

## The Protection of the Roma Community's Rights and in Particular the Roma Children's Rights in Albania

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Doi:10.5901/mjss.2016.v7n3s1p187

### Abstract

Human rights provided in many international standards, are considered as universal and indivisible and must be applied equally to persons belonging to the majority, as well as ethnic or linguistic minority groups. Rights and fundamental freedoms are enshrined in the Constitution of the Republic of Albania and the laws and regulations of the Albanian state ensuring the promotion of the protection of national minorities. This paper aims to highlight if there are concrete results in terms of improving the issue of Roma community and in particular of Roma children in Albania, taking into account the necessary legal framework and initiatives undertaken to act in this direction and aims to orient local level policies in terms of improving the situation of the Roma community. The method used is qualitative method. The data to realize this paper are based on EU law and national decisions, other legal instruments, articles etc. The conclusions show that, despite the measures taken in Albania, Roma community and Roma children in particular face many challenges and few resources to cope with them. To achieve concrete results in terms of improving the situation of this community should make efforts for inclusion multilateral system, such as the state, through central and local institutions and the whole society in general.

**Keywords:** Roma community, discrimination, social exclusion, education, national strategies.

### 1. Introduction

In the ranks of ethnic groups living in Albania ranks the Roma community. According to calculations made by independent parties thought that these groups in their entirety in this country represent about 5% of the population (Bexholi, 2001).

Roma are recognized as an ethno-linguistic minority, and not as a national minority because of a lack of domestic origin. (Local Action Plan of Lushnja Municipality for Integration of Roma and Egyptians 2013-2015). During the period of post-socialist transition, the Roma are the poorest and the most marginalized ethnic groups in Albania (De Soto et al., 2002), who suffer from poverty, low level of education, very difficult conditions and not healthy housing, lack of access to rights and social services, as well as various forms of discrimination. (Open Society Foundation for Albania & Institute for Development Research and Alternatives, 2012). Roma often lack employment opportunities due to lack of professional qualifications and discrimination. Very difficult economic situation of many families influences in their living conditions, as well as social and economic exclusion contributes to poor health of the Roma community members. Most Roma are totally dependent on informal work and their children are exposed to the phenomenon of trafficking and labor exploitation.

Addressing issues dictates the need for coordination of new initiatives and encouragement of integrated programs. More support is required, not only by the central government, but local governments by increasing access to services and address the needs of Roma community. But the transition to a market economy and democracy in addition to the problems, which produced created new opportunities for Roma to organize to express their identity and protect their interests by creating NGOs and participating in political parties. (Study to Assess the Needs of Roma and Egyptians in Albania, 2012).

In this paper is used qualitative method, as appropriate, because it has to do with understanding and describing the situation of the Roma community and in particular Roma children, concrete results in terms of improving their condition and ways of cooperation between different state authorities and non-profit organizations and contribution to society as a whole in this regard. This approach has served to analyze the problems involved in this paper, given the sensitive nature of the issues involved. The main advantage of qualitative research is that, they offer us the opportunity to understand more deeply the population under study and social phenomena from the perspective of the stakeholders involved. Each case is representative of specific life experiences of a person's interpretation of these experiences and therefore represents truth and reality for that person. (Ritchie and Lewis, 2003).

This paper aims to present the state of Roma community and Roma children in particular in Albania, highlighting

the challenges and problems encountered by the community and also by proposing concrete solutions to these problems, taking into account the protection that is provided for this community within policies undertaken by the European Union.

## 2. The Role and the Importance of the Strategy for Integration of Roma Community in Europe

Roma living in Europe, also face a very difficult situation, since they face prejudice, intolerance, discrimination and social exclusion in their daily lives, living in socio-economic conditions extremely unfavorable. This situation is considered unacceptable in the European Union at the beginning of the XXI century. (EC, The National Strategies for Roma Integration for the period up to 2020). As a targeted approach, recording a broader strategy for combating poverty and exclusion, but that does not rule out aid to other groups of vulnerable and disadvantaged persons, is compatible with the principle of non-discrimination, both at EU as well as nationally level. The principle of equal treatment does not prevent Member States to maintain or adopt specific measures intended to prevent or compensate for disparities related to race or ethnic origin. (Directive 2000/43/EC).

