

Inadequate use of EU Funds: Fundamental rights in EU Funds in Romania

Introduction

The EU Roma related funds are not always implemented in the best interest of the Roma community, sometimes Roma are not consulted in the implementation, activities are not implemented as it should be and all that matter are the indicators justified by papers and sometimes photos.

Romania is under-performing at a lot of indicators related to Roma integration and quality of life. The percentage of compulsory school age Roma children who participate in education is very low (77%). Only 54% of Roma are covered by national health insurance scheme or additional schemes. Tap water is not available inside the household for 68% of the Roma and toilet is not inside the house for 79% of Roma households. Only 46% of Roma are employed or self-employed.

Besides statistics, there is on-going discrimination of Roma in Romanian society. Negative attitudes can be observed in media. The context – economic situation and COVID 19 pandemic – determines now a focus of all resources and discussion around economic survival and public health, in the detriment of poor vulnerable groups.

The case study aims to demonstrate that EU funds are not always used in the best interest of Roma and the good intentions written in the project proposal suffer modification during project s implementation.

The method used is desk research and telephone interviews. I have studied documents of the projects and documents related to the situation of Roma. Due to the pandemic the interviews were conducted on the phone.

Background

For the current programming period, the Romanian government did not design programs that include the violation of Roma rights. The problem with EU funds in Romania is not in the design, but rather in implementation. The government has been careful from the beginning of the programming period to include in the guides principles like inclusive, integrated approach and non-discrimination. At local level implementation is more about reaching the indicators rather than having an emphasis on the process or on the impact of the project. This is not to blame, but sometimes it results in not reaching the results.

One example from the field (in one CLLD project) is renovation of blocks/ghettoes. The design of the project is good but when it comes to the beneficiaries, part of the residents do not have property or renting contracts. The building will be renovated but the Roma living there with no document will have to leave, as they cannot receive a renting contract. In terms of protecting human rights of the illegal Roma residents this project can be a failure (when asked, local authorities promised a solution but they did not have it in mind), but the project can be a success from all other points of view (the other beneficiaries are still Roma, but the ones who were given renting contracts by the municipality).

Another example is about making training and employment compulsory for several beneficiaries. This is an excellent idea, necessary for the integrated approach. This results in tens of beneficiaries with

diplomas as hairdressers, tailors, security agents and other similar jobs. It is obvious that the labour market cannot absorb so many people of the same specialisation, especially in small towns or in rural areas. A huge problem for the ESF projects is that implementors must get jobs for a lot of beneficiaries at local level. Many of them prefer the self-employed solution. Although in the end the indicators are met and a lot of people get employed, these jobs are not stable, or self-employment is not always profitable. For ex. in one village with an integrated approach project (ESF) the target was 150 people to get jobs for 6 months, they managed 100 and only around 50% remained at the job for 6 months and longer. The main problem was that jobs are not close to them but in another locality, they depend on poor public transportation or simply Roma do not find it useful for them. In the end the EU funds did have an impact but not necessarily the one estimated in the project proposal. Overestimating the benefits although helps in winning the project's competition might end up in disappointment related to the results.

Possible solutions

Quality monitoring – in Romania there is a big bureaucracy related to implementing EU funds, imposed mainly by the government. Monitoring of the projects refers only to technical indicators (quantitative monitoring) and this is correlated with financial conditions. As the activities in the projects are very diverse, the monitoring visits do not assess the quality of the activities. For example, in the case of trainings it is necessary only to have the curricula and the list of people attending. There is no one in the monitoring body specialized in assessing different types of trainings. In some of the cases photos were also requested (CLLD projects). But then again, even if the implementor presents photos of Roma participating in a consultation meeting, the auditor would not know if these Roma actually live in the CLLD territory and not in a different part of the city or if they are somehow related to the project. There is very little emphasis on the quality of Roma participation at all stages of the projects. Governments (ESF and intermediary bodies for implementing ESF in Romania) should start a basic system of monitoring the quality of the process and results/impact. Numbers only do not help EC or the government in addressing a real involvement of the Roma in the projects addressed to them.

Another approach that needs to be introduced is to better integrate the question of illegal residents/settlements. This topic is addressed only in relation to buildings or land, but less in relation to people. Legalizing the land and renovating buildings does not help the illegal situation of some Roma. In this way, projects risk to create homelessness. While writing the project the municipality does not take into consideration the illegal residents, only the technical parts of rehabilitating the building.

