

The Roma Inclusion: the Romanian and European programmatic frameworks

Abstract: In the present article I will present an analysis of the programmatic documents, both Romanian and European, with relevance to the public policies for the Roma inclusion in the last decades. The Roma inclusion has become a motto of the politicians, but few were made towards a real investment in this respect. In Romania, the Roma exclusion was combatted as result of the European Union's pressures in the pre-accession period, as part of the political criteria. As well, I will approach a series of concerns, existent in the both Roma and non-Roma civil society, as regards the national legal and policy frameworks for the improvement of Roma situation in Romania..

Keywords: Roma inclusion, Romanian and EU strategy, public policies

Introduction

Even during the communist dictatorship period, the Roma represented an invisible population as regards their presence in the public policies. Subjects of forced assimilation policy and of the forced sedentarisation policy of the nomad Roma, by the communist regime, the Roma were denied the right to use the maternal language in public, media and administration, or to affirm their ethnical identity; the existence of the Roma ethnics was noted in the public speeches in the globalizing phrase „and other coinhabiting nationalities”.

With the democratic changes of the 1989 Revolution, like other ethnic representatives, Roma have continued the associative movement with the aim of identity affirmation, which has started after the « Roma slavery abolishment », in

1856, efforts coagulated between the two World Wars, but brutally interrupted during the WWII.

In the two past decades, the Roma minority in Romania has faced a deterioration of their socio-economic status, the decrease of their living standard and, consequently, with an increased population facing the risk of social exclusion. And this was possible in a period when a series of public policy measures have been approached, especially in the field of education and public health, with visible results. Even so, the situation of this most excluded social category – the Roma – is still facing the most diverse challenges : discrimination, social exclusion, poverty and marginalisation.

The *social inclusion* is a concept is derived by the *welfare state* paradigm and promoted by the European Union institutions by its social policies and legislation ; its enforcement ensures the access

Julian Stoian

drd SNSPA

(julianstoian@consultant.com)

to equality of chances and the access to the needed resources, to all citizens of the European Union in the situation of poverty and social exclusion, including for Roma. Thus, the mainstreaming of the social inclusion into all public policies of all governmental and European strategies, are expected to ensure the full participation to the social, economic, cultural life of the society, as well as to ensure a living standart and wealth at least at the level of the European average values. To what extent these goals have been approached and implemented, which were the decision makers's approaches, how they were implemented, what mobilised the process and which was the role of the Roma civil society, there are questions we try to answer in the present paper.

The main goal of this research is to analyse the public policy framework for the Integration of Roma minority in Romania, in the last two decades, as well as to improve the policy makers' awareness and knowledge on how to cope with specific issues when drafting policies towards Roma inclusion.

The current research has as an aim the analysis of the main programmatic documents in relation with the Roma inclusion in Romania, as well as the major theoretical models. The used methods were analysis of secondary data and content analysis.

The topic of this research is circumscribed to the 'golden momentum' represented by the launch of the European Framework of the National Strategies for Roma Inclusion, as well as the recently adopted national strategy for the improvement of Roma conditions in Romania. In the absence of an independent assessment of the Romania's policy framework for the improvement of Roma situation, as well as the lack of critical reflections on this topic, the author considers this desk research of importance to provide the policy makers with an overview on this matter.

We will try to answer to this question, through the *Group theory* perspective, as most of the public policies for Roma inclusion in Romania are to be considered as a result of the advocacy efforts of various groups, among the most important are the Roma civil society. As well, elements of the *political system theory* and the *elite theory* will be approached in the current chapter.

According to the *Group Theory*, the group efforts are those that are generating the policy formulation. Various groups should be taken into account when it comes to policies for Roma inclusion, among which: the Roma civil society, the Roma political organisations, local and central public administration representatives, mainstream civil society, and international organisations.

Since 1990, a number of Roma intellectuals and community leaders have started to coagulate forms of groups on the ethnicity criteria. Tens of non-governmental organisations emerged, got specialized, fusionned or dissolved, many coalitions were created, dissolved and then reshaped, in an attempt to organize around them most of the Roma population in Romania, with limited success though. There are a wide variety of causes: from the lack of civic education of the population rooted in the communist period, to the lack of leadership skills of some of the 'self-proclaimed' leaders. Their diversity in *interests* and *attitudes* have generated, today, one of the most diverse forms of Roma representation, often in a polarized manner: civic vs. political organisations, human rights activists vs. community based service providers, donors vs. grantees etc.

