

## JUSTIFICATION

The Roma community in Poland has ethnic minority status and thus – pursuant to international agreements signed by Poland as well as internal law – it is entitled to be granted full legal protection and assistance by the State. The Government, while performing its tasks set out in the Constitution of the Republic of Poland and in ordinary acts, has the duty to guarantee citizens conditions ensuring that no one shall be discriminated against in political, social or economic life for any reason whatsoever (Article 32(2) of the Constitution of the Republic of Poland).

Despite a number of actions undertaken since the beginning of the 1990s with respect to integrating the Roma community in Poland as well as changes in the social and economic situation of this minority, the Roma still remain a socially marginalised group. This is a problem not only in Poland, but also in other European countries, although its scale is relatively smaller in Poland, considering the small size of the population between 20,000 and 25,000 people. The marginalisation of this group stems, among others, from many centuries of isolation, which has led to persisting low social and community status, caused mainly by a lack of education (81% of Roma have elementary education, and half of these did not finish elementary school). Lack of education leads to negative consequences on the labour market – according to the National Population and Housing Census of 2011 (hereinafter referred to as: ‘NCPH’11’) only 13% of Roma people in Poland over 15 years of age declare to be gainfully employed. Lack of education is the reason for the absence of Roma on the labour market, their uncertain housing situation, impacts lifestyle and health condition, limits involvement in public and social life, thus contributing to increasing social distance towards this group, its marginalisation, and, in extreme cases, may lead to acts of hostility towards it.

*The Programme for Social and Civic Integration of the Roma Community in Poland for 2021-2030* (hereinafter referred to as the *Integration Programme for 2021–2030*) is a continuation of the actions undertaken since 2001 by the Polish State for the benefit of this group within the framework of: *the Pilot governmental programme for the Roma community in the Małopolskie Voivodeship for the years 2001–2003; the Governmental programme for the Roma community in Poland for the years 2004-2013 and the Programme for the Integration of the Roma Community in Poland for the period 2014-2020.*

The main objective of the *Integration Programme for 2021-2030* is to increase the level of social and civic integration of Roma in Poland. It is an integration programme and therefore, apart from the Roma, it also covers representatives of the majority community.

The policies implemented by the State in the form of ‘*Rodzina 500+*’ (Family 500+) and ‘*Dobry start*’ (Good Start) programmes have contributed to a significant improvement in the economic situation of Roma. This has allowed to reformulate the solutions proposed under this strategy, compared to previous programmes: from social aid towards more systemic mechanisms aimed at improving the educational perspectives of this group.

The key tool for improving the level of integration is the broadly understood *education*: without strengthening this element, all actions carried out in other areas of community life will prove ineffective. The current participation of Roma in post-elementary and higher education (currently estimated at approximately 5%) does not augur qualitative changes in the situation and status of this group. Therefore, education remains a priority for actions. It has been broadly defined in the *Integration Programme for 2021-2030* to cover formal and informal education of Roma children and young people, as well as adult Roma. Actions in this area will focus mainly on: ensuring fulfilment of

the obligation of compulsory education/schooling until the age of 18, ensuring fulfilment of the obligation of pre-school education by all Roma children and making this education generally accessible to children aged 3-5, increasing the share of Roma children and young people in post-elementary education, including in particular vocational education, decreasing their over-representation in the special schools system, health education, pro-vocational and vocational education, safety education and raising civic, historical and cultural awareness. Such solutions are in line with other national strategies, primarily with the *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*<sup>1</sup> and the *Integrated Skills Strategy 2030*<sup>2</sup>.

One of the factors supporting education is the improvement of housing situation for the most vulnerable Roma families, living in poor conditions that in some cases are a hazard to their life or health.

The *Integration Programme for 2021-2030* also opens the possibility of carrying out innovative projects going beyond education and housing, due to the need for non-standard solutions in response to locally identified deficits of individual Roma groups.

The local dimension of the *Integration Programme for 2021-2030* is its key value, as it is at this level in particular that real changes take place. For this reason the *Integration Programme for 2021-2030* is addressed primarily to local government units (hereinafter referred to as 'LGUs') and non-governmental organisations (hereinafter referred to as 'NGO'). Past experience shows that LGUs are not capable of dealing alone with the problems that occur and continued involvement of government administration in solving existing problems is required. On the other hand – due to the specific and hermetic character of Roma communities – the involvement of NGOs makes it possible to reach them directly and get the Roma people involved in carrying out individual actions.

This view is shared by the representatives of LGUs and NGOs as well as Roma representatives.

