

Improving Minority Policies Regarding Ethnic Minorities;

*A comparative analysis of minority policies between the Roma in Romania
and Indigenous populations in Canada.*



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ES4 – 4A

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Date of completion: *14 September 2020*

Word Count: *19.963*

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I. Executive Summary

Ethnic minorities such as the Roma in Romania and the Indigenous peoples in Canada have struggled for centuries, suffering from discrimination and patronization by both their governments and society. In fact, they continue suffering from poor treatment. In order to address this, minority policies have been set into place to improve their situation. This paper analyses the position of the Roma in Romania and the Indigenous in Canada and examines some of the results of minority policies focused on these groups in their respective countries. The objective is to identify how new and existing policies can better contribute to improving the living conditions of these ethnic minorities. To answer this question, this research is structured by four research objectives, answered in different chapters of this thesis.

The literature review introduces the correct terminology, displays the existing literature and policies regarding the Roma and Indigenous, and tackles the question what minority policies are. To gather more specific information, this thesis focuses mainly on some of the most important strategies, namely, the National Roma Integration Strategy from 2001, Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020, the Indian Act from 1876, and Bill C-92 that became law in 2019.

The results of these policies are presented in the findings section and are further assessed and interpreted in the analysis chapter. It can be established that progressive steps have been made, mainly in the fields of education, but that progress is still lacking in the areas regarding housing, access to justice, and child welfare. Besides, there is a lack of adequate funding for projects related to these areas.

This thesis concludes that the efforts of governments and civil society have not been sufficient, since they are focused on the integration of minorities instead of their inclusion into society. This means they are putting the responsibility of solving the conflicts only on the minorities, without involving civil society. Therefore, this research recommends a change of perspective from policy makers, increased cooperation between stakeholders, and a stronger focus on the notion of inclusion of minorities.

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II. List of Abbreviations

CEPS – Centre for European Policy Studies

COE – Council for opportunity in Education

EU – European Union

NAR – National Agency for Roma

NCCD – The National Council for Combating Discrimination

NGO – Non-governmental Organisation

NRIS – National Roma Integration Strategy

NPCR – The Romanian Communist Party

RCMP – The Royal Canadian Mounted Police

TRC – The Truth and Reconciliation Commission

UNO – United Nations Organisation

1. Introduction

1.1 Context

The subject of this paper is the position of two minorities, namely the Roma in Romania and the Indigenous population of Canada. Both groups have faced hard times and have been oppressed to varying degrees. This dissertation intends to analyse the positions of these minority groups within their respective countries and the policies which have been developed to improve these positions, with a view to determine best practices.

The Roma minority groups has faced many difficulties throughout history, and despite efforts of the Romanian state to introduce minority policies, they still do. Even though the Roma are Europe's largest minority, they have no voice, no homeland nor leverage on the international level (Dunlop, 2018). They are the most discriminated minority in Europe, by local authorities to heads of state (Mandache, 2013).

Romania has the largest Roma population in Europe, with an estimated amount of more than 2 million people (Dunlop, 2018), where they face racism, police abuse, school segregation, discrimination in access to health care, forced evictions, and no freedom of movement (Mandache, 2013). Policies regarding Roma in most European states have long been defined by the perception of the majority of Roma as outsiders, and despite a long history of settlement and co-existence, they remain the typical migrant group (Guglielmo & Waters, 2005, p. 763). Several developments have influenced the position of the Roma in Romanian society, from times of slavery, communism, and the shift to democracy.

In Romania, the Roma were first being held as slaves for over 500 years, which continued until 1856. Tens of generations of Roma were sold, humiliated, and discriminated against to the point of being considered inhuman. Roma slavery was a rare occurrence in Europe at that time and after having been pressured by European democratic states the Romanian Principality decided to free all Roma slaves. However, the abolition of slavery did not improve the situation of the Roma. They were left to fend for themselves, without any property. As a consequence, and to improve their position, the Roma created organisations, such as NGOs.

Until 1989, Romania was a communist state ruled by Nicolae Ceausescu and during this time, the Roma were forced to live as the majority population and underwent many changes. They were undergoing the process of "Romanianization", thus were only considered as Romanian citizens. However, this did not change the attitudes of discrimination towards them (Villa, 2012, p. 201). The lifestyle of the Roma changed drastically, from housing conditions to education, employment, and the culture itself. Many Roma were forced to move to the peripheral neighbourhoods in the cities where many families were unable to live under one roof and poverty increased due to the lack of services and poor living conditions in those neighbourhoods. Furthermore, everybody was forced to

engage in “conventional” work such as working in the factories, thus abandoning the practice of their typical crafts. Besides, their culture suffered even more due to the ban of newspapers in Romanesque language and the fact that musicians were not allowed to perform publicly (Villa, 2012, p. 206). Ceausescu’s main goal was to completely standardize the Roma population to make it part of the majority. He favoured the process of “Romanianization” for the conservation and strengthening of the country. For instance, many Roma were settled in villages where there was a majority number of minorities, to significantly increase the percentage of Romanian nationality (Villa, 2012, p. 206). The discrimination against the Roma by public opinion increased especially in the aftermath of the 1989 revolution. Ceausescu tried to raise their status, entrusting them with housing, work, and education, without realizing that he was fuelling the hatred of Romanian citizens against the Roma population (Villa, 2012, p. 207).

The 1989 Revolution created a shift from a dictatorship based on a centralized economy to a democratic system based on a market economy. This transition was probably much more difficult for the Roma community than the rest of the population. From an economic, social, and educational point of view, it led to the decline of most Roma communities. However, the transition to democracy provided the official recognition of the Roma as an ethnic minority, which helped improving their situation in Romania by making room for Roma inclusion policies (Lazăr, Dincă, & Ungureanu, 2015, pp. 59-60).

The Indigenous population lived in Canada many years before the Europeans settled in Canada, and their way of life has drastically changed ever since. Before the arrival of the Europeans and other settlers in Canada, Indigenous peoples practiced their own forms of government for thousands of years. These forms of government reflected the economic, social, and geographic diversity of Indigenous peoples, as well as their cultural practices and spiritual beliefs (Government of Canada, 2019). Three important developments influenced the weakened position of the Indigenous populations. Paternalistic laws and treaties they were forced into, a system of Indian agents, and assimilation through the residential schools. Each of these developments will now be described.

Treaties, trade, and alliances forged early partnerships between the First Nations and colonial governments (Government of Canada, 2019). Over time, relationships slowly changed through laws, policies, and decisions that were based on a colonial and paternalistic approach (Allard, 2015, p. 1). The government viewed treaties as a way of avoiding conflict, and a means of guaranteeing control of the land and western prosperity. Treaties were viewed as permanent agreements that admitted privileges to the Indigenous and presented as such. However, the government was acting in the interest of the Euro-Canadians from the beginning (Allard, 2015, p. 3).

Conversely, the Indigenous regarded treaties as agreements between two sovereign powers to share the land and its resources. Moreover, the Indigenous population thought it was possible to renegotiate

and change the treaties from time to time. The negotiated treaties would help the Indigenous in adapting to Euro-Canadian society, but also allow them to continue their traditions in the modern world (Allard, 2015, p. 2). Due to the declining bison economy, the end of the fur trade, and realizing the Euro-Canadians dominance over the land was inevitable, Indigenous peoples were more inclined to accept the treaties and their provisions out of desperation. By signing these treaties, the Indigenous were agreeing to abide by the laws and customs of the Crown and be loyal subjects (Allard, 2015, p. 2).

Another means of the Canadian government to assimilate the Indigenous was to force Indigenous children to attend residential schools run by the government and the church. Their goal was to isolate the children from their parents, so it was easier to integrate them into Euro-Canadian society. It was compulsory for the children to conform to Christianity, wear Euro-Canadian clothing, and learn to speak either English or French. The most negative aspects of these schools were that the children were separated from their family, forced to abandon their culture, and often were verbally and physically abused, thus denying them the right to have a stable upbringing. Between 1857 and 1996, more than 150,000 Indigenous children attended these schools (Allard, 2015, pp. 11-12).

According to the Canadian Government, Canada is currently focussing on reconciliation between the government and the Indigenous and recognizes the colonial past and the scars it left behind, by creating new policies (Government of Canada, 2019). For instance, Bill C-92, that has the goal to reduce Indigenous children being taken into the care of Children's Services (Metallic, Friedland, & Morales, 2019, p. 4).

1.2 Research Structure

Both the Romanian and Canadian governments have introduced policies to repair some of the damage that was done throughout history. However, despite these minority policies both groups still deal with difficulties. The aim of this paper is to research what the existing policies are doing, whether they need amendments, and if new policies are needed. This will be done by looking at how effective the existing policies are, based on their achievements. The main question that needs to be answered in order to research this is;

“What has been achieved with Romania’s minority policy concerning the Roma compared to Canada’s minority policy regarding the Indigenous peoples?”

In order to answer the main question, this paper will be guided by the following questions;

1. What are minority policies?
2. What is Romania’s minority policy regarding the Roma?
3. What has Romania’s minority policy regarding the Roma achieved?

4. What is Canada's minority policy regarding the Indigenous peoples?
5. What has Canada's minority policy regarding the Indigenous peoples achieved?

1.3 Report Structure

The introduction gives an overview of the history of the Roma and Indigenous and their relationships with their government and presents the context of this research. Following is the literature review, which will summarize and analyse the existing academic literature regarding the topic of this paper. The literature review will be divided into several topics related to the main question. The methodology chapter outlines the research methods used for this paper, analyses them, and justifies why they were chosen. The findings chapter presents all the outcomes and data collected from the publications and the interviews taken, about the minority policies in Romania and Canada. The collection of this data will provide the answer to the main question. In the Discussion, the information presented in the findings and literature review will be discussed and analysed. In the conclusion and recommendations, the main conclusions and recommendations will be made based on the findings and the information presented by the discussion chapter. This chapter provides the answer to the research question and makes recommendations regarding the outcome.

1.4 Definitions

In this paper, the term Indigenous and Roma will be used to correctly portray the minority groups and to cause no offense. The reason these terms have been chosen will be further explained in the Literature Review.

2. Literature Review

2.1 Terminology

In this part of the Literature Review, the terminology regarding the Indigenous in Canada and Roma in Romania will be explained. In order to understand the given information, the terms related to the topics must be accurately explained.

2.1.1 Indigenous

Due to the complicated relationship in history between the Indigenous peoples and the Canadian state, which often has been characterised as paternalistic and harmful, it is important to understand and use the correct terminology. When terms are used that were imposed on the Indigenous by colonizers, instead of them having the control of the way they refer to themselves, this can lead to misrepresentation, separation, and control over a peoples identity (First Nations Study Program, 2009).

The Canadian Encyclopaedia explains that the term Indigenous refers to the First Nations, Métis, and Inuit peoples. “First Nations” is a term that refers to all Indigenous peoples in Canada, the original inhabitants before colonialization, except the Inuit and Métis people. The Inuit generally inhabit the northern parts of Canada, the Arctic region, and the Métis people are of mixed European and Indigenous ancestry. Historically, the Inuit were also referred to as Eskimo’s, which is an offensive term and will therefore not be used in this paper (Parrot, 2019). The term “Native” refers to a person or thing that originates from a particular place. Other terms like “Indigenous” and “Aboriginals” are preferred since for some people, “Native” still has some negative connotations and is outdated. It is a very general term which does not specify the different Indigenous groups. The term “Native” can also be problematic in a different context, for instance, a non-indigenous person born in Canada might also want to refer to themselves as “Native”. The frequently used term “Aboriginals” is used in Canada to refer to the first inhabitants of Canada and includes all First Nations, Métis, and Inuit groups. Similar to the “Aboriginals term”, “Indigenous” is a term that widely encompasses Aboriginal groups (First Nations Study Program, 2009). It is an internationally recognized term, presented by the United Nations, and is used to refer to autonomous and self-sustaining societies that have been adversely affected due to the arrival of a more dominant settler population (United Nations, n.d.). The term “Indian” is mostly used in a legal context when talked about the legal status Indians under The Indian Act. Outside of the Indian Act context, “Indian” is still often seen as offensive and outdated, due to its use in colonial times. Even though the Indigenous sometimes use the term to refer to themselves, for many different reasons, one might still think they are defined by federal legislation (First Nations Study Program, 2009). Therefore, when referring to the First Nations, Métis, and Inuit in Canada, the term “Indigenous” and “Aboriginal” will mainly be used in this thesis, so that all Indigenous groups are included and correctly represented. When

other terms like “Indian” or “First Nations” are being used, it is mainly because (older) sources where the name is being used are quoted.

2.1.2 Roma

The term “Roma” implies all groups sharing a common Indian origin (Roma, Sinti, Kale), and the communities who refer to themselves as Roma, found mainly in the Balkans and central and eastern Europe, but also throughout the world (Council of Europe, 2012, p. 6). According to the Council of Europe, “Roma” became the common term used internationally since the first World Congress in London in 1971, when representatives of these communities also adopted the 8th of April as International Roma Day, an anthem and a flag (Council of Europe, 2012, p. 5). “Gypsy” is also a widely used term, however, international Roma associations found it to be connected to negative and paternalistic stereotypes in Europe. Therefore, it is recommended in the majority of European states to not use the term “Gypsy” as it is offensive towards the people concerned (Council of Europe, 2012, p. 8). This paper refers to the Roma communities residing in Romania; therefore, the term “Roma” is used when this group is mentioned.

According to the CEPS report, “Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States” the emerging term “Anti-Gypsyism”, aims to “refocus public policies addressing Roma discrimination in order to place responsibility for combating structural, historically-embedded and systemic forms of racism, discrimination and exclusion towards Roma squarely on state institutions and actors (Carrera, Rostas, & Vosyliute, 2017, p. 1)”. Anti-Gypsyism is a historically constructed form of racism, expressed by violence, hate speech, exploitation, and discrimination, directed towards social groups identified under the stigma ‘gypsy’ or other related terms (Carrera, Rostas, & Vosyliute, 2017, p. 9). The concept of anti-Gypsyism emphasizes the role of history and stereotypes in the everyday behaviour of institutions. The usage of the term will most likely positively affect the discourse of public policies towards Roma communities (Carrera, Rostas, & Vosyliute, 2017, p. 13).

2.2 Minority Policies

When researching minority policies, it is important to understand what exactly minority policies are and how they can be researched. Minority policies are policies that are targeting and affecting minority groups and can be researched through several theoretical frameworks. Fording and Poe define minority targeted policies as “any policy over which state or local governments have significant authority, and which is explicitly intended to affect a minority group(s) (Fording & Poe, 2014, p. 3).” Minority policies may have negative or positive effects on the minority group(s), so they might be either opposed or favoured by the minority group(s). Furthermore, minority policies might be focused on either one or more minority groups. If policymakers do not explicitly target minority groups on which the policy is focussed, that might disproportionately impact a minority group. For instance, welfare policies are universally intended, however, certain minority groups such

as people of colour or the LGBTQ+ community will be disproportionately impacted by these policies (Fording & Poe, 2014, p. 3). This is because there is a lot of discrimination against these minority groups, and when they are not explicitly mentioned in the policy, they are not protected against discrimination in these situations where the policy applies to. To explain the impact and frequency of minority policies, researchers have applied various theoretical frameworks to the policies in the past two decades.