There are pros and cons on this type of diversity, both in relation with the *access* to the decision makers. Some are claiming that the diversity of interests and attitudes is not effective, when it comes to speak "the same language" with the decision makers, and

setting up a policy agenda. This is possible because of the high competition among the Roma organisations, not only on sources for funding, which lead to better services and more success, alongside with the public acknowledgement of their work, but also on the access to the decision makers. Often, the decision makers used these apparent tensions between the Roma NGOs to justify their inaction or to propose false solutions, supported by some of the NGOs and generate conflict. Such situations have affected to a certain point the Roma NGOs' capacity to express their views to the decision makers.

And here there are is the *limitation of the group theory*, that does not take into account the institutions, stakeholders and ideas that influence the policy formulation. Which led us to take into account the *political system theory*, that would help us to have a better understanding the policy initiation phase.

From the *political system theory perspective*, the public policies for Roma inclusions followed the model, generally speaking: the demands, the input and the support of the social stakeholders were "processed" by the political system, leading to governmental decisions, laws and decisions. The policy cycle often ignored the essential *feedback* component, the *evaluation* phase, in the policy making process.

However, in the dynamic environment of the NGO sector described above, there was a constant liaison that narrowed the debate and imposed, in fact, the policy agenda for Roma: the international organisations. In the '90s, the Council of Europe was constantly 'motivated' the Romanian authorities to adopt and enforce human rights related legislation, while starting with '99, the European Union was more efficient in imposing objectives to meet to the Romanian authorities, in the field of protection of minorities, human rights and rule of law (the so called *political criteria*), as part of the negotiations for the Romania's accession to the European Union.

This fact led to the current situation, when strategies, laws and decisions are adopted without any corrections as regards the outputs of the implemented policies. The lack of funding in the last 10-12 years of the governmental strategy for the improvement of Roma situation represents the type of situation that feed the vicious circle of Roma exclusion.

The catalyst role of the European Commission, that used the Roma NGOs inputs as primary source for information in its annual reports on the progress of Romania on its way to the accession to the EU, and recommended year after year, policy and legislative recommendations for the improvement of this framework, cannot be neglected. More, in the pre-accession period, most of the active Roma NGOs were constantly invited by the Romanian authorities to take part in consultations, to share from their pilot projects and best practices of the work at the grassroots. Numerous Roma activists have called upon that the political system take into account their demands and convert them into more efficient public policies.

In this entire struggle, it is the voice of the Roma elite that constantly promoted on the public agenda their policy solutions. From the *Elite theory perspective*, it is important to note that not the masses or the coordinated actions of the Roma communities have led to the policy formulation, but rather of an voiced elite, that had the ability and means to influence the government and its agenda.

What type of policies for Roma inclusion?

Liberal or Conservative?

It is difficult to answer to such a questions, because of the multifaceted approaches adopted by the decision makers. At large, in the last two decades, the public policies adopted towards Roma inclusion were to be considered more *liberal* – in favour of social change, through equality –, than *conservative* – favourable to a slow social change or maintaining the *status quo*.

Liberal measures, such as affirmative actions for Roma in *education* or stimulating their access to the *health care*, were adopted with the goal of correcting the social injustice, historically rooted, through a greater equality, while the lack of measures and/or financial investment in the field of *housing* could be categorized more as conservative policies. Thus, we may consider that it is a mixed approaches that carracterises the public policies for Roma.

Some authors (Anderson; 1993:18) argues the disappearance of the liberal-conservative distinction, while other (Lowi; 1964:72) considers the old distinction between liberals and conservatives no longer is valid, as they both promote and restrict change, using the government and resources, and the only distinction is to be found in the group of supporters they identify with.

Distributive or Redistributive?

Most of the Roma minority is to be considered by the governmental representatives as beneficiaries of the social services and social benefits. However, in the absence of statistical data, it is difficult to measure which percentage of the population is benefiting, actually of those public financial resources.