In many Member States, Roma represent a significant and growing school-age population and the labor force for the future. The average age of Roma is 25 years, versus 40 years the age of the non-Roma population in the EU. (Secretariado Gitano Foundation, 2009; World Bank, 2010). Most of the Roma in working age have no education needed to take quality work. So, it is of great importance to invest in the education of Roma children, in order to integrate successfully later in the labor market. In Member States that have a significant number of Roma, the economic impact is felt. According to estimates, in Bulgaria, about 23% of new arrivals in the labor market are Roma. This figure is around 21% in Romania. (World Bank, 2010).

Member States must first and foremost ensure that Roma do not suffer discrimination and be treated like all other citizens of Europe, with all the fundamental rights outlined in the Charter of Fundamental Rights of the European Union. On the other hand action is needed to end poverty, which is transmitted from one generation to another. (EC, The National Strategy for Roma Integration for the period up to 2020). A significant number of Roma living in the European Union and nationals of third countries legally resident are facing difficult living conditions and difficulties of immigrants from outside Europe.

Some Member States have applied concrete actions towards improving the situation of Roma. For example, the project "Roma Employment" in Bulgaria, that helps unemployed Roma. Support for responsibilities of enterprises or British local services "Traveller Education Support Services" are services approved that involve access to education. Also, the European Commission's report "Improving the mechanisms for social inclusion and non-discrimination of Roma in the EU 2010" or simply "International perspectives on measures of positive action", European Commission, 2009 may be found other practices focus this problematic.

Education of the Roma community will improve respect for fundamental rights, including the rights of persons belonging to minorities and will contribute to prohibit discrimination based on race, color, ethnic origin or social origin, or membership of a minority. (Charter of Fundamental Rights of the European Union, Article 21).

The European Union has presented many proposals so that the EU member states to favor the social and economic integration of Roma, among which was the last communication in April 2010. (COM(2010)133). Member States have an obligation to give Roma a non-discriminatory access to education, employment, vocational training, health services, social protection and housing. Following the rigorous implementation of this Directive may be a necessary tool to measure the degree of integration of Roma. (Directive 2000/43/EC of the European Council) The current framework of EU intends concrete improvement of the Roma population living. It represents the response given by the EU face the current situation and does not replace the responsibility of the Member States on this issue. In the framework of the EU, the European Council encourages Member States to adopt or expand, in function of the size of the Roma population living in their territories, measures to be taken towards this community and their relevant starting points, and highlights the need for a global approach to the integration of Roma and meet certain targets. ([www.coe.int/t/dg3/roma/travellers/default\\_EN.asp](http://www.coe.int/t/dg3/roma/travellers/default_EN.asp)). EU institutions and Member States should explicitly focus on Roma women's issues, evaluate and take into account their specific needs, and provide protection for their most vulnerable groups. Obstacles that stand in their way must be identified and tackled and proper emphasis should be placed on the role that Roma women can play in strengthening and development of their marginalized communities.

The annual growth analysis of EC showed that the Member States of the European Union have much work to do to implement the European Strategy 2020, and the achievement of key objectives in support of the European platform.<sup>1</sup> For

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<sup>1</sup>Regarding this initiative, more appropriate in this context is "European platform against poverty and social exclusion", "A strategy for new skills and new employment" and "Union for Change".

a certain number of Member States of the EU, improving the situation of Roma in terms of education will contribute to achieve the objectives of the European Strategy 2020 in the field of employment, social integration. (COM(2011) 11). EU objectives for Roma integration in function of the size of the Roma population, should cover four main areas: education, employment, healthcare and housing. It is important to realize these objectives with the aim to help Member States to achieve the objectives of the European Strategy 2020.