The first is the Concept of Representation, first introduced in 1967 by Hanna Pitkin. It concerns the issue of minority representation and the extent of how minority elected officials are better than non-minorities at maximizing the fundamental interests of minority-group members (Fording & Poe, 2014, p. 11). Warren notices that Pitkin's theory is solely focused on the activities of representatives and not the represented. It is part of shaping representation as the notion of presence and absence. In the absence of the represented, the representative speaks or acts on their behalf (Warren, 2018, p. 2). Disch disagrees, saying that "if representing means that something is to be made present but need not be present "literally or fully in fact," then how are we to know when the represented is not present (Disch, 2012, p. 601)?" A government may be representative even if it is not responsive to the interests and needs of the people, and in contrary, even if it is responsive to these wishes, it can be unrepresentative. And to say something is present and absent at the same time is a paradox (Disch, 2012, p. 601). Pitkin's theory asks if descriptive representation leads to better representation. This seems to be the case since minority elected officials share a common background and experiences with minority group members, thus they would be more considerate towards their minority group's demands and needs and puts in effort into maximizing minority-group interests them (Fording & Poe, 2014, p. 12). However, this claim can be challenged since 76% of the African American women legislators reported encountering discrimination, compared to 60% of African American male legislators. Therefore, this claim can be challenged since racism and discrimination within state legislatures make it hard for minority groups to be represented (Hawkesworth, 2003, p. 529).

Another theory is the "racial threat" hypothesis, one of the oldest and most often applied theories linked to the early work of Key and Blalock. Blalock claimed there are two types of threats that are the basis for majority group repression of a minority group, namely "those originating from competition over economic resources, and those arising from competition for political power (Fording & Poe, 2014, p. 13)." The theory predicts that each type of threat encourages white support for state-sanctioned social control practices (Dollar, 2014, p. 2). As a consequence, the level of economic and political competition, thus perceived threat, is connected to the size of the minority group. Dollar states that although the theory is often said to suffer from conflicting support, examining the literature by phases of state control reveals several regularities. For instance, research regarding theories on the effects of minority population size and other indicators of threat on increased policing expenditures and state executions generally support the racial threat hypothesis

while results related to arrests and imprisonment generate opposing conclusions (Dollar, 2014, p. 2). According to Dollar, Blalock's theory implies that economic inequality may produce negative forces on social control practices, thus future research should strive to correctly identify the potential for such effects in statistical modelling. Furthermore, to examine the concluding hypothesis of Blalock's theory, scholars should examine how racialized threat is decreased after implementing race-based practices (Dollar, 2014, p. 5). Research regarding the racial threat theory has mostly examined the relationship between the population size of blacks and Latinos and white support for policies that restrict their rights (Fording & Poe, 2014, p. 13).

A third significant framework is the "morality policy framework". Morality policy was considered special since it evoked conflicts of first principle, thus generated conflict over basic values rather than instrumental questions, and it was technically quite simple and very prominent. These policies induced conflict over basic values rather than instrumental questions. The debate concerning morality policy was said to be about "the policy ends rather than the means to an agreed upon end, with typical public policy debate involving the latter (Kreitzer, Kane, & Mooney, 2019, p. 4)." The early work of scholars believed morality policy was a separate category of fundamentally, possibly related to death, sex, and addictive substances, therefore avoiding the need for a more detailed explanation of the concept (Kreitzer, Kane, & Mooney, 2019, p. 4). Recently, scholars have started to perceive morality as "relating to the debate, the individuals involved, and/or the argument frame surrounding certain issues at certain times, rather than as a category of policy types (Kreitzer, Kane, & Mooney, 2019, p. 5)." Some scholars try to argue that morality policy is primarily defined by content, however, most researches claimed that "its nature makes it subject to particular institutional processes (Studlar & Cagossi, 2018, p. 63)." It is also suggested that to make an issue "morality policy", only one side needs to consider an issue to be concerned with deeply held values (Studlar & Cagossi, 2018, p. 64).

Lastly, the "direct democracy" framework, aims to understand the adoption of minority targeted-policies, in particular policies that restrict minority rights (Fording & Poe, 2014, p. 14). According to the findings of Fiorino, Ricciuti, and Venturino, direct democracy institutions are stronger in countries with richer and more educated populations. Additionally, direct democracy is affected by political rights and stability, which indicates that direct democracy happens after some political preconditions are fulfilled (Fiorino, Ricciuti, & Venturino, 2017, pp. 155-156). Scholar Barbara Gamble sparked other scholars' interest when publishing a study that researched the use of direct democracy to study various types of civil rights initiatives (such as gay rights and school desegregation) in the period between 1959 and 1993. Her findings showed that in 78 percent of these elections minority interests lost (Fording & Poe, 2014, p. 14). Gamble's research makes it apparent that direct democracy has been used to minimize the rights of a broad range of minority groups. Tools of "pure" democracy have been applied to attack distinct and narrow-minded groups both

directly, when the text of the statute explicitly references characteristics of the minority group, and indirectly, by withholding the real policy motives and using indirect language to impact minority groups (Phillips, 2017, p. 1166).

For this research, the framework of representation is most relevant to apply since the representation of Roma and Indigenous people in Romanian and Canadian parliaments have a major impact on the creation of Roma and Indigenous policies. As the framework mentioned, minority policies will be more effective in fulfilling the minority's needs when it is represented by elected officials who share similar backgrounds and experiences as minority group members.

2.3 Roma in Romania

2.3.1 The Transition to Democracy

One way of improving the integration of Roma communities into society is through strengthening their representation in parliament. In the 1990s, Romania started to transition into a democracy and so the encouragement of ethnic representation in the parliament began. Proportional representation provisions were combined with minority reserved seats, and both were implemented in the transition period to ensure fair representation of the state's ethnic minority groups (Matichescu & Totoreanu, 2017, p. 121). However, both proportional representation provisions and minority reserved seats did not achieve enough to correctly represent the Roma minority. Roma continue to be extremely underrepresented in Romania, and the general appearance of minority overrepresentation in the Romanian parliament comes at the expense of the Roma community (Protsyk & Matichescu, 2010, p. 41). According to table 1 in 'Electoral rules and minority representation in Romania', which displays the Proportionality Index between 1990 and 2007 of the Romanian parliament, all the minority groups exhibited in the table are overrepresented in the Romanian parliament, except for the Roma. Groups of legislators of various ethnic backgrounds are scored a number representing whether they are over or underrepresented in the Romanian parliament. A score of 1.0 signifies 'perfect' representation while higher than 1.0 shows overrepresentation and lower than 1.0 exhibits underrepresentation. Roma are the only ethnic group that receive a score of 0.15, making it the most underrepresented ethnic group in parliament. Especially when compared to the Albanian ethnic group that scores 75 but only has a population share of 0.002% while the Roma represent 6.6% of the Romanian population (Protsyk & Matichescu, 2010, p. 33).

After the fall of socialist regimes, a new perspective on Roma affairs emerged and led to a more (neo)liberal form of governing. What caused a turning point for state policies was the official recognition of Roma as a European minority by European institutions IGOs and Romani NGOs, after 1989 (Anghel, 2015, pp. 94-95). Partly as a result of international pressure, Romanian policies toward the Roma have improved in the years after 2000 (Barany, 2004). Roma poverty has been a significant policy issue because an improvement in their economic and social position was a

precondition for the accession of Romania becoming part of the European Union (Emigh, Feliciano, O'Malley, & Cook-Martín, 2018, p. 594).

During the socialist regime in Romania, the Roma were less disadvantaged compared to the years before or after state socialism. This is because the socialist economy mainly operated “with policies full employment and assimilation (Emigh, Feliciano, O'Malley, & Cook-Martín, 2018, p. 594)”. Most Roma had a job, but they mostly worked in sectors that collapsed after 1989 such as mining and construction, which meant they were the first ones getting fired. Therefore, their economic conditions during the post-socialist period were especially awful, particularly in the 1990s and 2000s (Emigh, Feliciano, O'Malley, & Cook-Martín, 2018, p. 594). The EU also encouraged former socialist countries to develop national and local level strategies as part of the requirements for EU membership. Nevertheless, there were no specific rules for respecting minority rights, therefore, sensitive issues connected with interethnic relations were dealt with by the national governments and thus limiting the impact of EU accession (Anghel, 2015, p. 96).

2.3.2 Romanian social integration policies

The history of the last decades has revealed a development of modifications in the status of minorities in Romania. The concern about the Roma population has shifted from an understanding of their living conditions, their cultural specificity, their relations with the majority, authorities, and public institutions, from modest local level research projects to a more structured approach at the macro-social level. Public policies for Roma are one of the new things made possible by the changing of the regime in 1989 (Ionescu & Cace, 2006, p. 22). One of the familiar descriptions of the Roma integration policy stages comes from Ionescu and Cace in 2006 and is still relevant today (Lazăr, Dincă, & Ungureanu, 2015, p. 60). The evolution of the policies after 1989 can be placed in three steps; The first step, that could be called “the unstructured search period”, between 1990 and 1995 is characterized by policies and programs that are aimed to explore steps that led to understanding the mechanisms essential for social interventions. In this period, the first Roma non-governmental organizations were established, but their activities were sporadic and only tended to small urgent problems (Ionescu & Cace, 2006, pp. 22-23). The second step, in “the period of responsibility understanding” (1996-2001) where knowledge of and intervention in the Roma situation increased significantly, leading to more interest for instant solutions. The “Strategy for the Improvement of Roma Situation in Romania” was issued in this period which is further characterised by the development of strategies, measures, and interventions by public institutions and non-governmental organizations. Some factors that contributed to this revolution were; Reports of the EU Commission that demanded solutions for the Roma situation, including this issue on the list of the political criteria of accession, setting-up and development of government structures that are explicitly responsible for the Roma issue, and involvement of international institutions in funding projects for the Roma communities in Romania. (Ionescu & Cace, 2006, pp. 23-24). The third step (2001-present) started

with the elaboration and the institutionalization of the National Strategy for the Improvement of Roma Situation in Romania, in April 2001, and it has been characterized by taking on responsibility for dealing with Roma issues (Ionescu & Cace, 2006, p. 24). This strategy promotes at the national and local levels a series of measures to respond to both the general issues, and the specific issues of various sectors while being monitored by international institutions such as the EU, COE, and agencies of the UNO (Ionescu & Cace, 2006, p. 24). We can also consider a fourth step, “the integrated approach” (2011-present), where Romanian policies are linked with the EU framework and have the objective to address the social integration of the Roma on EU level (Lazăr, Dincă, & Ungureanu, 2015, p. 60). For instance, The Romanian Government Strategy for the Inclusion of Romanian Citizens from Roma Minority for the period 2012-2020, a revised version of the 2001 strategy, which was launched in 2011. This strategy’s scope is to implement integrated policies on education, housing, health, employment, culture, and social infrastructure, to ensure the social and economic inclusion of Roma Romanian citizens in Romania (Lazăr, Dincă, & Ungureanu, 2015, p. 64).

According to the report “Considerations on Romania’s government strategies for inclusion of Romanian citizens belonging to Roma minorities (Adăscăliței, 2015)”, the adoption of National Roma Integration Strategies between 2001 and 2015 were based on the European Union legal framework. The economic and social changes coming out of the economic crisis were the basis of regulations concerning combating poverty and social exclusion. The EU level modifications were reflected in the juridical national framework which regulates the adoption of new measures (Adăscăliței, 2015, p. 46). To conform with the goals of the 2020 Europe strategy, in 2011, Romania's Government Strategy for inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020 was adopted. This strategy had the aim to “ensure the social and economic inclusion of Romanian citizens belonging to Roma minority, by implementing integrated policies in the fields of education, employment, health, housing, culture and social infrastructure (Lazăr, Dincă, & Ungureanu, 2015, p. 64).” One of the strong points of the strategy was the effective involvement of civil society in the preparatory step (Lazăr, Dincă, & Ungureanu, 2015, p. 65). Another positive point in the preparatory step was that the composition of the strategy was based on statistical data, which also corresponded well with the European Framework’s indication to identify the most deprived communities and disadvantaged neighbourhoods (Lazăr, Dincă, & Ungureanu, 2015, p. 66). However, the database containing information regarding the size, geographic location of the Roma people, and the issues they face does not hold sufficient data (Adăscăliței, 2015, p. 48). Furthermore, one of the major challenges regarding the implementation of measures was funding. The strategy was adopted before the adoption of the state budget for 2012 which led to measures without clear funding sources. This means the research is based on unreliable data and leads to insufficient, unfocused public policies (Adăscăliței, 2015, pp. 47-48).

Public policies in Romania are aligned with social policies endorsed at European Union level. The Romanian Government has recognized the scale of the Roma issues and acknowledged the need for consistent policies to minimize the problems (Lucian, 2016, p. 71). The government strategy on the Roma adopts and promotes, a progressive agenda in line with the EU goals, however, subtle forms of racism and a contradicting attitude towards the Roma people are still existing and persist (Popoviciu & Tileaga, 2019, p. 13). Over time, the language being used in the Roma strategy documents that associated them with unwanted behaviours, identity or values gradually changed. It reflected the changes of politics and culture in Romanian society. To join the European Union, the Romanian government fulfilled all the requirements laid out by the European Commission to improve the situation of the Roma. The language displayed in the text became less direct when presenting prejudicial and stereotypical perspectives about the Roma people. Each new strategy document became more subtle. Ethnic blame was carefully implemented into the language of modern racism, which made it harder to spot, and therefore, harder to challenge (Popoviciu & Tileaga, 2019, p. 14). Some of the national strategies developed under the EU Roma Framework present an odd vocabulary and approach. For example, the Romanian National Strategy states that ‘one out of six Roma parents call ethnic discrimination as the reason for their children’s weak school attendance’ (Matache, 2017, p. 9). However, the strategy does not mention segregation in education or discrimination in healthcare as structural barriers for Roma children’s education or health status, besides, it does not mention anti-discrimination measures at all (Matache, 2017, p. 9). Although integration strategies aim to fight the discrimination of Roma, it fails to recognize the grave need to seriously address the issue by including human rights, diversity, and non-discrimination in the national curriculum (Matache, 2017, p. 10). There are two main categories of solutions proposed in Roma inclusion strategy documents. The first category focuses on individual development by counselling or employability skills training that helps the Roma people integrate into mainstream society. The second category emphasizes systemic changes, such as reforms in health, education, housing, and employment to enable the participation of Roma people into social, cultural, economic, and political life (Popoviciu & Tileaga, 2019, p. 2).