This represents, in fact, an important issue for the policy makers, but also a source of conflict between those in favour of shifting the income or wealth allocation among categories of population and those who oppose to these redistributive policies. The most recent example of a conflict situation generated by this dilemma has started two years ago, when the government, willing to cut off the public spendings as response to the global financial crisis, has adopted *regulatory* policy measures that dramatically limited the access to social services and social benefits for large social categories. Among the most affected poor population was the Roma minority, with a result in deepening their poverty and exclusion cycle.

Material or Symbolic?

When discussing the type of benefits allocated, few policies with impact on Roma population can be classified as *material*, while most of them can be classified as *symbolic*. Thus, there is often promoted the paradigm of breaking the circle of poverty simply through education. On long term, the policy makers consider that investing in human resources most of the Roma beneficiaries will aquire both knowledge and skills and become self-sustainable. But does this single policy have a material influence on people affected by severe poverty, living in rural areas, without any possibility of finding a job and surviving with the state's social or children benefits? This is an example of how a policy does not allocate tangible advantages. On the other hand, we may examine an example of recent material policy: the anti-crisis response measures have affected the welfare programs and benefits were cut-off, many poor Roma being affected by these measures.

The national strategy for the improvement of Roma situation in Romania (2001-2010)

In the pre-accession period of Romania, the European Union, in its annual assessment of Romania's fulfillment the political criteria, it was constantly and repeatedly highlighted the need of solving the problems of discrimination and exclusion of Roma. If until 2000 the international and private donors' community and the Roma and non-Roma NGOs were in the position of "replacing" the public authorities as regards the access to education and health of the Roma, starting with 2000, the signs send by the European Commission to the Romanian government were translated into the need to technical assistance in view of drafting public policies to target the Roma ethnics facing the systemic problems of exclusion in Education, Health, Employment and Housing.

In 2001, with pre-accession technical and financial assistance through the first EU Phare programme (RO 9803.01 „Improvement of Roma Situation in Romania”²), the Romanian government has adopted, as main objective, the Strategy with the same name, for the period 2001-2010, by Governmental Decision no. 430/25 april 2011³. A second goal of this technical assistance programme was to test the public policies measures of the Plan of Actions of the Strategy, through the so-called *Partnership Fund for the Roma*, of 900.000 EUR, in which there were financed 40 projects, implemented by local public administration and NGOs.

The Strategy was the main policy document in Romania that proposed to approach the issue of Roma exclusion through a General Plan of Measures of public policies for 4 years term. The Strategy was composed by 10 sectoral fields: Education, Health, Social Security, Economy, Housing, Child Protection, Culture and Denominations, Communication and Civic Participation, Administration and Community Development, together with two cross-cutting objectives – anti-discrimination and anti-poverty.

The progress of the implementation of the strategy was constantly monitored, annually, by the European Commission's reports on the progress of Romania on its way towards EU accession. Even though, technically speaking, the *political criteria* for accession (democracy, rule of law and human and minority rights) was considered as being fulfilled, since the beginning of negotiations for accession, there were recurrent referrals to the need of acceleration of the improvement of Roma situation, which indicate a slowness and inefficacy of the measures the government have implemented in this respect.

In 2006, for instance, one year before the Romania's accession to the European Union, the European Commission has noted in its monitoring report⁴:

« In the field of protection of minorities, only limited progress can be reported. (...) Social inclusion of the Roma minority remains a structural problem. Overall living conditions are still inadequate. Employment measures should be further developed and implemented. Adequate resources for Roma strategies and policies are not always ensured, especially at the local level. The Romanian authorities do not yet demonstrate at all levels that a zero-tolerance policy on racism against Roma is applied. (...) The institutional framework for the implementation of the national strategy for Roma is not yet sufficiently effective and it tends to diminish the capacity decision-making capacity of the National Agency for Roma and representatives of the Roma population to participate effectively in decision-making in relevant areas. Romania's preparations in this area should be stepped up immediately and continued after accession.»

Until 2007, the Romanian Government has benefited from a series of programmes of technical and financial assistance through the Phare programme, with the aim of Roma inclusion, and the National Strategy for the Improvement of Roma Situation Până în 2007, even though adopted in 2001 and generous in its measures of the national action plan, it was not adequately budgeted, its funding being rooted on the European funding.

