

Policy measures in the Netherlands for the equality, inclusion, and participation of Roma and Sinti¹

30 September 2021

1. Introduction

Following the “EU framework for national Roma integration strategies up to 2020”, the European Commission (hereinafter: the “Commission”) on 7 October 2020 adopted a package comprising the proposal for “A Union of Equality: EU Roma strategic framework for equality, inclusion and participation”, consisting of a strategic framework and a Council Recommendation. The strategic framework sets EU-level objectives and, where relevant, non-binding targets and minimum commitments for all Member States, possibly complemented by additional national efforts and (financial) Union support depending on the national context and size of the Roma population. The overarching objective of the Council Recommendation is to help promote equality and combat the exclusion of Roma, with their active involvement. The Commission requested the Member States to develop a national Roma strategy covering the period 2020 - 2030.

This memorandum describes the policy relevant to improving the position of Roma and Sinti in the Netherlands. The themes set out by the European Council and laid down in the Council Recommendation reflect both horizontal and sectoral objectives. Due to the current government being a caretaker government, the memorandum details current endeavours. It is up to the next government to determine whether these policies require amendment in the period to 2030 and, if so, what amendments are required.

2. Roma and Sinti and generic / specific policy in the Netherlands

Roma and Sinti in the Netherlands

The exact number of Roma and Sinti in the Netherlands cannot be determined, as the Netherlands does not register its population on the basis of ethnicity. Estimates vary between some thousands to forty thousand, which means that no more than about 0.24 percent of the Dutch population is of Roma or Sinti background. Dutch Roma and Sinti reside both on mobile home locations and in permanent houses, distributed all over the Netherlands. Major regional differences in the number of locations exist.

The arrival of Roma and Sinti in the Netherlands was a process comprised of multiple episodes which, in total, cover a long period of time. These episodes can roughly be grouped into three phases, with the relative percentage of Roma and Sinti differing for each phase. In addition to the (descendants of the) Roma and Sinti who established themselves in the Netherlands (long) before the Second World War, three groups of later arrivals can roughly be distinguished. This concerns the Roma and Sinti (and their descendants) who arrived in the 1960s and 1970s, having left then-Communist Eastern Europe. In 1978, they were given a residence permit under a General Pardon Scheme implemented by the government in power at that time. The “Balkans” Roma and Sinti (and their descendants) fled the Balkans in the 1990s, while the “new” Roma and Sinti (and their descendants) came to the Netherlands in the first decade of the 21st century, after the EU expanded to cover Eastern European Member States.

¹ The term “Roma” is used as an umbrella term for a number of different groups of Roma descent, including Roma, Sinti, Kale, Gypsies, Romanichals, and Boyash/Rudari. Groups like Ashkali, “Egyptians”, Yenish, eastern groups (including Dom, Lom, Rom, and Abdal), and travelling groups, including ethnic Travellers or the groups referred to under the administrative term of “Gens du voyage”, and people who identify as Gypsies, Tsiganes, or Tziganes, too, are covered by this term, without such constituting a disaffirmation of the specific characteristics of these groups.

Policy in the Netherlands: Generic and specific

Acting in line with the European framework, the Netherlands has in the main elected to pursue a generic policy to promote the equality, inclusion, and participation of the Roma and Sinti. Apart from the Netherlands, various other Member States, too, promote the full participation of the Roma and Sinti in society by implementing generic policies. Where necessary, specific measures are implemented.

Generic policies have for example proven useful to reduce absolute primary education absence, such by way of enforcing compulsory attendance. There have also been signs that the enforcement of the Compulsory Education Act has led to an increase in the age of marriage among Roma and Sinti. This constitutes a positive development in the Roma and Sinti participation process. The residence and living circumstances social inclusion monitor, too, shows a positive development in the number of young women who pursued (secondary) education.

However, this does not detract from the fact that these groups are far behind on all the relevant themes - including education, labour, health, housing, security, freedom of choice, and contact with local government - and further development is required.² Key to catching up in this connection are the constant and long-term endeavours by many parties: the National Government, municipal authorities, employers, social organisations, and the Roma and Sinti themselves.

3. The use of generic and specific policy to obtain the horizontal and vertical objectives

3.1 Horizontal objectives: equality, inclusion, and participation

- “Member States should consolidate efforts to adopt and implement measures to promote equality and effectively prevent and combat discrimination, antigypsyism, and social and economic exclusion, as well as their root causes.”