2.3.3 National Roma Integration Strategy

The National Roma Integration Strategy (NRIS) was designed in early 2001. It was demanded by the European Union as a precondition for Romania to join the EU. The NRIS aims to improve the lives of the Roma minority in four areas: health, education, housing, and employment. At the same time, the strategy aims at empowering the Roma minority and civil society to increase the socio-economic inclusion of Romanian citizens belonging to the Roma minority (Lucian, 2016, p. 72). The NRIS was updated and changed multiple times during 2001 and 2012, and a special institutional framework was created to assist the implementation of Roma policies (Tanasie, 2015, p. 2). However, the national and international reports state that the implementation of the NRIS was not

successful. The Civil Monitoring Report on Romania observed that “the NRIS was created under the pressure of EC deadlines and was not sufficiently focused on observing the minimum standards of policy formulation, with no effective evaluation of previous exercises and no relevant baseline or targets to be achieved (Bartlett, Kamphuis, & Gordon, 2016, p. 38).” The policy design of the NRIS from 2001 to 2012 was influenced by the institutional discrimination that exists in Romania towards Roma citizens, one of the main factors that hindered the implementation of the NRIS. The low-level coordination and commitment of the governmental bodies that are essential in enforcing the NRIS are supporting the discrimination against the Roma. This has led to vague policies and weak political commitments towards the implementation of the NRIS (Tanasie, 2015, p. 38). According to Tanasie, Roma NGOs should participate in the process of policy formulating and monitoring. Anti-discrimination laws need to be enforced, and there is a need for a transparent system of appointing civil servants who are part of the official institutions at the central, regional, and local levels. The National Agency for Roma (NAR) should have real political leverage over the ministries and bodies in charge of the Roma inclusion policies (Tanasie, 2015, p. 39). What is needed for National Roma Integrations Strategies to perform better, according to Bartlett, Kamphuis, & Gordon, is a distinct prioritisation of initiatives, improved effective methods of coordination need to be developed to monitor the implementation of policies among all stakeholders, clearer communication strategies among stakeholders, more involvement of the sub-national authorities in the implementation process, and an increased dialogue and cooperation between Member States and Roma representatives (Bartlett, Kamphuis, & Gordon, 2016, p. 12).

2.4 Indigenous in Canada

2.4.1 The Indian Act

The Indian Act is an important law that controls most of the interactions between the Canadian government and the Indigenous peoples. It outlines the different types of status the Indigenous peoples can have in Canada; they are either registered under the Indian Act and have Indian status or they are not registered and fall under the term “Non-Status Indians”. According to Canadian laws, Status Indians were not considered as people until the revision of the Indian Act in 1951. Before that, to be regarded as a person, the Indigenous had to give up their Indian status, which was called “voluntary enfranchisement”. It meant they were given all the rights the other Canadians enjoyed, however, they lost all the rights, benefits, and restrictions of being a status Indian (Joseph, 2018, p. 27). Furthermore, for the purpose of registering Indians and the fact that the Euro-Canadians had trouble pronouncing traditional names, the entire Indigenous population were given Christian European names (Joseph, 2018, p. 35).

In 1877, the Canadian Department of the Interior provided insights into Indian legislation; “Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State... (Joseph, 2018, p. 8).” The Canadian

government saw it as their duty to assimilate the Indigenous to the Euro-Canadian civilization “through education and every other means (Joseph, 2018, p. 8)”. Reserves were created to serve as a place for Indians to reside until they became “civilized”. On paper, a reserve is a piece of land reserved for an Indian band, under the Indian Act and treaty agreements. In reality, they were being used to controlling the Indigenous communities, and the Europeans kept all the resources given by the land such as fish, water, and timber for themselves, which were crucial to sustain the Indigenous life and culture (Joseph, 2018, p. 24). Therefore, this shows that the Indian Act aimed to maintain dominance over the Indigenous and assimilate them into Canadian culture. Programs and policies that advanced the ongoing assimilation project included the reserve system, the residential school system, and the child welfare system (Sinclair, 2016, p. 9).

The Indian Act had a large impact on the lives of the Indigenous peoples. It undermined the traditional role of women, discriminated against them, and contributed to the current vulnerability of Indigenous women. In 1985, there was an amendment to remove discrimination against women, but gender discrimination remained (Joseph, 2018, pp. 21-22). In “The Indian Act: The Social Engineering of Canada’s First Nations” Cora Woolsy, also argues that the Indian Act had detrimental effects on the Indigenous peoples, especially on Aboriginal women. She agrees that The Indian Act was meant to force the Indigenous peoples to live according to a Euro-Canadian culture (Woolsy, 2013, p. 21). Even though the legal, social, and economic status of women in Canada’s Indigenous communities varied strongly, the Indian Act’s masculine viewpoint disrupted the operational systems these communities had developed (Woolsy, 2013, p. 23). In many communities, women held significant positions, such as the Iroquois women, who held power over the lands and harvest, had authority during times of war, were the centre of the councils, arranged the marriages, had the authority over the children, and the order of succession was in their bloodline (Woolsy, 2013, p. 22). The Canadian government saw it as a threat to their society’s development if the gender roles were not reconstructed to fit in with the European style economies (Woolsy, 2013, p. 23). The original version of the Indian Act initiated the disempowerment of Indigenous women by withholding rights equal to those of Indigenous men. In 1951, it was amended to allow women to vote and run for Council or Chief. In 1985, Bill C-31 amended the Indian Act to allow women to remain Status Indians after they married non-Status men, and it was possible to restore status to women and children who had lost their status (Woolsy, 2013, p. 21). Even though the uprising of Indigenous women fighting for their rights and the amendments made to the act, the Indian Act has made such an impact that it is unlikely the Indigenous gender roles will ever return to the traditional models, even for those nations where women historically exercised great power (Woolsy, 2013, p. 27).

2.4.2 The White paper 1969

In 1969, the Prime Minister at the time, Pierre Trudeau, introduced a policy paper called; “Statement of the Government of Canada on Indian Policy”, also publicly known as the “White Paper”. The

White Paper was meant to redefine the relationship between the government and the Indigenous peoples (Kerr, 2017, p. 51). Elisabetta A. Kerr argues that “although the White Paper was a necessary step in the realization of the dire condition of Aboriginals in Canada, it did not provoke any lasting government policies that recognized absolute Aboriginal rights and liberties (Kerr, 2017, p. 50).” The Paper proposed to revoke “Indian Status” while claiming to prevent discrimination against the Indigenous peoples since it only applied to the Indigenous. After its release, the paper received intense backlash from the First Nations because, for them, the White Paper meant that reserves and treaties recognizing First Nations rights would be ceased. This would directly threaten the livelihood of the Indigenous peoples of Canada by retracting access to their traditional lands (Kerr, 2017, p. 56). Therefore, the White Paper was only an event in the continued fight of Canada’s First Nations, instead of a major turning point in the struggle for Indigenous rights in Canada. The paper did commence an improvement in Aboriginal activism and advocacy, but not a noticeable change in government policy (Kerr, 2017, p. 51). As a response, The Red Paper was published as a satirical reaction to the White Paper on behalf of the Indigenous leaders in Alberta. The Red Paper advocated to restore the original treaty and to encourage the idea that the First Nations of Canada have additional rights compared to the Euro-Canadians (Kerr, 2017, p. 57).

2.4.3 Residential Schools

The residential schools are one of the most harmful measures coming forth out of the Indian Act. They brought immense suffering to the Aboriginal peoples and have an intergenerational impact which will affect many generations to come. The goal of the schools was to “kill the Indian within the child” (Joseph, 2018, p. 53). By 1930, approximately 75% of all First Nations children between the ages of 7 and 15 attended residential schools, as well as many Métis and Inuit. It has been estimated that more than 150,000 Aboriginal children in Canada attended residential schools (Bombay, Matheson, & Anisman, 2014, p. 321). The children were not allowed to speak their language, follow their traditions, and wear their own clothing. They could only visit their families during Christian holidays if the parents conformed to certain rules (Joseph, 2018, p. 57). The schools were constantly underfunded by the federal government, resulting in overcrowding and insufficient diets, which made the children vulnerable to tuberculosis and other infections while also contributing to high death rates (McKenzie, Varcoe, Browne, & Day, 2016, p. 5). Attendance was mandatory until 1969, and the last of the residential schools closed in 1996 (Joseph, 2018, p. 60). The report “The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma (Bombay, Matheson, & Anisman, 2014)”, provides evidence that survivors have been more likely to suffer from mental and physical health problems compared to Indigenous adults who did not attend residential schools, and to this day, residential schools continue to undermine the health and wellbeing of the Aboriginal population (Bombay, Matheson, & Anisman, 2014, p. 323).

Sinclair claims that residential schools play a large role in the overrepresentation of Indigenous children in the welfare system, whose involvement emerged with the decline of residential schools during the 1950s. Indigenous children comprise 30 to 40 % of children in care (Sinclair, 2016, p. 9). This article aims to “disrupt the Indigenous child removal system by analysing how legislation and policies, and cultural/racial bias play out in the removal of Indigenous children in Canada (Sinclair, 2016, p. 8). The responsibility for child welfare transferred from federal to provincial control and the federal funding transfers through the Canada Assistance Plan in 1996, allowed the provinces to invest in child welfare matters. This led to significant growth in the Indigenous Child Welfare. By 1970, Indigenous children made up 44% of the welfare children in Alberta, 51% in Saskatchewan, and 60% in Manitoba. Contemporary childcare statistics show that Aboriginal children account for 48% of all foster children, even though they only make up 7% of the child population of 14 or younger in Canada (Turner, 2016, p. 6). Assimilation policies as well as the intergenerational impact of the residential schools have led to more incidents of child removal and the high number of Indigenous children in care, however, there are institutionalized structures that are encouraging and enabling this overrepresentation. The Provinces benefit from the transfer payments per Indigenous children in care as well as the child tax benefits. (Sinclair, 2016, pp. 9-14). Sinclair claims that if the current system will not be challenged, it will continue to “perpetuate the same cultural genocide that has confronted Indigenous communities since contact and the Indigenous child removal system in Canada will continue unfettered (Sinclair, 2016, p. 15).” Therefore, the system needs to be immediately replaced by another system that purposely disrupts the racist and colonial foundations of the current system, which can be created with the recommendations on the Truth and Reconciliations Commission (Sinclair, 2016, p. 15).

2.4.4 The Reconciliation Movement

According to Flanagan, the Indigenous communities are unsatisfied with the Indian Act, by sending official complaints to the government (Flanagan, 2018, p. 1). The Indigenous, who already adhered to treaties, claim that the Canadian government has not adequately implemented their treaty or violated the Indian Act in the administration of their reserve lands or trust funds. These claims are called “Specific claims”, which are different from “Comprehensive claims”, which are made by First Nations who have never signed a treaty and seek recognition of Aboriginal rights and title to lands (Flanagan, 2018, p. 1). Specific claims coming from the First Nations have been accepted by the government since 1974, and there have been 450 settlements between December 12, 1974, and November 15, 2017. Out of the 618 recognized First Nations, 45% have at least received one settlement, and the average amount of settlement per person is around 1.6 (Flanagan, 2018, p. 8). The settlements of these claims intend to compensate for the wrongdoings in the past. A lot of money is being spent to pay for those settlements; in 2017, almost 6 billion dollars spread over more than 40 years. Political leaders have said they expect the settlements to have a positive impact on the

Indigenous communities' future economic growth (Flanagan, 2018, p. 11). However, specific claims can't be a social justice measure helping the poorest of the First Nations since the settlements are attained based on historical events, legal policies, and political pressure, which are not connected to the current standard of living (Flanagan, 2018, p. 17).

According to Mitchell, Arseneau, Thomas, and Smith, in the past decade, pressure has intensified on the Canadian government to fulfil the Crown's duty to honour Indigenous Peoples' Aboriginal and treaty rights (Mitchell, Arseneau, Thomas, & Smith, 2019, p. 1). In the final report of the Truth and Reconciliation Commission of Canada, the Government of Canada is tasked with 94 calls for action to "redress the legacy of residential schools and advance the process of Canadian reconciliation (Truth and Reconciliation Commission of Canada, 2015, p. 1)". The Canadian Truth and Reconciliation Commission was given the task to document the history and ongoing effects of the residential schools. They were assigned to collect documents and interviews with survivors, hold national and community events where survivors could share their experiences, issue a report, create a national research centre, and create and control a large commemoration fund (Moran, 2016, p. 181). Nearly 7000 audio and video recordings of statements with those affected by the residential schools and more than five million digitalized documents were documented to make the Canadian public aware of this part of history (Moran, 2016, p. 178). The TRC's final report includes the call to "commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous Peoples before proceeding with economic development projects (Truth and Reconciliation Commission of Canada, 2015, p. 10)".

The development of respectful relationships by those who are seeking access to resources on Indigenous lands is a reasonable first step that would begin to generate a more equal distribution of power between government, industry, and Indigenous communities. This means that it involves the meetings to be organized according to the demands of Indigenous leaders (Mitchell, Arseneau, Thomas, & Smith, 2019, p. 22). There has been a significant shift in recognizing Indigenous rights. The Prime Minister of Canada, Justin Trudeau, stressed the importance for Canada to have a respectful relationship with the Indigenous peoples and how they are working towards reconciliation in his speech at the 72nd UN General Assembly (Trudeau, 2017). However, according to the authors Mitchell, Arseneau, Thomas, and Smith, despite the emphasis on relationship in the announcements of the federal government, the original relationship is still very one sided and they feel the words of the federal government are not as meaningful (Mitchell, Arseneau, Thomas, & Smith, 2019, p. 22). Despite the efforts of the Royal Commission on Aboriginal Peoples in the 1990s, the statements of thousands of residential school survivors, and the national apology for residential schools in 2008, by 2010, many Canadians were still not aware of the residential schools or the TRC itself (Moran, 2016, p. 182).

In June 2010, the commission's first national event was held in Winnipeg, Manitoba in the form of a sharing circle of residential school survivors. Church members from various denominations also attended and the whole event was broadcasted on national television. This event marks the start of the processes of truth sharing and engagement taking place across the country in the next several years (Moran, 2016, p. 182). In June 2015, the official closing ceremony of the TRC took place, and engagement in the reconciliation processes had never been higher. After six years, there had been 900 community engagement sessions, almost 7000 statements, and thousands of documents, presented at the Delta Hotel in Ottawa for the commission to issue their findings and make 94 Calls to Action. At this event, the Commissioners declared that residential schools were an attempt to the cultural genocide of indigenous peoples (Moran, 2016, p. 185). Although the TRC made a lot of progress regarding reconciliation, it remains a challenge for Canada on how to continue to spread the messages of indigenous people with the Canadian public in the future, since many still need to hear the experiences of survivors (Moran, 2016, p. 189).