Previous strategies, while not fully addressing the existing problems, contributed to visible changes in this community and developments in social attitudes towards this group. They initiated a noticeable self-organisation among the Roma, resulting in the establishment of several dozen Roma organisations that play an active role in implementing State measures – Roma NGOs accounted for 30% of entities carrying out tasks under the integration programme in the 2014-2020 period. The strategies also led to the empowerment of the Roma community, both at central level – Roma participate in the work of the Joint Commission of the Government and National and Ethnic Minorities and of the Team for Roma Affairs – and at local level – through participation in consultation processes in LGUs. Roma have secured employment in schools as Roma school mediators (approximately 90 people of Roma origin are employed in schools); Roma organisations run integration daycare centres for children, participate in local and cultural events, etc. A significant achievement of the State's efforts to date is the reduction of the over-representation of Roma pupils in special schools – during less than a decade the percentage of Roma pupils in this type of schools fell from approx. 17% to about 10%.

The situation of the Roma remains a high priority on the political agenda of international organisations, in particular: the European Union, the Council of Europe (including its monitoring bodies: the Advisory Committee on the Council of Europe Framework Convention for the Protection of National and Ethnic

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<sup>1</sup> Resolution No 8 of the Council of Ministers Resolution of 14 February 2017 on the adoption of the Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030) <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20170000260>  
<sup>2</sup><https://efs.men.gov.pl/wp-content/uploads/2019/08/Zintegrowana-Strategia-Umiej%C4%99tno%C5%9Bci-2030-cz%C4%99%C5%9B%C4%87-og%C3%B3lna.pdf>

Minorities, the Advisory Committee on the Council of Europe Charter for Regional or Minority Languages and the European Commission against Racism and Intolerance), the United Nations (including the Committee on the Elimination of Racial Discrimination) and the Organisation for Security and Cooperation in Europe. The Republic of Poland is obliged to take measures in view of improving the situation of the Roma in compliance with international conventions (in particular the Council of Europe's *Framework Convention for the Protection of National Minorities* and the United Nations' *International Convention on the Elimination of All Forms of Racial Discrimination*). The obligation to take action in order to ensure that the Roma enjoy human rights and fundamental freedoms without discrimination also ensues from the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols as well as from the extensive case-law of the European Court of Human Rights. For example – in its case-law concerning the Roma – the European Court of Human Rights referred to the right to education and the obligation to effectively investigate cases of hate crimes. In 2011, the European Commission (the 'EC') when analysing the situation of Roma in its Member States, deemed them a group requiring particular support by way of establishing so-called *national Roma integration strategies*. This approach has been continued in the next programming period: in May 2018, the EC published a Communication on the Multiannual Financial Framework (MFF) for 2021–2027 *A Modern Budget for the Union [...]*<sup>3</sup> which stressed that the Cohesion Policy should, among others, reduce disparities in social development. National Roma integration strategies were indicated as one of the thematic conditions of the Cohesion Policy.

The *Integration Programme for 2021-2030* takes into account the recommendations of international organisations and their monitoring bodies, including the UN Committee on the Elimination of Racial Discrimination, the European Commission against Racism and Intolerance and Council of Europe Advisory Committee on the Protection of National Minorities, as well the experience of other countries in implementing policies for the benefit of the Roma and lessons learned from the evaluation of hitherto State measures for the benefit of this group – the above-mentioned programmes for the Roma, support granted under Operational Programmes: Human Capital in the years 2007-2013 and the Operational Programme Knowledge Education Development for 2014-2020, as well as conclusions from audits conducted by the Supreme Audit Office.

The *Integration Programme for 2021–2030* will allow the continuation of the necessary actions and will consolidate achieved results, particularly in the sphere of education. This will, in time, improve the economic self-sufficiency of young Roma. The implementation of the Programme is important in the light of the fact that Roma are Europe's youngest community: according to the NCPH'11, people under the age of 19 make up 32.5% of the entire population, whereas in the total population their share is 21.3%. Thus, failure to take further action may exacerbate the structural unemployment that exists in this group, professional inactivity – according to the NCPH'11, the rate of inactivity in this group is 63% – transgenerational dependence on social care and high participation in the so-called shadow economy. According to research carried out by the European Union Agency for Fundamental Rights in 2016, 63% of young Roma in EU Member States remain outside the education system and at the same time outside the labour market (so-called NEET – Not in Education, Employment, or Training) and this level has risen from 56% in 2011. For this reason, the present document places a particular emphasis on the necessity to enforce fulfilment of the compulsory schooling/education obligation until the age of 18 among Roma, to support the 'smooth transition' from elementary to post-elementary schools

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<sup>3</sup> COM(2018) 321

and to prepare young Roma for entering the labour market by promoting training allowing them to rapidly acquire professional qualifications.

The *Programme for Social and Civic Integration of the Roma Community in Poland for 2021-2030* will contribute to improving the level of education of Roma youth and will significantly reduce the poor housing conditions in which part of this community lives that do not meet safety requirements and are far from accepted standards. The mode of implementation and financing of activities set out in the *Integration Programme for 2021-2030*, identification of groups to be granted particular support (women and girls, Roma school mediators and young Roma people), as well as partners engaged in activities in previous editions ensure an outreach to both the most in need and the most active Roma, who have the potential to generate attitude changes in their communities.