A recent study by the EU Fundamental Rights Agency (FRA) shows that 76% of Roma and Sinti in the Netherlands feel discriminated against.³ Injustice and the misery of many are hidden behind this figure. Discrimination is absolutely unacceptable. Efforts to counter antigypsyism form part of the wide national strategy against discrimination and racism. By implementing a wide-ranging package of measures, the Netherlands endeavours to increase awareness and willingness to report, maintenance of a reporting system, and sanctioning proven discrimination. It also has measures in place covering areas like education, the labour market, and the housing market. Presently, a guideline is being drawn up to aid municipal authorities with preventing and countering antigypsyism. Representatives of Roma and Sinti communities have been involved with the drafting of this guideline.

The wide-ranging strategy to counter discrimination and racism will soon be given an important and fundamental impulse: in 2021, a National Coordinator against Discrimination and Racism (NCDR) and a National committee against discrimination and racism will be established. Both will create greater insight into discrimination in society and within the government and propose and develop coordinated and effective measures to counter it. The NCDR will draw up a National Programme listing long-term objectives and an annual action programme. The National Programme will be drawn up with the involvement of all actors, including representatives of the Roma and Sinti communities. The role played by municipal anti-discrimination services and the Netherlands Institute for Human Rights will be strengthened. A financial impulse will be provided to effect this.

² Risbo, *Social Inclusion Monitor*, 2020

³ FRA, *Roma and Travellers in six countries*, September 2020

- “Member States should combat the extremely high at-risk-of-poverty rate and material and social deprivation among the Roma population, in order to provide effective support for Roma equality, inclusion and participation. Where relevant, Member States should pursue an integrated approach which focuses on all relevant policy fields.”

The recent study by the FRA also shows that the economic position of Roma and Sinti in the Netherlands is relatively less onerous than it is in other countries.⁴ However, the Social Inclusion Monitor shows that the level of social inclusion of Roma and Sinti in the Netherlands lags behind that of other inhabitants of the municipalities they reside in.⁵

The Netherlands has implemented a national policy aimed specifically at combating poverty in close cooperation between the National Government, municipal authorities, and social organisations. The municipal authorities have control over the anti-poverty policy and hold discretionary powers on policy and spending in this connection. This allows for suitable, customised endeavours to be made on the local level, so that all residents, including from the Roma and Sinti communities, receive appropriate aid. Particular attention is being provided to combating child poverty. By drafting the Child Poverty Ambitions, the National Government and the Association of Netherlands Municipalities have in close cooperation formulated joint ambitions for the years to come.⁶ In addition, the cooperation between the national anti-poverty organisations Leergeld, Jarige Job, the National Child Aid Fund, and the Sports and Culture Youth Fund has been intensified over the past few years. By cooperating, they aim to reach out to more children living in poverty by offering a more comprehensive range of facilities, such as sports classes, music classes, school materials, and birthday gifts.

- “Member States should, as appropriate, step up meaningful participation by and consultation of Roma people, including women, children, young people, elderly people, and persons with disabilities, in order to provide effective support for Roma equality and non-discrimination.”

The Netherlands have a participation and emancipation subsidy scheme in place for Roma and Sinti. These subsidies are granted to fund projects and activities that, directly or indirectly, contribute to improving the social position of Roma and Sinti in the Netherlands. Roma and Sinti can apply for funding in the fields of respect for their culture and identity, combating discrimination and prejudice, improving promotion of interests and representation, promoting education (student grants, homework assistance, etc. can be applied for at the individual level), advice and counselling of intermediaries, Second World War remembrance, and work possibilities. Roma and Sinti can also apply for a student grant. The Ministry of Health, Welfare and Sport has established an advisory committee comprised of members from the Roma and Sinti communities that provides advisory input when assessing project plans. Seven municipalities have been granted a decentralisation grant to implement a pilot study involving the deployment of intermediaries to promote the participation of Roma and Sinti youths in education and the labour market. The government-wide anti-discrimination endeavours outlined in the above are relevant in this connection, as is the deployment of the flexible dialogue tool (refer to Section 4).