2.4.5 Bill C-92

After the Second World War, the federal government started to discontinue the residential schools, the apprehension of Indigenous children by the state took a new form. Between the 1960s and 1980s, child welfare workers removed the children from their families and communities and placed them with non-Indigenous foster and adoptive parents. This phenomenon was coined by Patrick Johnston as the Sixties Scoop (McKenzie, Varcoe, Browne, & Day, 2016, p. 2). Many Indigenous children were taken in by people who put the children to work in the household or farm, and some were sold to families in the United States, where they were also being used as a source of labour (McKenzie, Varcoe, Browne, & Day, 2016, p. 7). The Sixties Scoop is the result of the extension of provincial child welfare services to reserve communities with an amendment to the Indian Act in 1951, and the overrepresentation of Indigenous children in care was a result of major cultural differences between Indigenous people and the dominant White-Canadian society (Carneiro, 2018, p. 5). Sinclair even argues that “the Sixties scoop, it appears, has not come to an end; but has merely taken different forms in the intervening years (Sinclair, 2016, p. 15). “

On the 28th of February 2019, the Trudeau government introduced Bill C-92, which became law on June 21st, 2019. The bill was created to reduce Indigenous children being taken into the care of Children's Services. The purpose of this bill was to “recognize Indigenous People's jurisdiction over child and family services, as part of an inherent and Aboriginal right to self-governance; to establish national standards in this area, in response to the TRC's Call to Action #4; and to contribute to the implementation of UNDRIP (Metallic, Friedland, & Morales, 2019, p. 4)”. The report “The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families (Metallic, Friedland, & Morales, 2019)” researches the bill and its impact based on five areas; National Standards, Jurisdiction, Funding, Accountability, and Data Collection. It looks at every area

and determines what needs to be improved for the legislation to have a positive enough impact on those areas, which led to 21 implementation strategies. For instance, concerning the national standards, there needs to be a clearer definition of what is best for the child and a list needs to be developed of people who are willing to volunteer to provide children with temporary or permanent care. In the jurisdiction area, it needs to be realized that the government's jurisdiction was not granted to them and the degree of jurisdiction of indigenous populations varies between communities. Furthermore, the government needs to keep funding child welfare services and negotiate with the provinces for future self-government. Lastly, for accountability, Canada should be pressured to develop a resolution mechanism in partnership with Indigenous groups, which should be an independent dispute resolution body (Metallic, Friedland, & Morales, 2019, p. 10)

3. Methodology

The following chapter outlines and analyses the general research methods utilised in this dissertation and provides an explanation for why these methods were most suitable for application. This includes what type of research method has been applied, qualitative or quantitative research, primary or secondary data, and what type of sources have been consulted.

3.1 Research methods

The type of research method chosen for this paper is comparative policy research to discover how the Canadian and Romanian minority policies function, how effective they are, and how they can be improved. A policy analysis aims to explain policy outcomes, identify potentially important patterns of a policy, and to understand the dynamics within a particular area of activity (Peters, Fontaine, & Mendez, 2018, p. 137). Thus, the achievements of the Canadian minority policies towards the Indigenous are compared to the achievements of Romanian minority policies towards the Roma, thus establishing what could be improved for both policies.

The comparative policy analysis is retrospective since it is needed to research what the existing policies have achieved, therefore, it can be determined whether the current policies need to be modified, terminated or if there is a need for a new policy. A retrospective study design is when the outcome has already occurred at the time the study has begun. A hypothesis can be made by researching what the policies have achieved if these achievements fulfilled the needs, interests, and values of the interested parties and if they solved the problem (Salkind, 2010, p. 1282).

The case studies chosen for this research are the Roma in Romania and the Indigenous in Canada. These were chosen because both minority groups have a large population and prominent presence in their respective countries. The Canadian and Romanian governments have developed policies focused on their rights, however, they are still living under tough conditions. The types of case studies used are exploratory case studies because the goal of this research is to better understand how the minority policies operate and address the flaws and exploring the effectiveness and possible improvements, and exploratory case studies often bring new understandings forward (O'Leary, 2017, p. 216).

Through desk research, secondary data has been gathered and through interviews, primary data has been collected. Secondary data is an analysis of information collected by someone else in the form of journal articles, books, and reports, in this case about minority policies regarding the Roma and Indigenous, for another primary purpose. The analysis of secondary data applies the same basic research principles as using primary data and has steps to follow similar to any research method (Johnston, 2017, p. 619). Primary data are data that are collected first hand for the purpose of providing information for the specific research problem at hand, gathered by conducting interviews,

surveys, and experiments (Hox & Boeije, 2005, p. 593). For this research, primary data consist of interviews with experts regarding minority policies towards the Roma and Indigenous.

For this research, primarily qualitative research has been used instead of quantitative research, since it would be more valuable to hear expert opinions about this topic, rather than conducting a survey or questionnaire and having a large number of people express their opinion. It would also be extremely difficult to conduct surveys and questionnaires since the focus groups are diverse and live on different continents. Qualitative research means that the information is in the form of qualitative data, while quantitative research is information in the form of quantitative data (O'Leary, 2017, p. 142).

3.2 Interviews

The people interviewed for this dissertation are knowledgeable about minority policies in Romania and Canada, and about the situation for the Roma and Indigenous communities. The interviews were conducted either via Skype or email since the interviewees did not live in The Netherlands. For all interviews, the questions were first sent to the interviewee so they could prepare for the interview. This style of interview is a semi-structured interview, where the interviewer asks questions to another person to elicit information while having prepared a list of predetermined questions. Although the interviewer prepares the questions, the interview still unfolds in a natural manner of conversation offering participants the chance to explore issues they feel are important (Longhurst, 2003, p. 143). The interviews conducted face-to-face were recorded with the permission of the respondents and were transcribed afterwards.

3.3 Ethics

"Ethics refer to principles or rules of behaviour that act to dictate what is actually acceptable or allowed within a profession (O'Leary, 2017, p. 70)." Ethics is an important part of research, as the researcher has the responsibility to ensure the research is conducted in an ethical manner. Research should avoid causing harm, distress, anxiety, pain, or any negative feeling to participants. They should be fully informed about all the aspects of the research before they take part (Oliver, 2010, p. 15). This is why the respondents have signed an Informed Consent Form, which means the participants give their consent the information they provided may be used for this research. The face-to-face interviews were recorded with both verbal and written consent and were not shared with anyone, thus ensuring confidentiality.

3.4 Limitations

This research was subject to several limitations. Firstly, the scope of the research was quite condensed thus not exploring other relevant aspects such as minority policies regarding other minorities, or minority policies on Roma from other countries. However, having the topic narrowed down in this way makes it possible to research the problems in a comprehensive and in-depth manner

(USC Libraries, 2020). Secondly, qualitative research is one of the primary research methods used to gather the findings for this research. The limitation this brings is that the qualitative researchers are often embedded in the culture and experiences of others which enhances the opportunity for bias (USC Libraries, 2020). Because of this, the researcher continuously attempts to maintain an objective attitude towards the findings and to substantiate the interpretations relying on arguments gathered from desk research and interviews. However, most sources used are academic publications from credible organizations and institutions, which can generally be seen as not heavily biased. Some sources, for example from the Canadian government or the Romanian government, might be biased in the sense that they might be overly positive about their policies and outcomes. As a counterweight to this, independent authors were consulted. Lastly, of the four interviews conducted, three of the interviews have been carried out via email while only one has been performed via Skype. This was done because the interviewees are all from different countries, some with different time zones which made it difficult to make an appointment. Besides, the interviewees are all professionals who are busy, and some preferred answering questions via email. This might have hindered further discussion regarding the topic and interview questions, however, all questions were elaborately answered, thus, providing sufficient information.

4. Findings

This chapter outlines the main findings of the research. It mainly consists of the data collected by semi-structured interviews, and where relevant, information from the literature review was added. In this section the result findings are merely presented, analysis and interpretation take place in a separate analysis chapter. The data on Romanian minority policies on Roma is presented first, followed by the results concerning Canadian minority policies on indigenous populations.

4.1 Roma

4.1.1 Anti-gypsyism in Policymaking and Implementation of NGO projects

The Council of Europe in Strasbourg started using the term anti-gypsyism in 2011. In the same year, the European Commission against Racism and Intolerance (ECRI) at the Council of Europe defined anti-gypsyism as; “a specific form of racism and ideology founded on racial superiority and a form of dehumanization and institutional racism nurtured by history, called discrimination which is expressed among others by violence, hate speech, exploitation, stigmatization, and most blatant kind of discrimination (Vosyliute, L. personal interview, 25 November, 2019).” The ECRI is the Council of Europe’s unique independent human rights monitoring body specialised in fighting discriminations, racism, xenophobia, antisemitism, and intolerance in Europe (Council of Europe, n.d.). It is composed of 47 members, each Council of Europe member state selects one person to serve in ECRI, based on “their independence, impartiality, moral authority and expertise in dealing with issues of racism, racial discrimination, xenophobia, antisemitism, and intolerance (Council of Europe, n.d.).” Even though anti-gypsyism has been defined by international organizations, it is very hard for governments to come to terms with it since “it captures this institutional aspect which means that governments for centuries and decades have been cocreating and recreating anti-gypsyism themselves by policies (Vosyliute, L. personal interview, 25 November, 2019).” Vosyliute states when presenting their report to the European Parliament last year in March, the Romanian Minister of European funds said there was no discrimination of Roma (Vosyliute, L. personal interview, 25 November, 2019). This shows it is extremely hard to acknowledge it, especially when there are Roma people who, for instance, have no access to water, and then you cannot say there is no discrimination. There are a lot of issues among the policymakers and this work on anti-gypsyism should somehow bring responsibility back to majority societies (Vosyliute, L. personal interview, 25 November, 2019). Manifestations that are most common of anti-gypsyism are negative stereotypes, discrimination, and ignorance in society against Roma. Less common are politicians using anti-Roma sentiments, laws being applied differently for Roma vs other citizens by national authorities, and violence by far-right groups against Roma communities. The most significant and frequent displays of anti-gypsyism are segregation in housing and education, forced evictions, and restrictions on freedom of movement within the EU (Carrera, Rostas, & Vosyliute, 2017, pp. 10-11). Vosyliute says that the reason they are using this term of anti-gypsyism is to show there is something wrong

with the system, and it should be the social policy and social health system that should provide for Roma people in the same way as for Romanians, or it should provide the same accessibility to Roma as for other Romanian citizens (Vosyliute, L. personal interview, 25 November, 2019). It is important to understand the term anti-gypsyism and that it comes from centuries of lasting discrimination and therefore it is, for instance, not the same as bullying at school for appearance. It carries a long-lasting stigmatization of Roma and its various connotations portraying Roma as somehow exotic (Vosyliute, L. personal interview, 25 November, 2019).

Since the 1990s there have been more than 600 Roma NGOs, until 2015. However, some of them were running for only one project or they were closing down, and there has not been a lot of longevity (Vosyliute, L. personal interview, 25 November, 2019). Firstly, Romanian NGOs struggle a lot with obtaining resources for their work. The European funded projects are extremely bureaucratic and during the last two years, there was a lock on other funding opportunities. Just this year, Norwegian funds called for proposals, but the competition is incredibly high, and the management authority has high delays in verifying the projects. Secondly, not many NGOs have the actual capacity for approaching the policymaking process. There is a need for building capacity in this area, otherwise, only three or four big NGOs will remain active on public policy (Hosszu, A. personal interview, 03 December, 2019). Sometimes the funds are being misused by the government, to fund other practices that are not in line with the EU fundamental rights chapter, for example, segregated schools. Occasionally, it was a fake consultation which could have led to changes in how those funds were being used but it is already decided what kind of projects will be funded, so organizations are more informed rather than consulted and don't have real influence. Especially Roma organizations need to be meaningfully enrolled in the monitoring committees of domestic managing authorities of the member states and need to be actively engaged in design, implementation, and in particular monitoring of Roma integration strategies, to see whether funds are being misused (Vosyliute, L. personal interview, 25 November, 2019).

4.1.2 Socioeconomic Policies

The National Roma Integration Strategy (NRIS) from 2001 is an important piece of legislation and has been updated many times over the years. The objective of the policy is to improve the lives of the Roma in four areas: health, education, housing, and employment, and established an institutional framework for the implementation of the strategy on local, regional, and national levels. It also focuses on improving the socioeconomic inclusion of the Roma minority, by empowering the Roma and the rest of civil society. When asked about the results of the policy, Hosszu expressed that the strategy had failed (Hosszu, A. personal interview, 03 December, 2019). There was no fixed budget, no clear responsibilities, no monitoring, and no evaluation mechanism. As for the Roma, their situation improved a little bit, but only regarding access to education, health, and social services, rather than quality access to basic services and rights (Hosszu, A. personal interview, 03 December,

2019). Vosyliute states that the strategy has been a soft law and a socioeconomic response to the rule of law and justice, as it has a weak binding force and is only focused on social and economic factors, and those responses have not resolved the systemic rule of law challenges and systemic discrimination issues the Roma are facing (Vosyliute, L. personal interview, 25 November, 2019). One of the recurrent issues, that is not part of the National Roma Integration Strategies, is access to justice. The Roma are often victims of hate crimes but do not press charges because they fear secondary victimization from either the police or judges. She also mentions one of the positive outcomes of the strategy, that it brought hope amongst civil societies, made them more active and willing to engage with the strategy, and some of the organizations received funding (Vosyliute, L. personal interview, 25 November, 2019).

Another important strategy is Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020 (European Commission, 2011). This strategy is the most important currently active legislation that guides the social inclusion actions of the Roma in Romania (Lazăr, Dincă, & Ungureanu, 2015, p. 65). Similarly to the NRIS, the focus is on the socioeconomic inclusion of the Roma. The aim is to guarantee the social and economic inclusion of Roma, by implementing policies in education, employment, health, housing, culture, and social infrastructure (Lazăr, Dincă, & Ungureanu, 2015, p. 64). However, in order to achieve their goals, the NRIS's approach is on empowering while the strategy for inclusion is on creating policies. Positive aspects of the strategy were that it was successful in consulting civil society on the preparatory step and the strategies' composition was based on statistical data which was in line with the European Framework's indication to identify the most deprived communities and disadvantaged neighbourhoods (Lazăr, Dincă, & Ungureanu, 2015, p. 66). The EU framework is a joint initiative of addressing the Roma social integration at the European Union level (Lazăr, Dincă, & Ungureanu, 2015, p. 60). However, the consultation of civil society was only formal according to some civil society reports, which means their involvement was not entirely effective. A major issue among Roma public policies is that the language displays subtle forms of racism. For instance, "the current EU Roma Framework focuses mainly on 'convincing' Roma to enrol in first grade rather than on putting an end to anti-Roma racism in schools, one of the biggest problems that keep Romani children from attending school (Matache, 2017, p. 7)." Even though these integration strategies aim to fight Roma discrimination, it fails to recognize the serious need for addressing this issue by including human rights, diversity, and non-discrimination in the national curriculum (Matache, 2017, p. 10).

While the specific objectives of the current Romanian Roma Strategy do include some steps to reduce discrimination and segregation in schools, they continue to use a language of otherness. For instance, the national measures include campaigns for prevention and fight against discrimination in schools and mediation of conflicts within the education system, involving students and parents from

the Roma minority. Yet, the real challenge and need would be to actively involve non-Romani parents and children in the fight against discrimination and racism towards Roma (Matache, 2017, p. 10). Moreover, the strategy was adopted before the adoption of the state budget for 2012 which led to measures without clear funding sources. Besides, the database concerning the size of the Roma population in Romania, geographic distribution, and issues they are facing are missing. Therefore, the research conducted for Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020 is based on unreliable data and leads to insufficient, unfocused public policies (Adăscăliței, 2015, pp. 47-48).