European Strategy 2020 of EU leaves no room for social and economic continuous marginalization of the largest minority in Europe. According to this strategy, it is necessary to react firmly, having an active dialogue with the Roma, both at national as well as EU level. Although the main responsibility of this action falls on the public authorities, it is as a challenge, because the socio-economic integration of Roma is a two-way process, which requires a change of mentality of majority population and members of the Roma community. (COM(2010) 13).

### **3. The Role and the Importance of the National Strategy for Integration of Roma Community**

National and local policies must respond to the needs of education, through clear measures to prevent and compensate imbalances with which the community is facing. (EC, The National Strategies for Roma integration for the period up to 2020).

In Albania, as in other European countries, Roma have had a very low level of education due to poverty and discrimination. The population is characterized by illiteracy (40.3%) completed primary education (25.9%) and incomplete (14.9%), while very few have completed compulsory education (16.1%) and medium (2, 1%). Average years of schooling is 5.6 years for men and 5.3 for women. However, a comparison with the majority population shows that the gap is too big. (Ikonimi and Musai and Sotirofski, 2010).

By comparing the activities carried out with the objectives set for the education of Roma children seem that these objectives are realized partially. This refers to institutional factors, human and financial resources. It is quite apparent the contradiction between the ambitious objectives of the national strategy for improving the conditions of the Roma minority and the limited human, institutional and financial capacity, that are available to achieve the objectives. (Tamo and Karaj, 2007).

The responsible structure for monitoring the implementation of the Strategy of Roma community in all aspects (education, cultural heritage, the family, the economy, employment, poverty reduction, social protection, health care, infrastructure, justice, public order and public administration) is the Monitoring Sector at State Social Service in Ministry of Labour, Social Affairs and Equal Opportunities. Monitoring Sector at the State Social Service has difficulty in fulfilling its mission, for the reason of administrative status, duplicated functions of monitoring, coordinating and implementing. In 2007, a progress report prepared by the Ministry with the support of UNDP showed little progress in implementing the Strategy and called for its revision. (Duka, 2007).

### **4. Studies and Reports that Highlight the Situation of Roma Community and Especially Roma Children in Albania**

Many reports and studies have highlighted the problems with which the Roma community faces in the field of education by highlighting issues such as not attending school, its high level of abandonment, physical access to education, access to materials needed for education and also the high level of illiteracy among Roma in Albania. (UNDP 2011; CESS 2012; 2011; Nelaj et al., 20122; OSFA/SOROS 2012).

In 2003, the Government adopts the most important document for improving the conditions of life and the rights of the Roma minority "Strategy for improving the living conditions of the Roma community". This strategy is accompanied by the Action Plan, which specifically defines the activities, relevant authorities and the estimated budget. All services provided to the Roma based on human rights.

From 2004, it is implementing the project "Second Chance" on the education of students who have dropped out of school and those isolated due to blood feuds. For the 2011-2012 school year, the 878 children who attended the "Second Chance", 438 of them are Roma and Egyptian children. Since 2006 the school enrollment of Roma children accepted even when they are not birth certificates.

In 2005, it reported that the average income per capita for Roma are approximately 3.3 times lower than the non-Roma population, and almost 80% of Roma live below the poverty limit. (Dundar, H. et al., World Bank, 2005).

As a result of the high rate of illiteracy (48% of the Roma compared with 3% of non-Roma), an extremely low level of education and training, as well as discrimination, Roma have a higher number of unemployment and long-term unemployment compared with non-Roma population. Official data on the health situation of Roma in Albania indicate a

high presence of pulmonary disease and asthma among Roma. (UNDP Albania, 2006).

A study of UNDP in 2011, "Study to Assess the Needs of Roma and Egyptians in Albania - February 2012" indicates a very high level of illiteracy among members of the Roma community, 40.3% of the Roma population. 61% of Roma families say that they face difficulties in educating children. In 2011, according to the survey, 56.5% of Roma were illiterate. They have completed primary education 25.3% of Roma, while the 9-year-old had completed 15.9%. A very small percentage of Roma (2.4%) have completed secondary education and high (UNDP, 2011).