The legal and programmatic frameworks relevant for the Roma inclusion was (and still is) covered, mainly, by the following documents :

- The National Strategy for the Improvement of Roma Situation in Romania (Governmental Decision no. 430/2001 with all subsequent modifications);
- National Plan Anti-Poverty and Promotion of the Social Inclusion for the period 2002-2012 (G.O. 829/2002);
- Joint Inclusion Memorandum 2005-2010;
- National Plan for Development 2007-2013;
- National Action Plans of the Decade of Roma Inclusion 2005-2015;
- National Strategic Framework of Reference 2007-2013;
- Operational Sectoral Programme *Development of Human Resources* 2007-2013;;
- Romanian Government's Strategy for the Inclusion of the Romanian Citizens belonging to the Roma minority, for the period 2012-2020 (G.D. no. 1221/2011).

The Decade of Roma Inclusion 2005-2015

In February 2005, at the initiative of the philanthropist George Soros, the World Bank and Open Society Institute have launched the international initiative *Decade of Roma Inclusion 2005-2015*. To this initiative responded the heads of governments from Bulgaria, Croatia, Czech Republic, Macedonia, Montenegro, Romania, Serbia, Slovakia and Hungary, who agreed to ensure the annual presidency of the *Decade*, by rotation. Afterwards, other three countries joined the *Decade*, as members – Albania, Bosnia-Herzegovina and Spain, while Slovenia is still observer.

Thus, in February 2005, the above mentioned states were invited to launch the *Decade of Roma Inclusion* and they signed a statement⁵, according to which their governments took responsibility to work towards elimination of discrimination and diminishing the gap between the Roma and the rest of societies, as identified in the National Action Plans adopted afterwards, by each participating country. As well, they proclaimed the period 2005-2015 as being "the Decade of Roma Inclusion" and assumed to support the full participation and the involvement of the Roma communities in meeting the Decade's objectives and to demonstrate the progress by measuring the results and the dissemination of the expertise in the implementation of the measures of public policies for Roma. Within the regular International Steering Committees of the Decade there are organised talks on the progress of the implementation.

In 2011, the Roma Civic Alliance of Romania – the non-governmental organisation responsible to monitor the implementation of the assumed plans of the Romanian Government, reports⁶ that «*at the mid-term of the Decade, the National Action Plans of Romania were not adopted, nor budgeted, consequently they are not implemented, while other participating countries to this international initiative have revised them, as a result of implementation of the measures for public policies assumed*».

The European Framework of the National Strategies for Roma Inclusion

Following the violences and abuses towards Roma living in Italy, starting with 2007, and the waves of collective deportations of the Romanian Roma from France, of the Hungarian and Slovak extremists' campaigns towards the Roma, the European Union has launched on the public agenda a series of high level meetings with the representatives of the Member States governments, in view of promoting the policies for Roma inclusion.

Thus, in December 2007, for the first time, the European Council has recognised the fact that the Roma are facing a specific situation of exclusion in the European Union, while in the its winter Council's conclusions the European leaders have called upon to the Member States and the Union to make use of all means available for the improvement of Roma situation.

In September 2008, the European Commission has organised the first *EU Roma Summit*, in Brussels, during the French presidency of the Council of the European Union, with the aim of promoting a strong commitment to solve the concrete problems and create a better understanding of the Roma situation in Europe. The event gathered over 400 representatives of the EU institutions, national governments and Roma civil society and benefitted from high level representation – the president of the European Commission Jose Manuel Durao Barroso, the vicepresident of the Commission Jacques Barrot and the responsible of the portofolio Justice and Home Affairs, commissioner Danuta Hübner in the field of Regional Development, the Employment and Social Affairs Commissionaire, Mr. Vladimir Špidla, and the Education, Training, Culture and Sport commissioner Ján Figel.

Following this event, in April 2009, in Prague, during the Czech Presidency of the EU, the Commission has launched the *EU Platform for Roma Inclusion*, gathering important stakeholders, such as European institutions, national governments, international organisations, Roma Ngos, as well as Roma and non-Roma experts. Conducted by the participants, the Platform represents a process of drafting strategic recommendations for the decision makers, in view of an efficient mainstreaming of the Roma issues into the European and national policies.