The EU accession influenced the Romanian state to put Roma issues on the public agenda. Even before 2007, Romania adopted the first Romanian National Strategy for Improving the Situation of the Roma (2001-2010), which is different from the National Roma Integration Strategy and Romania's Government Strategy for Inclusion of Romanian citizens. The Romanian National Strategy for Improving the Situation of the Roma stresses “institutionalizing the consultancy role of Roma representatives and experts on Roma issues in local governments, promoting Roma culture and civic participation, and implementing affirmative action in education and labour market integration (Rat, 2005, p. 86).” The policy measures aimed at improving their living conditions congregate with those designed for countering the risk of poverty and social exclusion for the whole population (Rat, 2005, p. 86). In 2002, as part of the national strategy, The National Council for Combating Discrimination (NCCD) was set up, dedicated to eliminating all forms of discrimination and injustice. While it was established for all citizens, the Roma take up the majority of cases (McGarry, 2008, pp. 6-7). In 2006, this strategy was modified, including an action plan. The main complaints regarding this strategy are related to the lack of monitoring and evaluation mechanisms lack of ex-ante evaluation and the responsibilities were not distinctly shared. It is quite surprising that the current strategy (2012-2020) is dealing with the same challenges (Hosszu, A. personal interview, 03 December, 2019). When in the pre-accession process, there was a lot of pressure on Romania to do a lot of positive and practical things for the Roma. When Romania became part of the EU, it realised it did not actually need to do that much anymore. Once countries become member states, there is the assumption that now they are EU member states, they are respecting fundamental rights, are ensuring the rule of law, that judges are independent and are non-politicised. But we do not have actual tools to verify if this is the case or not. Since the accession of Romania in 2007, the Roma are official EU citizens, but we see that most of them are almost treated as third-country nationals, being returned, evicted, etc (Vosyliute, L. personal interview, 25 November, 2019). The attitude towards Roma has changed mainly at the public discourse level but Roma are still one of the most stigmatized groups in Romania and institutional racism is part of their daily lives (Hosszu, A. personal interview, 03 December, 2019).

4.1.3 Inclusion vs Integration in Roma Policies

When discussing what could be improved regarding the NRIS, Hosszu said that in 2019, the Roma civil society started debating a new strategy for Roma inclusion. This new strategy is meant to “shift the social vulnerable group approach to a more realistic perspective on the Roma, taking into consideration the diverse needs of the minority group (Hosszu, A. personal interview, 03 December, 2019).” Furthermore, the procedures for a vulnerable group should be mainstreamed for all categories, regardless of ethnicity. They should include vulnerable Roma, but there is no need for targeted measures (Hosszu, A. personal interview, 03 December, 2019). According to Vosyliute, the very design of how the national Roma integration strategies were drafted is problematic because it shifts the focus on the Roma and says that the issue is that the Roma are not integrated, instead of realizing that national health, education, and housing systems are not integrated, educated or compliant with equal treatment principles (Vosyliute, L. personal interview, 25 November, 2019). “One way of solving this issue is to put pressure on the public service providers, to show proof they are not discriminating Roma. In our study, we also propose to move from this notion of integration to inclusion, because it should be a two-way stream (Vosyliute, L. personal interview, 25 November, 2019).” The term integration refers to a two-way stream (between the Roma and Romanian society), but most of the time it is not. In reality, it is the Roma who have to be integrated. Inclusion means that society itself needs to be inclusive, change their negative attitudes towards Roma, and to be prepared to respond to their needs (Vosyliute, L. personal interview, 25 November, 2019).

4.1.4 Memorization & Reconciliation

The Romanian government plays a major part in Roma inclusion and currently, some policies are relatively progressive and liberal, but still focus more on the integration of Roma instead of inclusion. When asked whether the government’s attitude could change regarding the Roma, Hosszu said that the attitude is changing. There is no distinct difference between the integration and inclusion of the state institution. There are, however, more public cultural events promoting Roma history and contributing to the development of Romania (Hosszu, A. personal interview, 03 December, 2019). An example of this is the Celebration of Slavery Abolishment, celebrated on the 20th of February. However, in 2016, when 160 years of liberation of Roma was celebrated, the current president, Klaus Iohannis, made a statement saying that there was still a lot of discrimination against Roma and that it should be on the agenda of the responsible authorities (Hosszu, A. personal interview, 03 December, 2019). Except, presidents and prime ministers come and go, this could change the views drastically and is one of the major problems. Because what can you do when the prime minister or mayor is racist and not willing to do anything about the Roma or actively hindering the allocation of funds, or not wanting to change policies, segregated schools, and mistreatment of Roma (Vosyliute, L. personal interview, 25 November, 2019). Vosyliute also states that this yearly event does not offer any reparations or reconciliation for the victims (Vosyliute, L. personal interview, 25 November, 2019). Thus, many generations have been deprived of basic needs, and the Truth and Reconciliation

processes could play a role in the wider society to raise awareness, and if there is some kind of progressive action as retribution, it could have a very positive impact. Our experts in Romania wrote in the CEPS report “Scaling up Roma Inclusion Strategies” (Carrera, et al., 2019, p. 87), one of the most significant improvements is that there have been Roma reserved seats and Roma spaces in high schools and universities, which has led to more Roma going to university and graduating (Vosyliute, L. personal interview, 25 November, 2019). Furthermore, proportional representation provisions were combined with minority reserved seats to ensure fair representation of ethnic minority groups. Despite these measures, the Roma were still underrepresented according to the Proportionality Index between 1990 and 2007 of the Romanian parliament (Protsyk & Matichescu, 2010, p. 33). The Proportionality Index scores ethnic groups of legislators a number representing whether they are over or underrepresented in parliament. Receiving a score of 1.0 signifies ‘perfect’ representation while higher than 1.0 shows overrepresentation and lower than 1.0 exhibits underrepresentation. Roma are the only ethnic group that receive a score of 0.15, making it the most underrepresented ethnic group in parliament (Protsyk & Matichescu, 2010, p. 33).

There was an effort in Romania to have a Roma Truth and Reconciliation Commission, thus, in 2007 the Commission for the study of Roma slavery in Romania was set up. The aim was to conduct in depth research regarding Roma slavery since the fourteenth century, however, it did not result in any serious study or process and no formal apologies were made. Essentially, this measure was treated as an administrative check, and it did not become a broad and social movement where society and Roma NGOs participated. Currently, there are still no results, it is unclear whether this commission was legally formed and there is no information about its meetings. Therefore, only the Roma Liberation of Slavery day was declared but no reparations for victims or reconciliation, resulting in this commission not having the effect of truth and reconciliation within Romanian society (Vosyliute, L. personal interview, 25 November, 2019). Other examples of commemoration events are the Romani Resistance Day on the 16th of May, which is not officially recognized by the state, but several events are organized by civil society and the International Roma Genocide Remembrance Day on the 2nd of August. On this day, commemoration events are organized by institutions such as the National Agency for Roma and National Centre for Roma Culture with the participation of others (Ministry of Culture, representatives of the Parliament, Roma Party, Elie Wiesel Institute, NPCR, etc.). The Ministry of Foreign Affairs made a statement in 2018, saying to consolidate the efforts to include the Roma genocide in the Second World War in educational programs and to ensure decent conditions for the last survivors of Roma deportations in Transnistria (Hosszu, A. personal interview, 03 December, 2019).

4.2 Indigenous

4.2.1 Government Policies

According to O'Soup-Rochelleau, the Canadian governments keep proving that their legislation concerning Indigenous peoples is insufficient and lacking in many areas, especially funding. The government promises to do better, but then puts out an act that is unclear on the type of funding that would be provided (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Concerning the question of whether the Canadian government has too much power, O'Soup-Rochelleau states that the government indeed has too much power. They only act in their own interest, so when it suits their interest, they will respect treaty rights and Indigenous communities, and show it proudly. But if it suits their interest to break treaty rights and destroy Indigenous communities and land, they ensure media coverage is mostly censored, if not all blocked and they will put the blame on the Indigenous (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). There have been numerous treaties that have been broken by the federal government and history is repeating itself. Even though a Supreme Court case from 1997 ruled the government has no authority on unceded Indigenous land, they still send the RCMP to remove Indigenous from their land. Yet, when Indigenous communities have been without clean drinking water for more than 25 years, they are asked to be patient and wait for the government's help that never seems to come (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Conversely, Hummel does not think the Canadian government has too much power. She states the example of environmental and economic projects that are on hold because of disagreements between the government and Indigenous communities (Hummel, M.A. personal interview, 19 December, 2019). There is respect among the leaders and recognition that more discussion is needed, and the government is not forcing their position. She feels that money and resources are spent quite easily on Indigenous programs and that they are on the road to recovery, while the management of the resources at band level is not as strong as it could be (Hummel, M.A. personal interview, 19 December, 2019). "There comes a point when we need to stop apologizing and stop victimizing and work together for fairness amongst all Canadian people and the economy, and I believe we are on that road (Hummel, M.A. personal interview, 19 December, 2019)."

One of the important policies is the White Paper from 1969, which was meant to redefine the relationship between the Indigenous communities and the Canadian government, by getting rid of "Indian Status" as it would prevent discrimination against Indigenous peoples. This received backlash from the Indigenous communities as revoking status would directly impact their livelihood (Kerr, 2017, p. 56). The White Paper did start an improvement in Aboriginal activism and advocacy, however, it did not start a noticeable change in government policy (Kerr, 2017, p. 51). As a response to the White Paper, the Indigenous leaders in Alberta published the Red Paper, a satirical reaction that advocated to restore the original treaty and to promote the idea that the First Nations have additional rights in comparison to Euro-Canadians (Kerr, 2017, p. 57).

The oldest and most prominent piece of legislation regarding Indigenous rights is the Indian Act. It has continuously been amended over the decades, thus, is a focal point of this research and serves as a basis for the interview questions. When asking why the Indian Act is still in effect to this day, since it was implemented in 1876, O'Soup-Rochelleau stated that the Indian Act is still intact is due to its "complex nature" and to get rid of the legislation would mean that hundreds of thousands Indigenous Canadians would lose their status (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). She states, "to lose my registration as a Status Indian would not only mean losing an enormous amount of benefits (health, economic, education, etc.) but would also mean losing a part of my identity. As a passing indigenous person living off-reserve, my status, in large amounts is what ties me to my history, my family, and my heritage (O'Soup-Rochelleau, A. personal interview, 24 March, 2020)." This was also a concern with the White Paper from 1969, as Indigenous people did not want to lose their Indian Status. Essentially, the Indigenous people in Canada do not have the self-determination to claim status, the federal government decides who receives "Indian" status. Thus, to abolish the Indian Act is to abolish "Indians" in Canada, which is not an option (O'Soup-Rochelleau, A. personal interview, 24 March, 2020).

4.2.2 The Impact of the Indian Act

According to Hummel, the Indian act has some benefits for the First Nations such as treaty money and loan laws (Hummel, M.A. personal interview, 19 December, 2019). Indigenous are exempt from some taxes that 'other' Canadians are obliged to pay based on law. According to the tax exemption under section 87 of the Indian Act, "the exemption applies to the income of an Indian that is earned on a reserve or that is considered to be earned on a reserve, as well as to goods bought on, or delivered to, a reserve (Government of Canada, 2019)." However, the act is engrained with western beliefs, ideologies, and worldviews that are not in line with an 'indigenous' worldview (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Tracing back to history, the Indian Act was drafted by officials in Ottawa who took responsibility for defining the government's relationship with the Indigenous, and with this power, they asserted the right to regulate Indigenous lives and restrict their access to resources that could be used to develop their human and financial potential. Indigenous people were not consulted when the Indian Act was created, no agreements were signed and no verbal promises were made (Forsyth, 2007, p. 97). The goal of the Indian Act was to assimilate the Indigenous people into Euro-Canadian culture, meaning, practice Christianity, speak English or French, and an abolishment of their traditional beliefs and practices, which was directly carried out in residential schools (Forsyth, 2007, p. 98).

Therefore, the reason why it is not changed is that despite the government and other parties recognized that it is problematic, they have not taken the responsibility to act (Hummel, M.A. personal interview, 19 December, 2019). Ultimately, according to O'Soup-Rochelleau, the Indian

Act is the very thing that restricts Indigenous people but also keeps their rights intact (O'Soup-Rochelleau, A. personal interview, 24 March, 2020).

The Indian Act is continuously being amended, the last one being in August 2019. The amendments in Bill S-31 (An Act to amend the Indian Act in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procureur général)*) to remove the 1951 cut-off were brought into force on August 15, 2019 (Government of Canada, 2020). A report from May 2019 proposed the practice of linking registration reform to the date of 1951 and providing 6(1) status (Indian Status) to all descendants of women who lost status due to sex discrimination in the act. Before 1985, the right to Indian status was passed on almost exclusively by men (Deer, 2019). "The removal of the 1951 cut-off ensures that all descendants born prior to April 17, 1985 (or of a marriage before that date) of women who lost status or were removed from band lists because of their marriage to a non-Indian man going back to 1869, will be entitled to registration (Government of Canada, 2019)." Whether the amendments have made a positive impact is up for discussion. Hummel argues that there have not been enough amendments to judge if they worked. Just the fact it is still called the Indian Act and references the term "Indian" shows that there needs to be more discussion on changing the act (Hummel, M.A. personal interview, 19 December, 2019). The amendments that did go through have had some positive impacts, however, continuously put the responsibility to obtain Indian status on individual Indigenous peoples. The amendments have never been enough because they are not properly reviewed and implemented, according to O'Soup-Rochelleau, what the Indian Act needs is a complete overhaul instead of individually made amendments (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). As Indigenous leaders have often pointed out, the solution is not to abolish the Indian Act, but to revise it with Indigenous input leading the way (Forsyth, 2007, p. 97)

The Indian Act has had a significant impact on the lives of Indigenous people, even nowadays, regarding, among others, education, and housing conditions. The Indian Act has had a major impact on education, referencing the history of residential schools. The Canadian government saw it as a solution to the "Indian problem" to take Indigenous children away from their families and put them into residential schools, that are now abandoned and sometimes serve as memorial sites for the 'victims' of the abused system (Hummel, M.A. personal interview, 19 December, 2019). The Truth and Reconciliation Commission was set up to address this issue and to reconcile with the Indigenous communities. Hummel states: "From my perspective as an educator and dealing with students that come into post-secondary, I still see the struggles. Although we have Indigenous Resources available at our college, the success rate is extremely low. Many students live on the reserves with their band and their extended families. Finances are in place to assist in assimilating the student into city and college life, however, the emotional and human support is lacking. The culture of living alone in a college dorm is difficult to adjust to when the student has lived very communally prior to this (Hummel, M.A. personal interview, 19 December, 2019)." The only jurisdiction the Indian Act has

over housing is giving the minister the authority to approve loan requests for housing and make regulations around loans for bands requesting money for housing. According to O'Soup-Rochelleau, essentially, the Indian Act has achieved nothing in regard to housing and education (O'Soup-Rochelleau, A. personal interview, 24 March, 2020).