Nationwide survey conducted by OSFA/SOROS during the month of November 2012 shows that use of educational service by the Roma community is not always possible. (Nelaj and Kaçiu and Dundo and Dervishi, 2012).

Civil Society Report "Monitoring from the Civil Society the Implementation of the National Strategy and Action Plan of the Decade of the Roma, 2012", underlines the various obstacles in the field of education, highlights the high rate of illiteracy and the low level of completion of compulsory education among Roma children, which is a result of the high level of abandonment. Regarding high school, the report shows that the number of students attending general secondary school is very low. The same is true with regard to professional education. For this reason the number of students who attend public and private schools is extremely low.

The data collected by the Center for Protection of Children's Rights in Albania during March-July 2014 highlighted that during the recent 3 years the number of Roma children attending kindergartens in the country has nearly doubled. Only 41.3% of Roma children regularly attend basic education, while the rest has the lack of continuous or partial in school. The health centers are visited by almost 36% of Roma children up to 10 times in 2014.<sup>2</sup>

In 2008, Albania became a member in the Decade of Roma Inclusion 2005-2015, a political commitment of European countries to improve the socio-economic situation of the Roma community, and to increase social inclusion of this community. The aim is to accelerate progress and improve the situation of Roma and in particular to assess and analyze the process in a transparent and measurable way. "Decade of Roma Inclusion 2005-2015" is a political commitment of European governments to eliminate discrimination against Roma and to end the unacceptable gaps between Roma and the rest of society. The Decade focuses on the priority areas of education, employment, health and housing.

The National Action Plan 2010-2015 is an Albanian government document drafted in collaboration with the Programme for United Nations Development Programme (UNDP) and represents the framework of activities aimed at integrating the Roma population in Albania. The plan was developed based on the Social Inclusion Strategy (2007-2013), National Strategy for "Improving the Living Conditions of the Roma Community", and taking into account the various sectoral strategies adopted by the Albanian government. National plan of the decade focuses on four main areas: education, housing and infrastructure, employment and social protection and health and connects with three themes: poverty, discrimination and gender equality.

Progress Report of European Commission in 2015, reflected the situation of the Roma community in Albania, documenting, that the Roma community still face with very difficult conditions of life, social exclusion and discrimination frequent. In the area of anti-discrimination jurisprudence need to be developed further. Institutional mechanisms for the protection of children's rights remain weak. The system of juvenile justice does not comply with international standards. (Commission Staff Working Document, Albania 2015).

## 5. Conclusions

Although the Albanian government's commitment to the development of policies for Roma inclusion is an important step and has progressed into practice these policies faces a number of challenges. The Roma community is confronted with social exclusion, discrimination and inadequate housing, limited access to the labor market, education, health care services and other social services remain key concerns for the community. Discriminatory practices against this community are still present in our society. The number of Roma children attending school remains very low compared with the number of children belonging to the majority population. The majority of Roma children drop out of school before reaching the minimum legal age. This also makes them highly vulnerable to other social problems.

It's necessary the realization of studies and evaluation of the social consequences, which are based primarily on accurate data collected at local level. There is a need for further studies to understand the traditions and culture of this community, to understand the causes and the reasons why the community does not encourage or allow girls in particular

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<sup>2</sup>The study "Access of Roma children in services of early childhood in Albania" is an important document within the second year of the initiative of Ministry of Education and Sports and UNICEF "Every Roma Child in the garden" implemented by CRCA Albania, YWCA and Observatory Children's Rights in the 12 districts of Albania 2014.

have a higher education. It is also necessary to take positive measures to promote training, education and employment of persons belonging to the Roma community.

Despite some progress realized in recent years, little has changed in the daily situation of the majority of Roma. There are not available and proportionate measures to confront the socio-economic problems, who face a large part of the Roma population. To meet this challenge, and since non-discrimination is not sufficient to combat the social exclusion of the Roma, for this reason is necessary the approach of the national legislation with the European current framework for national strategies for Roma integration.

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