Following the Platform's meetings, the Czech presidency of the EU has adopted and proposed to the Member States and to the Commission the *10 Common Basic Principles* to be followed when drafting the efficient policies for Roma inclusion :

- Non-discriminatory, pragmatic and constructive policies,
- To target explicitly, but not exclusively the Roma,
- To have an inter-cultural approach,
- The policies' goal to be the Roma inclusion into the mainstream society,
- To create awareness on the gender dimension,
- Transfer of policies based on results,
- Using the community tools,
- To involve the local authorities as well as those at the regional level,
- To involve civil society ,
- To ensure the active participation of Roma.

One year later, in April 2010, at the Second EU Summit for Roma, in Cordoba, Spain, the EU presidency troika Spain-Belgium-Hungary has adopted a joint statement while highlighting the joint efforts to mainstream the Roma issues into all relevant policies, an

action plan for the European Platform for Roma Inclusion, and it has advocated for an efficient use of structural funds in this respect.

Among the concrete results of the summit are the adoption of two documents of public policies: *Communication of the Commission on the economic and social integration of Roma in Europe COM(2010)1337* and a *Report on the implementation of the EU tools and policies for the Roma inclusion for the period 2008-2010*⁸.

In May 2011, in the European Council conclusions⁹, the Member States were invited, among other, to *improve the economic and social situation of the Roma through an integrated approach, in the field of education, health, employment and housing, taking into account the 10 Common Basic Principle of Roma Inclusion {...}, to prepare, update or develop national strategies for Roma inclusion by the end of 2011 {...} in the context of Europe 2020 Strategy*. As well, the Commission was invited to *ensure the good practices and contribute to the debate on the financial tools of the EU and their effective use {...}, to monitor the implementation of the 43/2000 Directive and to assess the success of the policies for Roma inclusion in the Member States, compliant with their approaches with the existing mechanism framework of the Open Method of Coordination*.

The Summer European Council, June 2011, called upon, in its conclusions¹⁰ "for the rapid implementation of the Council's conclusions of 19 May 2011 on the EU framework for national Roma integration strategies up to 2020"¹¹, in particular as regards the preparation, updating or development of Member States' national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion policies for improving the situation of the Roma, by the end of 2011".

As regards the last of the Commission's demands, the Romanian Government has adopted, in December 2011, a new strategy for the improvement of Roma situation, through the Governmental Decision 1221 of 14 December 2011.

The Romanian Government's strategy for the inclusion of Romanian citizens belonging to the Roma minority, 2012-2020

Following the European Commission's efforts to promote on the public agenda the need of a political commitment of the Member States towards the Roma social inclusion, the Romanian Government has adopted, on December 14, 2011, through a governmental decision no. 1221/2011 – the Romanian Government's Strategy for the inclusion of the Romanian citizens belonging to the Roma minority, for the period 2012-2020¹².

In the preamble of the Strategy is stated that "*the Romanian Government's policy for the social inclusion is founded on a pro-active approach, having as goal the increase of the general living standard of the population and the stimulation of the incomes generated by labour, through facilitation of the employment and promotion of the inclusive policies, addressed to all vulnerable groups: Roma minority, disabled people, women, children living in the street, youth under the age of 18 leaving the foster care, elderly people*". As well, according to the newly adopted strategy, the approach of the public policies for inclusion is focused on measures of the social field: education, employment, health care, housing and small infrastructure, culture and social infrastructure (child protection, justice and public security, administration and community development).

Adopted on the spot, on urgent procedure, the current strategy proposes "*to ensure a continuity of the measures of the Romanian Government's strategy for the improvement*

of the Roma situation, period 2001-2010". Ignoring the pure declarative statement of it, the new strategy was adopted with no assessment of the previous one, as regards its impact in the society.

Thus, one of the major critiques of the Roma and non-Roma non-governmental organisations on the newly adopted strategy was related to the absence of an impact analysis, as well as the lack of a baseline study, aimed at ensuring the fact that the progress of this new strategy and its associated proposed indicators could be measured. In the first phase, of the elaboration of the strategy, the plans of action were elaborated in a disparate manner, by each line ministry, without any synergy between the proposed public policies and, more importantly, without being correlated with a real budget perspective.