4.2.3 The Future of Indigenous Policies

When being asked whether the Indian act should be removed or once again amended, Hummel states that the Indian Act should remain as a record of Canadian history but should allow carefully thought of changes to be made so that the same mistakes are not being made, and history doesn't repeat itself (Hummel, M.A. personal interview, 19 December, 2019). However, O'Soup-Rochelleau expresses that the Indian Act needs a complete reform and should be a collaborative process accessible for all parties involved. Besides, the name needs to be changed since the Indigenous are no longer categorized as 'Indian'. The department name has changed many times, but the Act stays the same (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Some amendments did have a positive impact namely, in 1951 women were allowed to vote and run for Council or Chief, and in 1985, the Indian Act allowed women to remain Status Indians after they married non-Status men, and it was possible to restore status to women and children who had lost their status (Woolsy, 2013, p. 21).

On the topic of what the focus of new policies should be, Hummel says it should be based on the TRC report. It is a process more items in the Indian Act should follow, an extensive report and understanding can then bring forward recommendations for new policies (Hummel, M.A. personal interview, 19 December, 2019). O'Soup-Rochelleau states that the question should be who creates these policies and who will have the last say. If the government takes indigenous child welfare and reconciliation seriously, they will put forth a feasible act that shows distinct guidelines on how funding should be handled. This new act only continues to allow the provincial and federal government to point fingers at each other while indigenous children in care suffer. The focus of policies should be the shortcomings that the federal government has in its legislation and what can be done differently. For example, focussing on Indigenous culture and language, which is viewed as unnecessary, but is truly an essential element of Indigenous health and wellbeing (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). "The type of perspective the people creating policies for indigenous child welfare need to be those that come from both worlds; white and red (O'Soup-Rochelleau, A. personal interview, 24 March, 2020)."

4.2.4 Memorization & Reconciliation

The Truth and Reconciliation movement has a significant influence on Indigenous policies. The Truth and Reconciliation Commission aims to recognize the violent history of the Indigenous and Canadian government and to reconcile with the Indigenous communities. Since the Indian Act is a prominent piece of legislation, it was asked what was needed from the Indian Act to achieve reconciliation. "Reconciliation is dead", expressed O'Soup-Rochelleau, she stated that the Canadian

government only makes it appear that it is interested in helping Indigenous peoples, but has proven repeatedly that it is not so (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). The government is not making decisions and the lack of action and silence is speaking volumes. To achieve reconciliation, O'Soup-Rochelleau believes that the narrow worldview of the west and the worldviews of various Indigenous communities need to be used alongside each other. There are more ways to live and govern than the Canadian government sees, and that is a fundamental problem (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Hummel has a somewhat similar view, as she believes what is necessary to achieve reconciliation is time, awareness, education, strong leadership of the bands, and a supportive provincial and federal government (Hummel, M.A. personal interview, 19 December, 2019). However, she argues that what is needed most is the willingness of the Indigenous peoples to accept the apologies made by the Canadian government. She states; "The bands need the leadership to teach their children authentic ways of their culture and provide them with the resources, both financial and emotional to transition off the reserves if they so choose (Hummel, M.A. personal interview, 19 December, 2019)." The reluctance of accepting apologies from the Canadian Government is because the Indigenous need more affirmative action. It will take much more than an apology to help indigenous communities move beyond the dark times that many are facing as a direct result of the residential school experience (Facing History and Ourselves, n.d.).

The final report of the TRC, the 94 calls for action, called for the Canadian government to disapprove of the residential schools and to further the process of reconciliation with the Indigenous peoples. The report recognizes the residential school issue that affected so many families. The errors that were made are identified, and the calls to action are set in place to ease some of the pain (Hummel, M.A. personal interview, 19 December, 2019). "With each report that is released in regards to Indigenous peoples, I always have a small glimmer of hope that is dashed by reality", O'Soup-Rochelleau states (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). She believes the TRC was unquestionably impactful and important, but the Canadian government was not. The people who shared their stories and those that listened began to heal the decades of generational trauma that would help them paving the way for future generations. "I don't believe there is a more equal or respectful relationship, considering the RCMP (Royal Canadian Mounted Police) are arresting peaceful protestors and land defenders. I do believe there is hope that the relationship may change in the future, because of how united and strong Indigenous people have become (O'Soup-Rochelleau, A. personal interview, 24 March, 2020)." Between June 2015 and May 2020, ten of the 94 calls for action have been fully implemented, 21 calls for action projects have been proposed, 39 calls for action are in progress, and 24 calls to action have not started developing an action plan or no funds have been committed to implementing the action (Barrera, et al., 2020).

Regarding Bill C-92, which had the intention to reduce Indigenous children being taken into the care of Children's Services, O'Soup-Rochelleau said it will not have the necessary impact without the necessary amendments. There need to be well-defined definitions of what exactly is to be portrayed through this legislation. "I believe from a western white worldview the legislation is sound, however, those are not the people that are facing adversity and not the only type of perspective that needs to be addressed (O'Soup-Rochelleau, A. personal interview, 24 March, 2020)." When asked whether she agreed with the authors of "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Metis Children, Youth and Families", who said that amendments are needed to make Bill C-92 truly effective, she agreed. "This is a sloppy, rushed piece of legislation that was created to coddle and appease indigenous peoples and it has not (O'Soup-Rochelleau, A. personal interview, 24 March, 2020)." The report itself provided 21 implementation strategies to improve the bill, such as a clearer definition of what is best for the child, the realization of the government that the jurisdiction was not granted to them, the continuous funding of child welfare services, and Canada should be pressured to develop a resolution mechanism in partnership with Indigenous groups (Metallic, Friedland, & Morales, 2019, p. 10). An earlier report from March 2019 already analysed the bill, assigning every area of the bill (National Standards, Funding, Accountability, Jurisdiction, and Data Collecting and Reporting) a grade, from A to F. National Standards received a C grade, Accountability, Jurisdiction, and Data Collecting and Reporting all received a D, and lastly, Funding received an F, displaying that a lot needs to be improved, especially regarding funding (Metallic, Friedland, & Morales, 2019, p. 4). The funding aspect received an F because there is no commitment in Bill C-92 to adequately fund existing First Nations child welfare services, the future exercise of self-government by Indigenous groups over child welfare services, capacity building for the development and implementation of Indigenous child welfare laws, or other essential service areas that impact child welfare (Metallic, Friedland, & Morales, 2019, p. 9). However, the stated affirmation of "the rights and jurisdiction of Indigenous peoples in relation to child and family services" in the bill holds potential for increasing self-determination regarding Indigenous Communities (Caldwell & Sinha, 2020, p. 26).

5. Analysis

Having presented the main findings from primary and secondary research in the previous chapter (Findings), this chapter will analyse those results to draw conclusions and provide recommendations regarding the research question and sub-questions.

In this chapter, first, the most relevant existing policies regarding the Roma and Indigenous marginalized groups will be analysed. The second part is an analysis of the current situation of the Roma minority in Romania and the Indigenous in Canada. Third, an analysis of the achievements and challenges of the Roma and Indigenous policies, and lastly, recommendations on how the situation could be improved will be discussed, looking into the interviews.

5.1 Most Relevant Policies

The most significant policies in regard to the Roma minority is the National Roma Integration Strategy (NRIS) and Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020. The NRIS, created by the Romanian government in 2001 under pressure by the European Union, is an important piece of legislation that has been updated over the years. Bartlett, Kamphuis, and Gordon observed in The Civil Monitoring Report on Romania that the creation of the NRIS was done under European Commission deadline, thus was not adequately focused on monitoring the minimum standards of policy design, with no effective assessment of former exercises and no relevant baseline or goals to be achieved (Bartlett, Kamphuis, & Gordon, 2016, p. 38). Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020 had some positive points such as an effective involvement of civil society in the creation of the strategy and the structure was based on statistical data (Lazăr, Dincă, & Ungureanu, 2015, pp. 65-66). However, the database containing information regarding the Roma does not hold sufficient data (Adăscăliței, 2015, p. 48). Additionally, the strategy was adopted before the adoption of the state budget for 2012 which led to measures without clear funding sources. The strategy is thus based on unreliable data and leads to insufficient, unfocused public policies (Adăscăliței, 2015, pp. 47-48). What these policies have in common is that they are both focused on the socioeconomic inclusion of the Roma in Romania. However, the NRIS aims to empower the Roma in order to achieve its goals while the Government Strategy for Inclusion creates policies to reach their objectives.

The Canadian policies regarding the Indigenous that have a major impact on their lives, are the Indian Act and Bill C-92. The Indian Act (1876) is the most prominent and oldest piece of legislation that controls most of the interactions between the Canadian government and the Indigenous peoples. It outlines different types of statuses the Indigenous can have in Canada; "Status Indians" and "Non-Status Indians". Having Indian Status grants certain benefits such as treaty money, loan laws, and an exemption from some taxes that 'other' Canadians are obligated to pay (Hummel, M.A. personal

interview, 19 December, 2019). It is also a way to connect Indigenous people with Indian Status with their heritage and giving them a sense of identity (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). However, the act is engrained with western beliefs, ideologies, and worldviews that are not in line with an 'indigenous' worldview (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). The original goal of the Indian Act was to assimilate the Indigenous to the Euro-Canadian culture and abolish their own practises and traditions, which was carried out in residential schools, one of the most harmful measure from the Act. During the creation of the Indian Act, Indigenous people were not involved in the design process, they were not consulted and no agreements were made (Forsyth, 2007, pp. 97-98). According to Hummel, the fact that the policy is named the Indian Act and uses the term "Indian", demonstrates that there needs to be a debate about changing the Act (Hummel, M.A. personal interview, 19 December, 2019). Essentially, the Indian Act is a policy that controls the Indigenous while also guarding their rights (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Bill C-92, which became law in June 2019, intends to reduce Indigenous children being taken into care of Children's Services (Metallic, Friedland, & Morales, 2019, p. 4). In the report "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families", various areas of the bill received negative criticism, especially in the area of funding because there is no commitment in Bill C-92 to sufficiently fund existing First Nations child welfare services (Metallic, Friedland, & Morales, 2019, p. 9). O'Soup-Rochelleau agrees with the report, saying the bill is chaotic and rushed, and was created to pacify indigenous peoples, which it has not done. From a white western worldview she believes the legislation is fit but those are not the people that are facing hardships and that is not the only perspective that needs to be consulted (O'Soup-Rochelleau, A. personal interview, 24 March, 2020).

5.2 Realities of the Roma and Indigenous

To this day, the Roma are still often victims of manifestations of anti-gypsyism, which displays itself in various layers of society. Most common are negative stereotypes, discrimination, and ignorance towards the Roma. In addition, what is a bit less common are politicians using anti-Roma sentiments, laws being applied differently for Roma vs other citizens by national authorities, and violence by far-right groups against Roma communities (Carrera, Rostas, & Vosyliute, 2017, pp. 10-11). One of the frequent issues is a lack of access to justice. Roma are often victims of hate crimes but due to fear of secondary victimization from the police or judges, they do not press charges (Vosyliute, L. personal interview, 25 November, 2019). Segregation in housing and education, forced evictions, and restrictions on freedom of movement within the EU are the most substantial and frequent displays of anti-gypsyism (Carrera, Rostas, & Vosyliute, 2017, pp. 10-11). Besides, being underrepresented in the Romanian parliament, as one of the largest minorities in Romania, they also have no voice, no homeland nor leverage on the international level (Dunlop, 2018).

The relationship between the Indigenous peoples and the Canadian government still holds tension. For instance, due to the Canadian Government infringing on the rights and freedoms of Indigenous people living on unceded land by building a gas pipe and authorizing police raids on Indigenous lands, blockades of railroads and protests started in February on 2020 (Lindeman, 2020). Despite a Supreme Court case from 1997 that ruled that the government has no authority on unceded Indigenous land, the police was still sent to remove Indigenous from their land. However, when Indigenous communities have been without clean water for more than 25 years, they are asked to wait for the governments help which never seems to come (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Yet, there is still some debate about whether the Canadian Government has too much authority over Indigenous matters. According to Hummel, there is respect among the leaders and recognition that more discussion is needed, and the government is not forcing their position. Money and resources are spent quite easily on Indigenous programs and she thinks they are on the road to recovery, while the management of the resources at band level are not as strong as it could be. She states the example of environmental and economic projects that are on hold because of disagreements between the government and Indigenous communities (Hummel, M.A. personal interview, 19 December, 2019). Furthermore, despite the Indigenous Resources at colleges, the success rate is exceptionally low. Many students move from living with their band and families at reserves to alone in dorms for their education. Finances are in place to assist them to get used to college and city life, but the emotional support is missing. It is difficult to adjust to living alone when the student is used to living communally before (Hummel, M.A. personal interview, 19 December, 2019).

5.3 Achievements of the Roma and Indigenous Minority Policies

Looking at the minority policies regarding the Roma, the National Roma Integration Strategy (NRIS) and Romania's Government Strategy for Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020, there is a lack of positive achievement. Concerning the NRIS, due to there not being a clear budget, no clear responsibilities, no monitoring and no evaluation mechanism, the strategy has failed, according to Hosszu (Hosszu, A. personal interview, 03 December, 2019). The situation of the Roma did improve a little regarding access to education, health, and social services, yet there was no improvement on the quality access to basic rights and services (Hosszu, A. personal interview, 03 December, 2019). Since the strategy has been a soft law and socioeconomic response to the rule of law, it has a weak binding force and is only focused on social and economic factors. These responses have not fixed the systemic rule of law challenges and discrimination issues the Roma are struggling with, and what the NRIS is not addressing, is access to justice, which is a major recurrent issue (Vosyliute, L. personal interview, 25 November, 2019). One of the positive outcomes of the strategy was that some of the organizations received funding, it brought hope amongst civil societies, made them more active, and willing to engage with the strategy (Vosyliute, L. personal

interview, 25 November, 2019). The Romanian Roma strategy has exhibited some steps to reduce discrimination and segregation in schools, by including national campaigns for prevention and fight against discrimination in schools and mediation of conflicts within the education system, involving students and parents from the Roma minority (Matache, 2017, p. 10). One of the most substantial improvements is that there have been Roma reserved seats and Roma spaces in high schools and universities, which has led to more Roma going to university and graduating (Vosyliute, L. personal interview, 25 November, 2019).