The best solution to address transparency and efficiency of EU funds is to create a space for discussion about that. This would be a first step at national level. As implementation is a bureaucratic process, it is most probable that management authorities will not take a lead into this (with good reasons). It is also difficult for the managers of the projects to talk about this, as it might be perceived as a kind of control. Here are several suggestions:

- A kind of network of people who implement EU projects addressed to Roma. In Romania there is an association of LAGs that has meetings where problems are discussed. Similar structures can be created, based on topics or on types of projects.
- A virtual space where beneficiaries and managers of the projects can come together and talk about shortcomings. There is a danger here - people from the community might not have the courage to speak up, as they depend a lot on local authorities.
- Regular visits and discussions from authorities like National Agency for Roma or National Contact Point for Roma. A solution would be to include this topic on their field visits.

In order to assess the impact, the best people to talk to are the beneficiaries/Roma from the communities and to their leaders involved in the project. A coherent system can be easily designed but it requires resources.

Recommendations

1. A comprehensive identification of the problems faced by the project managers in implementing ESF funds related to Roma. I have identified the following:
 - The monitoring of the quality of processes involving Roma is missing. Beyond lists and topics for meetings, the feedback of the beneficiaries during the implementation is necessary.
 - A greater focus on Roma living in illegal conditions is needed. Building renovation and cadastre should be accompanied by making identity papers and offering them good housing alternatives. A report on segregation/desegregation aspects of the project is also needed.
 - Political involvement pushes NGOs out from LAGs within the CLLD projects and can have an influence on the beneficiaries of the project, but this is hard to prove and deal with.
 - The training and providing jobs component of the ESF fund is hard to implement especially in poor towns and rural areas, where there is a small no. of jobs available. This can lead to different compromises because failing this indicator leads to not reimbursing the money. Many of these newly created jobs are lost when the project ends. This is generated by a series of factors.
2. Create a network of institutions interested in quality monitoring of implementation of EU funds and agree on an institutional cooperation mechanism
3. Agree on the best mechanism that can ensure quality evaluation of the implementation of EU funds for Roma. Ideally it should be an independent one and civil society should be involved in it.
4. Find a funding source – maybe technical assistance funds can be of help in this situation.

CASE STUDY

Brief description of the project

This is an ESF project (Axis 4.1) that promotes an integrated approach in one town in Romania (almost 25 000). According to the Atlas of Marginalized Communities, there are 3 disadvantaged communities, inhabited mostly by Roma. The project has many objectives: preventing school drop out for 220 children, providing social services for 220 children, providing after school, training for 380 adults, finding jobs for 258 adults, 25 micro grants for starting a business, providing assistance for making IDs, medical services and social services for 650 persons, improving housing and actions aimed to reduce discrimination. The project is still on-going.

Problems with implementing the project:

1. Rehabilitation of houses – there is a problem because while writing the project they did not do a proper estimation of the costs. Now the risk is that they will help less Roma households. Improper estimation of housing costs is met in other cases, as usually the applicant wants to

include many activities in the project but a proper cost estimation costs time and financial resources.

2. There are no criteria for selection of the Roma households to be renovated. This will create a lot of unpleasant situations and discontent among the beneficiaries.
3. A lot of educational activities are done only on paper. The management authority only request clocking sheets signed by teachers.
4. Due to weak implementation there have been problems in reporting and reimbursing the money.
5. Although there are a lot of people employed in the project, not a single Roma is to be found in implementation. Although the municipality has been advised to do this, they refused to. They didn't even hire a mediator for the Roma community. Roma have nothing to say in the implementation of the project
6. Although in the project there are mentioned the 3 areas that were designed as deprived areas – with a majority of Roma living there – more than half of the beneficiaries are not Roma, but Romanian. They are poor people indeed. The project is also not very clear about how many Roman beneficiaries should be, how many no-Roma beneficiaries. There are many beneficiaries that do not live in the area designated by the project.
7. Many activities have been delayed; implementation process is weak.
8. A lot of benefits from the project were given to people just before local elections. This shows again that there is a high risk of politization of EU funds.
9. There is a component of social enterprise where the training was done by a company from Bucharest (more than 400 km away) but no practice at local level has been ensured.

In conclusion

Implementation of EU funds in Romania is not necessarily a matter of human rights violation. Some of the situations are related to management mistakes or ambiguities in the project proposal. Many of the situations are generated by the fact that there is no Roma involved in the project and relationship with the Roma community is very weak. As it looks now in some projects, Roma are simply a target group, beneficiaries of some temporary measures. There is little empowerment of Roma, little long-term impact of the project. This is also related to a high risk of politization of EU funds.

To summarize, the misuse of EU funds implies lack of communication with Roma community, focus of the management only on indicators and not on the process, and unwillingness to deal with sensitive situations in a way that has human rights in the center.