As regards the funding of the plan of measures, the newly adopted strategy is based, in most of the cases, on "structural funds", in a phase when the negotiations for the new financial programming for the EU's Cohesion Funds were not started and when the European Commission has suspended the disbursement of the payments for the European Social Fund in Romania as a response of the irregularities discovered in its audit report. This practical situation is aimed to put at risk the diminishing the budget allocations for various Operational Programmes in the next financial exercise of the EU funding in Romania. Since most of the policy measures proposed in the plans of actions of the newly adopted Strategy are "budgeted" only by mentioning the source of funding "through structural funds", and taking into account the status of the implementation of those European funding programs in the financial exercise 2007-2013, it is predictable to what extent those policies will be implemented and will produce a real impact at the level of the Roma beneficiaries and, ultimately, in the society at large.

These key remarks of the civil society representatives, on the assessment of the text of the strategy for Roma inclusion adopted in December 2011, have been reasserted by the European Commission representatives on the occasion of a consultation with the all relevant stakeholders in the civil society and the central public administration, on March 1st, 2012.

The deadline for the first assessment and a review of the plan of actions is scheduled for the end of 2013. By that time, the Romanian Government, provided that it is fully engaged, has the possibility to carry out a baseline study – a real needs assessment, in view of making the strategy more compatible with the European Commission's requests. This lack of a snapshot as regards the real need of investing in public policies having beneficiaries the Roma at risk of social exclusion, has also a snow ball effect, when it comes to fulfill the goals assumed by the Romanian Government in the Europe 2020 Strategy (april 2011) – to reduce the population exposed at risk to poverty or social inclusion by 580,000 ; 70% of the employment rate, early school drop-out 11,3% -, as well as the indicators within the Strategy. These targets for public policies are adopted, disparately, without any correlation with the targets in the National Development Plan of Romania, generating an 'inflation' of plan of measures, strategies and sets of indicators difficult to meet or implement, as there is no basic needs assessment, at the level of 2011/2012.

Conclusions

In Romania, in the last two decades, the public policies for the Roma social inclusion were adopted mostly with the recommendation of the international organisations, mainly

the European Union, as well as with support from the Roma civil society, rather than an internalised identified need of the policy makers.

The adopted public policies were implemented and revised without a correlation with the needs assessment, without the impact measurement, or any correlation with the demographic trends nor statistics as regards the Roma population;

Despite some policy measures in the fields of Education, Health, Employment, Housing and Anti-discrimination, before the adoption of the first governmental strategy for the improvement of Roma situation 2001-2010, these were inadequately budgeted nor evaluated as regards their impact. Even though some policy measures have impacted the Roma communities, especially in the field of access to education and health care, the existing approaches weren't mainstreamed, while the funding was mostly ensured through the European funding programmes, with limited sustainability. There are a series of pilot projects funded in the last two decades, but few were transferred at the national level, replicated and transformed into public policies, such as the cases of Roma health mediators system and the School mediators for Roma communities.

The Action Plans of the Decade of Roma Inclusion 2005-2015 and its measures assumed by Romanian within this international initiative, were never implemented, being adopted only on paper. The National Action Plans of the Decade were frequently overlapping on the plans of measures of the Strategy for the improvement of Roma situation 2001-2010, strategy that was not properly budgeted nor assessed.

Starting with 2007, with the Romania's accession to the European Union, the Roma inclusion issues disappeared from the Romanian political agenda, in the absence of the 'pressure' of meeting the accession criteria of the European Union.

In the last 6 years, « the Roma issues », even though promoted on the public European agenda, frequently in negative media campaigns, and related to the collective expulsions of the Roma from Italy and France, they were promoted on the European institutions and brought on the Member States' table.

The newly adopted strategy for the improvement of Roma situation (2011), should be implemented in a different manner than the previous one, particularly as regards the adequate budgetary allocation of the assumed measures. A baseline study is crucial for the success of the new strategy, as the institutio responsible with its implementation will not able to measure its progress ; an indepth analysis, in a large consultation with the Roma civil society is essential for the success of the implementation of the strategy. There is a need for sustainable efforts on behalf of the Romanian Government to harmonise the existing policy measures, in view of adopting an integrating approach of the Roma issues into the inclusive policies and the funding programmes associated to them.

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