Similarly to the Romanian minority policies, the Canadian policies have also received negative criticism. Regarding housing and education, the Indian Act has achieved little because even though there are resources at school to help Indigenous students, the success rate is extremely low (Hummel, M.A. personal interview, 19 December, 2019). In addition, the only jurisdiction the Indian Act has over housing is giving the minister the authority to approve loan requests for housing and make regulations around loans for bands requesting money for housing. O'Soup-Rochelleau even states that regarding housing and education, the Indian Act has achieved nothing (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Furthermore, out of the many amendments made, some amendments of the Indian Act have had a positive impact, for instance, in 1985, the Indian Act allowed women to remain Status Indians after they married non-Status men, and it was possible to restore status to women and children who had lost their status and, in 1951, women were allowed to vote and run for Council or Chief (Woolsy, 2013, p. 21). Prior to 1985, the right to Indian Status was passed on almost completely by men (Deer, 2019). "The removal of the 1951 cut-off ensures that all descendants born prior to April 17, 1985 (or of a marriage before that date) of women who lost status or were removed from band lists because of their marriage to a non-Indian man going back to 1869, will be entitled to registration (Government of Canada, 2019)." Even though the amendments made to the act are trying to make up for the injustice against Indigenous women, the Indian Act has made such a major impact that it is unlikely the Indigenous gender roles will ever return to the traditional models, even for those nations where women historically exercised great power (Woolsy, 2013, p. 27). Furthermore, the Indian Act grants benefits for the Indigenous such as the tax exemption under section 87 of the Indian Act that applies to the income of an Indigenous person that is earned on a reserve (Government of Canada, 2019). In contrary to the Indian Act, Bill C-92 is a fairly new policy, proposed in February 2019 and came into law on the 21st of June 2019, therefore, it does not have any significant achievements. Nevertheless, there was a lot of criticism on the bill from the Indigenous Communities including notions that funding was not tied to the bill, its recognition of Indigenous jurisdiction is inadequate, and an unclear definition of what is best for the child (Metallic, Friedland, & Morales, 2019, p. 10). According to O'Soup-Rochelleau, this act only continues to allow the provincial and federal government to point fingers at each other while indigenous children in care suffer (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Despite all the criticism,

the bill holds potential for increasing self-determination regarding Indigenous Communities (Caldwell & Sinha, 2020, p. 26).

5.4 Outlook and Recommendations

When asked what could be improved regarding Roma policies, the interviewees were of the similar opinion that the way strategies are being drafted, and who should be involved should change. Vosyliute says the drafting process of the Roma strategies is problematic because it focuses on the Roma and how they are not integrated, instead of realizing that health, education, and housing systems do not hold equal treatment principles (Vosyliute, L. personal interview, 25 November, 2019). To solve this, she proposes to put pressure on public service providers, to prove they are not discriminating Roma, and to move from the notion of integration to inclusion since it should be a two-way stream, between Roma and non-Roma Romanians, to achieve acceptance and inclusion into society. The notion of inclusion entails that society itself needs to be inclusive, have a more positive attitude towards the Roma and is prepared to respond to their needs (Vosyliute, L. personal interview, 25 November, 2019). Hosszu stated that in 2019, the Roma civil society started discussing a new inclusion strategy that is meant to move from the social vulnerable group approach to a more realistic perspective on Roma, considering the various needs of the minority group (Hosszu, A. personal interview, 03 December, 2019). The procedures for a vulnerable group should be normalized for all categories, regardless of ethnicity. They should include vulnerable Roma, however, she states there is no need for targeted measures (Hosszu, A. personal interview, 03 December, 2019). According to Bartlett, Kamphuis, & Gordon, what is needed to make the National Roma Integration Strategies to be more effective, is a different prioritisation of initiatives, improved effective methods of coordination to evaluate the implementation of policies and clearer communication strategies among all stakeholders, and more involvement of the sub-national authorities in the implementation process, and an enhanced cooperation between Member States and Roma representatives (Bartlett, Kamphuis, & Gordon, 2016, p. 12).

On what is needed to improve the Indian Act, the interviewees had corresponding opinions that changes should be made but the abolishment of the Indian Act would not be effective. As Indigenous leaders have often pointed out, the solution is not to abolish the Indian Act, but to revise it with Indigenous input leading the way (Forsyth, 2007, p. 97). For instance, to not only consult but actively involve Indigenous community leaders in the process of making changes to the act, so that both perspectives, the Canadian government and Indigenous, are being represented. Similarly, according to O'Soup-Rochelleau, what the Indian Act needs is a complete overhaul instead of individually made amendments, with a collaborative process accessible for all parties involved. Besides, the name needs to be changed, since the Indigenous are no longer classified as 'Indian' (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Hummel agrees that changes should be made, although carefully thought of changes, so that history will not repeat itself. She argues the Indian Act should

stay but only as a record of Canadian history (Hummel, M.A. personal interview, 19 December, 2019). Regarding Bill C-92, what is needed are well-defined definitions of what precisely is to be depicted through this legislation and the perspective of both the Indigenous and federal government at creating policies for Indigenous child welfare (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). The report of Metallic, Friedland, and Morales outlines 21 implementations strategies to improve the bill for instance, there needs to be a clearer definition of what is best for the child and a list needs to be developed of people who are willing to volunteer to provide children with temporary or permanent care. It needs to be realized that the government's jurisdiction was not granted to them and the degree of jurisdiction of indigenous populations varies between communities. Furthermore, the government needs to keep funding child welfare services and negotiate with the provinces for future self-government. Lastly, the Canadian government should be pressured to develop a resolution mechanism in partnership with Indigenous groups, which should be an independent dispute resolution body (Metallic, Friedland, & Morales, 2019, p. 10).

On the topic of what the focus of new policies should be, Hummel says it should be based on the report of the Truth and Reconciliation Commission of Canada, a process more items in the Indian Act should follow, an extensive report and understanding can then bring forward recommendations for new policies (Hummel, M.A. personal interview, 19 December, 2019). O'Soup-Rochelleau states that the focus should be on who creates these policies, the shortcomings the federal government has in its legislation, and what could be done differently, for instance, focussing on Indigenous culture and language, which is essential to Indigenous health and wellbeing (O'Soup-Rochelleau, A. personal interview, 24 March, 2020).

To achieve reconciliation, although she does not believe reconciliation is possible, O'Soup-Rochelleau believes that the worldview of the west and the worldviews of various Indigenous communities need to be used alongside each other. The fundamental problem is that the government does not recognize there are more ways to govern (O'Soup-Rochelleau, A. personal interview, 24 March, 2020). Hummel has a somewhat similar view, as she believes what is necessary to achieve reconciliation is a supportive government, but also strong leadership of the bands, time, awareness, and education (Hummel, M.A. personal interview, 19 December, 2019). Nevertheless, Hummel argues in contradiction to O'Soup-Rochelleau, that what is needed most is the willingness of Indigenous peoples to accept the efforts and apologies made by the Canadian Government (Hummel, M.A. personal interview, 19 December, 2019). The Indigenous are reluctant to accept the apologies because they need more affirmative action from the government to aid Indigenous communities in moving on from the trauma many are facing as a result of the residential schools (Facing History and Ourselves, n.d.).

6. Conclusions and Recommendations

6.1 Conclusion

To answer the main question, “What has been achieved with Romania’s minority policy concerning the Roma compared to Canada’s minority policy regarding the Indigenous peoples?”, the Introduction provided background information about Roma and Indigenous, and the aims and objectives of this research. The Literature Review outlined the relevant existing literature on the topic of minority policies and the existing policies regarding the Roma and Indigenous. The Findings combined the information needed to answer the research question, through desk research and personal interviews, and lastly, the analysis evaluated the information displayed in the findings chapter. This chapter will provide an answer to the research question while also offering a recommendation based on the gathered information.

The main conclusions of this research are that there have been efforts from the Canadian and Romanian government to improve the living conditions of the respective minority groups and thus draft and implement minority policies. The issue is that both governments have an inappropriate approach, expecting too much and putting lots of pressure on the minority groups to change, for instance, the integration vs inclusion approach. When the focus of a policy is integration, it puts the responsibility of solving the issues that minority groups are facing on the minority group, however, a focus on inclusion puts the responsibility of solving these issues with all of civil society and does not blame the minority. Essentially, looking at both governments and their strategies, both are more focused on integration instead of inclusion. This becomes clear when looking at the achievements of the minority policies.

The Roma policies have mainly made progress regarding education by fighting discrimination and conflict within the education system and in addition, there is also an improvement regarding health and social services. However, there is no progress regarding access to justice, and it is essential for the Roma to have quality access to justice to improve their situation. Furthermore, due to the funding of organizations, one of the outcomes of the National Roma Integration Strategy, there is a willingness of civil society to engage with the strategy. According to the Roma national strategies, the main issue is that Roma are not integrated and due to that approach, the strategies have shown minimal progress.

The Indigenous policies have made little improvements regarding education, there are Indigenous resources available, however, they are not effective enough since there is a low success rate among Indigenous students. Regarding Indigenous child welfare, the creation of a new law, Bill C-92, has been a step in the right direction, however, the drafting and implementation have not made it an effective policy. Regarding housing, the Indian Act decided the minister can give approval for requests for house loans and making regulations for house loan requests. Furthermore, due to

amendments in the Indian Act, it is now possible for women to keep their Indian Status even though earlier versions did not allow that. Obtaining Indian Status, which grants benefits but also wrongly categorizes Indigenous peoples with status, is still difficult to acquire because of the many rules stated in the Indian Act and this puts pressure on individuals to obtain status. Taking a closer look at the achievements of the Indian Act, it seems that the achievements are mostly undoing what the Act purposely implemented in the first place.

On the topic of whether new policies should be created, or existing policies should be adjusted. The interviewees agree that it is important who creates new policies and who will draft these changes of existing policies. For instance, what is needed for the Indigenous peoples is a revision of the Indian Act, so in a sense a new version of the Indian Act with the benefits for the Indigenous and Indian status, without individual pressure on the Indigenous to obtain status, but drafted together with the Indigenous communities. Similarly, the Roma need more active involvement of Roma NGOs and Roma representatives, clearer communication strategies, and different prioritisation of initiatives among all stakeholders in the drafting and implementation process of strategies.

6.2 Recommendation

Taking into consideration the opinions of experts gathered from interviews, this section will outline several recommendations to improve minority policies regarding the Roma and Indigenous in Romania and Canada.

First, an open and transparent dialogue between involved parties is needed to achieve an increased understanding from both sides, minority groups, and governments. Secondly, the increased understanding needs to lead cooperation between governments, minorities, and civil society when working on policies, and an increase of involvement of affected parties. Third, within the policies, there needs to be a shift from a notion of integration to inclusion, to relieve pressure from the minority groups to integrate and encourage civil society to accept and include ethnic minorities into society. Fourth, holding governments and public service providers accountable when discriminating ethnic minorities, and pressure them to be more transparent.

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7. Appendix

7.1 Interview Transcripts

7.1.1 Interview Transcript 1

Interview with Lina Vosyliute

Date: 25 November 2019

Duration: 67 minutes and 36 seconds

Raven: One of my questions was what the current policies have achieved, but I saw in the report of the truth and reconciliation that there was already some information about what was achieved and it said that one good thing was the integrated approach, that was mentioned, what is that exactly? Because in the report it says that it focuses on specific problems in all stages in life, supporting the Roma citizens throughout life. So that was one of the positive things mentioned in the 2012-2020 strategy.

Lina: Yeah, I mean, and we see it crosscutting different countries that if there are some things that... I mean, we have been critical on national Roma integration strategies and the EU framework because in our research we found that, first of all, it has been a soft law and socioeconomic response to the rule of law and justice issues because the national Roma integration strategy scheme about is a response to forced Roma evictions in France and in Italy and I mean it was a way to say okay, Romania and Bulgaria should take care of the Roma and try to integrate. Then it was not followed through, also in other European countries, and designing this kind of soft law responses have not resolved the systemic rule of law challenges and systemic discrimination issues that Roma are facing and especially Roma mobile EU citizens and since, let's say, accession of Romania and Bulgaria in 2007 they are also EU citizens, but we see that most of them are treated almost as third country nationals they are being returned, evicted, and so on. And in some cases, this is not in line with the also EU citizens' rights directives.

R: Yeah, I understand.

L: So if we..., however, this strategy was started in 2011 and it gave a lot of hope amongst civil societies, so I think one positive thing is that civil society became more active, that they are willing to engage with the strategy, that some of the organizations got funding and like in the study, if you want to go into depth into Romania I can give you contacts of our national experts who have been preparing it but basically they wrote that there are about 600 organizations but that problem was that those organizations have not been very sustainable, that some of them just opened up and then they closed. So, on page 85 we write that since the 1990s there have been more than 600 Roma NGOs, until 2015. However, as it said some of them were just running for one project or they were closing down so there has not been a lot of longevity. Also, the strategy forced or asked member

states to create national Roma contact points. So in each country, there is a dedicated buddy or institution that is responsible for Roma issues, and in Romania, there was created this integrated... how they call it... yeah integrated consultation between different ministries where the minister of European funds, education, labour, social justice, regional development, culture, ministry of public finance and also like some agencies... Apparently, in Romania, there is also a national agency for Roma and interethnic relations then the national consul for combating discrimination which is like an ombudsperson institution. However, it is interesting and we asked our international experts also to try to reach out to ministries of foreign affairs and ministries of justice because we saw that one of the recurrent issues is the access to justice and access to justice is not a part of the National Roma Integration Strategies, I mean non-discrimination is kind of, horizontal issues, but access to justice for example when there is overuse of police violence, the fact that it is over policing of Roma communities, that Roma are often being victims of hate crimes but they do not pursue the crimes because they are scared of secondary victimization from let's say police and that national lawyers, well not lawyers but judges, who not pursue this kind of violence and hate crimes seriously.

R: Yeah.

L: So we put in the proposal for the future National Inclusion Strategy for 2020 because we found that it was one of the important aspects missing and also we thought that let's say that the fact that ministries of foreign affairs are not outlawed as shortcoming because ministries of foreign affairs have to go to international organizations, to UN, various meetings and they have to respond how international convenient of civic and political rights have been implemented, how economic and social rights convenient are being implemented. Also convention of eradicating of racial discrimination and so on, and they are not part of the strategy but on the other hand they are going into international fora and they are kind of justifying whether the base government is or is not implementing various tools and are not protecting Roma rights as the way they should be. And we found that their inclusion could be meaningful because it is them who must go into international fora to try and justifying what the governments are or are not doing.

R: yeah.

L: Then national Roma integration strategies also came European social funds and within the different funds... are you looking into that, in financing?

R: Ehm not yet.

L: Okay because in the study of 2017 on anti-gypsyism I think yeah it's combating against institutional anti-gypsyism responses on promising practises we show how different, because the commission is not one single body and not one single entity different directorate general have

different approaches to the issues and also different funding. So, the most known is the European Social Fund and its government by ... employment and they are looking more into social inclusion measures.

R: Okay.

L: And there is conditionality that non-discrimination policies should be thoroughly enforced in the country. From the practical examples and interviews we see that its often not the case. Some instances, the funds are being misused or used to fund some of like practises that are not in line with the EU fundamental rights charters, let's say, segregated schools are being funded, in Italy there has been the case of segregated housing being funded, so while EU said that it should support desegregation and inclusion of Roma within the broader society, so while there is a lot of money available, and in Romania they even have a national minister of European funds and they are trying to use this money for various projects, civil society has not been sufficiently enrolled in the consultations. And here in the report they are also writing that sometimes it was a fake consultation and that it is a question whether those consultations led to some changes in how those funds are being used and a lot of organisations, in Romania but also elsewhere said that it's nice exercise but most often they are being informed on how funds will be allocated and it is already decided what kind of projects will be funded and they are just more informed rather than consulted, so they don't have real influence.

R: Yeah, I did read that in the report. So, formally the civil society actors are being consulted, but not really... but how could that be improved? Because officially they do consult.

L: I think there are several proposals in the study that, yeah, we write on page 130, "in particular Roma organizations need to be meaningfully enrolled in the monitoring comities of domestic managing authorities of the member states as the sure transparency and user funding." They also need to be actively engaged in design and implementation and monitoring of Roma integration strategies, so... but we especially addressed that especially when it comes to monitoring they should be there to oversee what is happening as they are misuse funds or as I mentioned when funding is being used for measures that are not aligned with the fundamental rights charters, like segregated schools and so on.