All children are entitled to education and a safe youth. These rights have been laid down in the international Convention on the Rights of the Child. The efforts expended by the Ministry of Justice and Security are aimed at generating knowledge and tools that are to be distributed more widely and at safeguarding the existing strategy to tackle exploitation of Roma children, allowing municipal authorities to continue implementing their local strategy. All children are entitled to education and a

⁴ FRA, *Roma and Travellers in six countries*, September 2020

⁵ Risbo, *Social Inclusion Monitor*, 2020

⁶ Parliamentary Papers II 2018-2019, 24 515 no. 484.

safe youth. These rights have been laid down in the international Convention on the Rights of the Child. The efforts expended by the Ministry of Justice and Security are aimed at generating knowledge and tools that are to be distributed more widely and at safeguarding the existing strategy to tackle exploitation of Roma children, allowing municipal authorities to continue implementing their local strategy. For this purpose the Ministry of Justice and Security finances the Centre for Crime prevention (CCV). Since 2016 the CVV appointed an advisor to safeguard and fuel the existing policy. The CVV also developed a barrier model for multi problem families with a Roma background in which signals of exploitation of children, notifiers and interventions to tackle abuse are shown. And the CCV developed an integral approach to tackle exploitation within family networks.

3.2 Sectoral

Education

From age five, all children are required to attend school. The municipal authorities are responsible for enforcing the law and employ compulsory education officers to monitor compliance with this obligation. Parents are primarily responsible for complying with the Compulsory Education Act. Should children, be they of a Roma or Sinti background or not, be structurally absent, the compulsory education officer will take action - including legal action, if required - to make sure these children attend school. Ultimately, the compulsory education officer can impose a fine or even a custodial sentence on parents should the children fail to attend school. A special scheme for primary education school boards has been set up, allowing them to apply for subsidies if their school is attended by at least 4 pupils of a Roma or Sinti background. The objective of the scheme is for schools to be able to provide additional support to Roma and Sinti children. About €1 million in subsidies is applied for each year. As registering the ethnicity of these children is a sensitive subject, the decision was made to drop the requirement that proof, such as the statement by the parents and logging this ethnicity in the pupil records, be submitted. Starting from the 2021-2022 educational year, schools no longer have to include proof in their records.

In addition, the National Government supports the *National Education Support to Traveller, Roma, and Sinti Children* (OWRS) project. Schools in need of support can approach the OWRS in various and accessible ways. For example, the OWRS has set up a helpdesk schools may contact when they have questions. It also organises annual meetings. The OWRS network is also comprised of partners active in the wider context of schools, such as compulsory education officers and municipal policy staff.

Employment

Work is a ticket towards economic independence and participation in society. In order to promote labour market participation, assistance is provided to jobseekers. This means that measures are applied that take account of the competences and skills of the jobseekers and of the impediments they are confronted with. An investigation is conducted to determine which tools and procedures can be used to help the person concerned to find suitable paid work in as short a time as possible. This strategy is used equally for all jobseekers, including Roma and Sinti. Municipal authorities and the UWV Employee Insurance Agency avail of a wide range of tools and facilities to help people find work, including wage cost subsidies, job coaching, workplace adjustments, training, and counselling. Personal responsibility forms an essential part of the social security system. Benefit claimants are expected to actively pursue their return to the labour market. Of primary importance is the removal of impediments keeping people from finding work after a term of unemployment or incapacity for work.

In order to counter discrimination, the 2018-2021 Labour Market Discrimination Action Plan was set up. This action plan is being implemented along three pillars: supervision and enforcement; research and tools; and knowledge and awareness. The *Recruitment and Selection Equal Opportunities (Supervision) Bill* was submitted to the House of Representatives for debate in December 2020. This bill was declared to be controversial. In addition to this *Recruitment and Selection Equal Opportunities (Supervision) Bill*, various other measures are taken to counter labour market discrimination. A comprehensive investigation programme was set up to, inter alia, study the most effective tools to counter discrimination during recruitment and selection. This study is conducted in close cooperation with the Labour Market Improved Integration (LMII) programme. This latter programme is comprised of eight pilot studies to figure out “what works” to improve the labour market position of persons with a non-Western migration background. The insights obtained from the Nudging in Recruitment and Selection pilot can also be effectively used to counter discrimination of Roma and Sinti on the labour market.

Healthcare and assistance

Every citizen is entitled to high-quality care and assistance that is provided quickly, safely, and respectfully. Healthcare insurers, healthcare providers, and the government are jointly responsible for this provision. The responsibility for public health is vested primarily in the government and initial action is in the main taken by the municipal authorities. The current system allows for taking account of the diversity of the population where relevant. This means that possibilities exist for taking account of the needs of specific groups, including the Roma and Sinti community. Personal responsibility continues to be the guiding principle.

