlin senate that trainings addressing antigypsyism targeting teachers and educators are carried out at schools and at regional level. See: Schriftliche Anfrage der Abgeordneten Susana Kahlefeld (GRÜNE) zum Thema: Antiziganismus in Kitas und an Schulen. Abgeordnetenhaus Berlin. 18. Wahlperiode. Drucksache 18/14750

⁹⁸ Interview with Christoph Leucht, ROMACT trainer

⁹⁹ 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)

¹⁰⁰ Interview with RAA and see Nader, Andrés, „Die Roma-Schulmediation der RAA Berlin“ in *unsere jugend*, 67. Jg., S. 257-261 (2015).

¹⁰¹ Interview with Amaro Foro.

brigade that have to extinguish the „fire”.¹⁰² Social work free of discrimination and antigypsyism should be the goal of public administration and social welfare organisations working with the communities.

¹⁰² Interview with Regional Association of German Sinti and Roma Baden-Württemberg. They stated that they were asked by the regional government to run a counselling Centre although it was not part of their activities.

RECOMMENDATIONS

Fighting antigypsyism in the public administration

1. To design and implement antidiscrimination legislation

The General Equality Treatment Act (*Allgemeines Gleichbehandlungsgesetz, AGG*) does not apply to the public sector. Legal and institutional instruments have proven not to be sufficient for protecting citizens from discrimination by the public sector. It is urgently needed either to enlarge the scope of the General Equality Treatment Act to the public sector.

2. To monitor antigypsyism at the public administration

The federal government should set up and finance an independent antigypsyism monitoring body in all areas, or as dedicated part of existing antidiscrimination bodies. This office should continuously examine and document all antigypsyist incidents and developments, thus enabling a systematic recording and processing of cases of antigypsyism in all areas of public life, even where they do not constitute a crime. This body should include the monitoring of antigypsyism in the public administration and should have the competence to intervene before civil servants and public agencies to investigate alleged cases of antigypsyist discrimination.

3. To implement trainings on antigypsyism targeted at the public administration

Civil servants of the public administration should be sensitised against antigypsyism. An educational programme focusing on a critique of racism is indispensable for all employees, especially with regard to the discrimination and persecution that the Sinti and Roma have experienced.

4. To implement trainings targeted at Sinti and Roma to recognise discrimination and seek complaint and redress

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

5. To improve complaint mechanisms

Independent complaint mechanisms should be set up. Existing complaint mechanisms at the public administration should be improved, making them easier and more accessible also for disadvantaged people. The institution of ombudsman should be institutionalised in the public administration.

Fighting antigypsyism in the social work

6. To evaluate measures and develop guidelines

Municipal administrations that implement or finance social welfare projects targeting disadvantaged Sinti and Roma should evaluate those projects in order to establish whether they adhere to diversity and non-discrimination standards. This can serve as basis to develop guidelines to be used by social welfare organisations and by the public administration by implementing and designing social welfare projects targeting disadvantaged Sinti and Roma.

7. To develop and implement trainings targeting social workers

Awareness raising trainings on antigypsyism targeting social workers from the administration and from social welfare organisations should be implemented on a regular basis. It should be fostered that self-organisations of Sinti and Roma carry out these trainings.

8. To empower Sinti and Roma in the social services

Sinti and Roma should be engaged stronger in the field of social welfare services. They should be employed, including through positive measures, to work as social workers, counsellors or mediators at counselling centres, at schools and kindergartens. Sinti and Roma who do not dispose of the formal qualifications as social workers, educators or counsellors should be given the opportunity to obtain these qualifications while working. These counsellors should be offered ways and possibilities of obtaining their formal qualifications at a later stage.

9. To introduce the study of antigypsyism in the social work studies

Universities of Applied Sciences offering social work courses should ensure that antigypsyism is included in the study programme. It should also be ensured that students deal with (anti) racism and antigypsyism in the framework of the study programme.

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