The Healthcare Insurance Act aims to provide for insurance for curative care. All legally resident persons and everyone paying insurance premiums from their wages are required to take out a “basic” healthcare insurance with a healthcare insurer. This basic healthcare insurance package is expansive and covers the majority of all essential medical care, including medication, visits to general practitioners, and hospital admission. Healthcare insurers are not allowed to refuse to accept people for financial reasons or due to existing (medical) risks. Some Roma and Sinti experience difficulties taking out healthcare insurance. Not having a healthcare insurance can be related to them being stateless, being unable or unwilling to pay healthcare premiums, or unfamiliarity with the system.⁷ Various measures have been imposed to make sure people take out insurance, such as the imposition of fines. Should these measures have no effect, the CAK Central Administration Office for Exceptional Medical Expenses takes out insurance on behalf of the uninsured person. In that case, the premium is withheld from the wages or social assistance benefits of the uninsured person. Should a person remain uninsured, it is possible for this person to pay their medical expenses themselves. While the healthcare providers will provide the necessary care, the costs of such medical assistance must be paid by the uninsured patient. If someone lacks the funds to pay for this care, government schemes exist allowing healthcare providers to be paid financial compensation.

Persons requiring long-term care due to illness or disability are covered by the Long-Term Care Act. The group of insured persons is comparable to that existing under the Healthcare Insurance Act: nigh every legally resident person and everyone paying insurance premiums from their wages are automatically insured under this Act. The Social Support Act 2015 ensures that persons requiring help in their daily life receive the support they need from the municipal authorities, allowing them to participate in society and live independently. Various forms of support exist for youths and families. Nearly every municipality has set up a Youth and Family Centre. The Youth and Family Centre provides youths and parents with information, advice, and support aimed at having children grow up healthy

⁷ Risbo, *Social Inclusion Monitor*, 2020.

and safely. Youth Care Offices provide guidance to parents and children and ensure that they receive suitable assistance in case of parenting and behavioural problems.

Housing and essential services

Everyone who is legally staying in the Netherlands and is entitled to social housing due to low income, has access to the social housing market. This also applies to Roma and Sinti. To the extent municipalities have housing bylaws in place to ensure that houses are allocated fairly, the systems used in the Netherlands allocate houses without taking account of the ethnic background of potential tenants. The criteria generally applied to determine the allocation order are the number of years of residence, the number of registration years, and the age (in case of first-time tenants). Sometimes, no criteria are applied at all, and houses are allocated by lot. Investigations have shown that these systems are non-discriminatory and therefore safeguard access to the social housing market.

Roma and Sinti have the same opportunities to find a suitable rental home as anyone else is. A large majority of Roma and Sinti in the Netherlands reside in mobile homes. This also applies to a group of people with a Dutch background with respect to which no migration background is evident; this group is also referred to as “travellers”. In 2017, the National Ombudsman published the report *Traveller is looking for pitch: An investigation into the reliability of the government for travellers*.⁸ The subject addressed was the extent to which the Dutch government, both at the central and decentral levels, acts from the perspective of the travellers and is reliably safeguarding their human rights, in particular the right to their own cultural identity. The Minister of the Interior and Kingdom Relations adopted the recommendations by the National Ombudsman and in 2018 submitted the Policy framework on municipal pitch policy to the House of Representatives.⁹ The policy framework provides the municipal authorities with guidelines for developing the local pitch policy in the context of the human rights framework. It offers building blocks that municipal authorities can use to flesh out the municipal housing policy for travellers. The core principle that housing policy is a primary responsibility of the municipal authorities continues to apply, as the municipality is the level of government best suited to come to local assessments on the basis of the local needs. The vision underpinning this new policy framework is centred on protecting travellers against discrimination, safeguarding their human rights, and offering legal certainty and clarity.

The “2020 Pitches Repeat Measurement” submitted by the Minister of the Interior and Kingdom Relations to the House of Representatives in May 2021 shows that the number of mobile homes pitches, totalling well over 8,800, has remained virtually the same over the past two years. However, more municipalities are working on ensuring that local housing policies arrange for a sufficient number of pitches, as was agreed in 2018. The “Repeat Count” shows that municipal authorities expect the number of pitches to rise by about 150 in the coming two years. The National Government will roll out a new support programme to tackle municipal bottlenecks. A total of €50 million will be made available by the National Government in 2021 for housing priority groups. Municipal authorities can use these funds to arrange for housing for, for instance, work migrants, students, and homeless persons, but also to set up pitches.

⁸ www.nationaleombudsman.nl/nieuws/2017/kabinet-moet-einde-maken-aan-discriminerend-standplaatsenbeleid-woonwagenbewoners

⁹ House of Representatives, session year 2017–2018, 34 775 VII, no. 70.

4. Partnerships and institutional capacity

The National Roma Contact Point.

The position of National Roma Contact Point (NRCP) is administratively placed under the Ministry of Social Affairs and Employment. The NRCP coordinates the Dutch policy and acts as the link between the EU and the Dutch government. The NRCP reports on the efforts expended by the Netherlands to the EU every two years. The NRCP also coordinates the interdepartmental Roma and Sinti consultations. In addition, a Roma and Sinti knowledge platform was started up on the instructions of the NRCP, as was a so-called flexible dialogue with representatives of the Roma and Sinti communities. The endeavours by the Ministry of Social Affairs and Employment are evidence-based as much as possible, centring on scientific insights and entailing the monitoring and assessment of projects, pilots, and activities.

Dialogue.

A dialogue between representatives of the Roma and Sinti communities and the various ministries developing policies touching on these communities takes place twice a year in the form of a pilot. The objective of this dialogue is for both sides to exchange information and to obtain feedback on national and European policy and/or policy intentions. The pilot will be assessed in 2022, at which time it will be decided whether the current system will be continued and, if so, how. In the context of the participation and emancipation subsidy scheme, the involvement of Sinti and Roma is guaranteed for the entire process. The scheme has, for example, been worked out only following extensive consultations with the communities. In addition, an advisory committee comprised of Sinti and Roma has been set up to advise the Ministry of Health, Welfare and Sport on the assessment of applications.

National Coordinator against Discrimination and Racism (NCDR).

As was indicated in the above, an NCDR will be appointed this year. The NCDR will draw up a National Programme listing long-term objectives and an annual action programme. Representatives of the Roma and Sinti communities in the Netherlands will be involved with this project.

Roma and Sinti Knowledge Platform.

This platform has been incorporated into the Integration and Society Knowledge Institute. Policy makers and social workers are in need of more knowledge about how to improve the living conditions of the Roma and Sinti. The Knowledge Platform follows and shares international developments, studies, and strategies to improve the social position of Roma and Sinti.

Municipal anti-discrimination services and Netherlands Institute for Human Rights.

To counter antigypsyism, cooperation is sought with equal treatment organisations. These services are able to conduct investigations and issue reports. In addition, they provide recommendations and advice to policy makers. The Netherlands Institute for Human Rights for instance played a role in the drafting of the policy recommendation with respect to pitches, which resulted in the Policy framework on municipal mobile homes and pitch policy. The Institute also has the power to issue an opinion in individual cases. Moreover, all municipal anti-discrimination services can provide advice and legal support to Roma in distress. One example is the support given during proceedings against the municipal authorities before the Institute.

The National Ombudsman.

The National Ombudsman is an independent and impartial body processing complaints by citizens against government bodies. The National Ombudsman has conducted an investigation into the reliability of the government for travellers.¹⁰

¹⁰ The National Ombudsman, *Traveller is looking for pitch*, 17 May 2017.

Monitoring.

The Netherlands does not register persons on the basis of their ethnicity, resulting in impediments to (quantitative) monitoring methods. Since 2013, the level of social inclusion of Roma and Sinti is investigated every other year. Various qualitative methods are used to obtain a sound picture of the development and expectations for the future with respect to the housing and living conditions of Roma and Sinti. The results of the Social Inclusion qualitative monitor are submitted to the House of Representatives. In addition, the number of pitches is investigated every two years.

5. IHRA

On 8 October 2020, the International Holocaust Remembrance Alliance (IHRA) has adopted its working definition of antigypsyism . This working definition has by now been translated. Also in 2020, the Netherlands has drafted its regular report to the IHRA on policy development in the field of Holocaust remembrance, education, and research, as well as on the fight against antisemitism and antigypsyism. One of the recommendations made by the IHRA experts on the basis of the report is that explicit attention be given to the Roma and Sinti communities in the Netherlands, including to the impact of their persecution during the Second World War.

During the June 2021 IHRA meeting, the decision was made to amend the recommendations on Holocaust education so as to ensure that the genocide of Roma and Sinti, too, is given sufficient attention.

In preparation for the implementation of the working definition of antigypsyism and the recommendations on education, representatives of the Roma and Sinti communities in the Netherlands are currently being consulted. This round of consultations forms an exploration of the needs of the Roma and Sinti communities in connection with the implementation of the working definition of antigypsyism and the recommendations on education. The intention is to use the response as a basis for a plan for the next few years, which will also cover the involvement of the communities. Expectations are that this plan will be ready for interdepartmental consultation and for consultation with the municipal authorities, possibly by way of the Association of Netherlands Municipalities, by late October.