R: Okay.

L: We also proposed because in many situations this the experts, national experts, have been highlighting that while they have been some historical justice and recognition of the Roma slavery, ongoing, it was not very stable and while one prime minister was let's say, very much for Roma and , let's say, we should not discriminate and actively speaking on defending Roma. But the prime minister changes, one goes, and another comes, and this could change the views

substantially. This was maybe one of the main issues, what do you do if you have a racist prime minister or mayor who are not willing to do anything about Roma or are actively hindering not using the funds that are allocated which actually happened in Bulgaria. Or not willing to challenge segregated schools, policies, or some mistreatment of Roma and so on. So this kind of institutional anti-gypsyism and we use this term of anti-gypsyism that its showing that there is something wrong with the system that while let's say it should be the social policy and social wealthy system that should provide for Roma people just in the same way as for Romanians, or social health care system should provide the same accessibility to Roma as for other Romanian citizens, however, there is something systemic and institutional going on that there is this level of bias and perception of who they are and so on. That is not the case and needs to somehow be brought to the surface, be acknowledged and only then society can move forward. In the same way how post-apartheid in South Africa was trying to move forward or in Canada they still need to do this acknowledgement of what has happened, in many countries this has not happened. Actually, it is interesting in Romania there was an effort to have a commission, the Roma truth and reconciliation commission, it was called differently. However this measure was treated as an administrative check so there were some documents passed, they went into a drawer and it didn't really became a broad and social movement where society and Roma NGO's would participate, so it was something very formal and it was not promoted and did not have this effect of truth and reconciliation within Romanian society.

In 2007, the government of Romania adopted the degree setting up commission for the study of Roma slavery in Romania. The objective was to conduct in depth disciplinary research about what happened since the fourteenth century for Roma slaves but it did not result to any serious study or process, there was no formal apology made on behalf of the church. To date, commission has failed to produce any results, it is even unclear whether the commission was in fact legally formed and there is no public information about its meetings. So, only the 20th of February, Roma Liberation of Slavery day has been announced but no reparations for victims or reconciliation.

R: So, there is no real reconciliation movement?

L: Yeah but it is interesting, in 2007 government adopted degree that they will set up that commission, that they will study, bring it to the surface and then you know something happened, nothing was produced. It was one more sign that maybe it was changing governments or changing priorities that Roma so easily can become not a priority or non-issue and that no one was called upon to justify what happened. Because you are coming into this society and the fact that Roma are among the most poor and deprived, maybe overrepresented among the people who cannot read and write, who are dropping out of school early at the age so on. And it is very hard for these people, as citizens to ask the government to be accountable and while civil societies are trying to do so, they

are also small and as it was written there are 600 of them (inaudible, 24:48) sometimes they are just active for the project and so sometimes they are more disagreeing with each other and this weakens the movement.

R: Okay I get that... I wanted to ask something, but I forgot.

L: Okay well so all in all, as you saw in the study we are looking into experiences of different countries like in this study, in the study of comprehensive minority protections study and in the earlier study about anti-gypsyism we are witnessing the same issue that the very design how the national Roma integration strategies were drafted is problematic because it shifts the focus on the Roma and it says; okay the issue is that the Roma are not integrated. Instead of saying okay maybe our national health, education, housing systems are not integrated or educated or compliant with equal treatment principles. You could try to solve this issue the other way around to focus on the public service providers and to put pressure of them, okay show proof that you are not discriminating Roma or proof that you are treating everyone equal. So, this would give a totally different dynamic. And now when we have all of those studies showing whether Roma are integrated whether they are in education, whether they are overrepresented among people that suffer from health issues, and so on, we are putting back the responsibility on Roma and forgetting that the beginning design and beginning structures that have been playing out, in those reports there are teachers who themselves don't want to be neighbours with Roma children who are putting very low expectations on them and basically not believing they will go until their level and they will drop out around exams. They are not essentially preparing them for exams so then it should be for the school to proof they are provided with the necessary education for children and that they are not segregating Roma children into Roma special schools or classes as it happens. So we found the issue of design very problematic and therefore we propose in our study also to move from this notion of integration to inclusion because integration we refer like its a two way stream while most of the time its not, most of the time you need to be integrated. Inclusion entails that society itself need to be inclusive and not to have those attitudes about Roma, to be prepared and respond to their needs. At the same time, it is important to understand anti-gypsyism and that it comes from centuries of lasting discrimination and therefore its not the same as bullying at school for appearance, no it carries long-lasting stigmatization of Roma and, its various connotations showing Roma as somehow exotic or artists. Even these kind of portrayals are problematic which are not necessarily showing them as thieves but its also showing they are not rational individuals, which they are, but you know if you go into personal interviews with Roma you get to know how much stigmatization or pressures they are receiving in this society and let's say women that wants to be a cleaner is not getting the job once the potential employers see that she is Roma.

R: But the term anti-gypsyism is very new and I read that the governments don't want to use that term and rather refer to it as "racism against Roma", but why don't they want to use the term "anti-gypsyism"?

L: Its different issues and I think some of them are more comfortable with non-discrimination, just like every category Roma have been discriminated, however our research, actually Council of Europe in Strasbourg have started first to use the term anti-gypsyism in 2011. In 2011 the European Commission against racism and intolerance at the Council of Europe defined anti-gypsyism as; a specific form of racism and ideology founded on racial superiority and a form of dehumanization and institutional racism nurtured by history, called discrimination which is expressed among others by violence, hate speech, exploitation, stigmatization and most blatant kind of discrimination. So it has been defined by international organizations in 2011 but its very hard for governments to come to terms with that because it captures this institutional aspect which means that governments for centuries and decades have been cocreating and recreating anti-gypsyism themselves by policies. Actually, we have been presenting the report at European Parliament last year in March and I think it was the Minister of European funds represented from Romanian government who said that there was no discrimination of Roma in Romania. For some people it is really hard to even acknowledge it which itself can be like if you see people living in conditions where they have no access to water but there is no sewage where the electric meters have been put to three meters high so the people cannot access it. Then you cannot comment that there is no Roma discrimination. There is a lot of issues among the policy makers and let's say this work on anti-gypsyism should somehow bring in responsibility back to let's say majority societies.

R: Yeah so I spoke to a girl from my class last year, she is from Romania and I told her about my research, and she kind of had the same reaction as the policy makers, like; the Roma? There is no discrimination. So, I left it, but I see that the problem lies within all of society and authorities. So that is hard.

L: Yes it is really hard, and if you would say persons with disabilities were living in this kind of inhuman conditions I think it would somehow be easier to recognize it but because anyone can become disabled, anyone can have a car accident or ski accident so the it is much easier to relate. Also, it is funny that sometimes when Romanian citizens travel they are being treated like Roma or are somehow subjected to those stereotypes and they are unhappy about that but then it is somehow a consequence of this long lasting treatment of their own Roma minorities.

R: But then there was also a point where the government wanted to change the name of Roma because Roma and Romania were too similar?

L: I do not know.

R: I read that somewhere but maybe that was a few years ago, but I also forget what they wanted to change it to.

L: I mean some Roma, let's say in the UK, the Roma community owns the term gypsy, like gypsy and traveller communities, traveller is different. Then some of Roma like it the same, even in in Council of Europe, Roma, Sinti, Ashkali communities because Roma itself is a umbrella term and there are different languages within that community but it came from this mobilization of Roma people to say that gypsy or Cigan, in many countries its Cigany, and in my country Lithuania it is Čigonas. It is also a really demeaning term which has negative connotation so they wanted to change the name, to bring this umbrella term Roma so they could unite under that and then try to build a different discourse. But in the UK they are pretty happy about their term Gypsy but they are still part of that (inaudible, 38:28) so many times Roma activists themselves are not part of international movements, they are saying they are okay with the term Čigonas but you know... It's the same with other movements you have let's say persons with disabilities you don't use handicap or invalids anymore so it's the same kind of issue that you don't invalidate the people or attach the problems to the people. So, okay these are persons with disabilities, so you put the person first and the same with Roma they have their culture there is some kind of defence but still...

R: Yeah it is kind of the same with the Indigenous in Canada because you can call them Indigenous, Aboriginal, First Nations, and Native, yeah it's a lot of different ways to refer to them but Indigenous is for me the safest way to refer to them and also the United Nations uses this term and it is the same with Roma.

L: I think from what we got from Canadian Truth and Reconciliation that in the beginning they used Aboriginal but afterwards they removed the term.

R: Aboriginal was too general, so it was not showing a distinctiveness between the different groups.

L: I thought it also carried this negative... it was too primitive.

R: Yeah, I thought that too.

L: Yes, because I remember that our Canadian expert, she just changed the very broad term First Nation people in the Indigenous and First Nations. Because I think the one thing that they have most in common, what happened with Indigenous and First Nations and Roma across the trying EU countries but also in Romania there have been instances of slavery, mistreatment, exploitation, forced labour and so on. That has not been handled or recognized but in Romania even now this is still really hard to recognize and even really hard to recognize there is discrimination ongoing. But there is very historic discrimination ongoing and this deprived generations from getting educated. So how can you get your children educated if you cannot read or write, where this change can

happen from one generation to another. There are so many generations that have been deprived from the basic needs and here the Truth and Reconciliation processes could play a role among the wider society to raise awareness and then if there is some kind of positive action as retribution then it can play positive impact. And in Romania, what our experts wrote one of the most significant improvements have been that in high schools and universities there have been Roma reserved seats and Roman spaces for Roma and this has led a lot of Roma to become university students and to graduate. Outside of Romania, quite a big role has been played by CEU, Central European University in Hungary in Budapest and they have Roma access programs which is because it is English speaking, American University and they have scholarships for Roma but also preparation courses. For example, they help Roma to achieve the same level of English to improve their English and to get familiar with their surroundings so the next year they can compete on the same basis as others, they are a bit better prepared now to compete others on equal basis.

R: Ah okay, that is interesting, so would a program like that also be helpful in Romania? Regardless of the reserved seats for Roma students?

L: I think here it could be because sometimes its... by majority society it can sometimes be regarded as "oh the Roma have poorer scores and they are getting in while I have higher scores and could not enrol or get a scholarship". So, this could be one of the helpful mechanisms to remedy this historical injustice.

R: But then would it work with the current government if it depends on the prime ministers?

L: Here is the thing if you can treat a group of people according to your likes or dislikes then its more telling about the system, there is no system that is efficiently protecting these people. So, you cannot wake up one day and say all expats in Brussels are not allowed into public health institutions, there would be outrage. But when it comes to Roma you can do it.

L: So, do you have any more questions?

R: Well, I think I mentioned this earlier, but basically in order to achieve better inclusion policies essentially the influence of the European Union is essential because there is no clear system in the government that is willing to, or well, doesn't exist basically.

L: Let's say Romania and Bulgaria had a lot of pressure and good positive incentives to do a lot of positive and practical things for Roma when they were in pre-accession process. Basically, yeah now I am reading why in 2007 there was discrimination and then nothing happened because maybe Romania became member of the European Union and then they realised, okay we don't actually need to do anything more, so basically we have this Copenhagen criteria, all member states are trying to access the EU and each country have scrutinized very carefully whether or not they fulfil all the requirements but there are democratic institutions established where the fundamental rights

are protected and respected, where the rule of law judicial independence is ensured. So, you have this very serious monetary ongoing, however, once the candidate country or pre-accession country becomes EU member state there is no longer a similar mechanism. NGO's are the only mechanisms that we are left with, okay, there is a fundamental rights agency doing some kind of research and monitoring, but it is not the same kind of political monitoring. And we are left with international organizations such as, at UN level, we have various kind of committees complaint mechanisms and then they are doing reporting or oversee Venice commission where they are checking the situation, but not within the EU or level. The commission is overseeing how the National Roma Integration Strategies are implemented but in this oversight of implementation mainly they are relying on what member states are reporting to them then civil society can come back and say okay this is not actually the case, or in some cases it can adapt to European Court of Auditors to do their own investigation because we have this European Court of Auditors to check whether European Union funding has been spend efficiently and effectively and not misused and so on. There have been some investigations in this area of Roma, and they showed that some funds have been spend on segregated housing or segregated schools, and this should not be the case. Member States need to implement some kind of anti-discrimination criteria mostly reasoning. So then in the European Union we are basically working with the presumption that we are complying unless something happens and the EU starts infringement proceedings or European Court of Auditors get some complaints and start investigating all European Ombudsman also starts investigating and then founds out that actually its not good what governments are doing or how EU money is spend. Okay so then about National Roma Integration Strategies I think in the beginning they came with big bags of money and funding but the question about effectiveness and efficiency remains very unanswered and fundamental rights agency reports are showing that situation has changed slightly but not as much as we would like to or what we would expect given how much money has been spend, but okay now we are almost 8 years after the strategies. Another factor is that once Romania and Bulgaria became members of the European Union, they also saw that other countries like, old European Union countries are also not treating the Roma the way they are supposed to. Not only promising practises but also learning from not so promising practises from these kinds of hypocrisies. When Italy for example, time and time again is being called upon for how they are evicting Roma or are violating their rights and so on, then it becomes even a bit more harder to criticize Romania or Bulgaria given their economic status as a middle income country and to criticize how they became with the Roma so there is another thing. And here we again link it to all member states should be subject to some kind of European Union scrutiny mechanism, we call it rule of law mechanism, and it should check whether and how each of the EU Member States are respecting and protecting the Roma population so also other fundamental rights so we could compare what is happening because then European Commission, for example, started infringement proceedings against Czech-Republic, Hungary, and Slovakia, however the same issues with the

segregated Roma housings in Romania and Bulgaria, and then Czech-Republic, Hungary, and Slovakia can say look the same situation is happening there as well. So, there is also between the member states sensitivity not being treated fairly.

R: Okay, that is difficult, but it does make sense. So, in the future, of course we do not know what will happen in the future, will there be more improvement for the Roma and their lives seeing discourse as of now?

L: In the future, that is hard to predict it seems the commission has already moved the Roma from where they were DG justice under the general secretariat so its not clear what their place and influence will be. I mean we put forward what we would like to see so we would like to see, in the end of our report and the thesis of our research it says that we would like to shift the approach from looking on whether the Roma are integrated to whether societies are ready to treat everyone equally especially Roma. Anti-gypsyism would be a recognized term and the term that Member States would come to terms with about what happened their past and what is still happening, and how it is related to that past. Let's say that Roma do not own the land and live in these, what they call, illegal settlement, but they are there for 50 years and also it's maybe initial passing administrative paper and these settlements would become legal and then people could have a better start. That all horizontal policies should be checked better or not, they are implementing and including everyone equally so instead of to separate let's say Roma housing, education, and so on we should make sure that mainstream policies are ready to boot Roma pupils, Roma workers. There needs to be some kind of truth and reconciliation process to go through and this is not only for Romania but also in many member states there is unacknowledged dark past and history that we still need to come to terms with. This happened by the way in Sweden, Sweden had kind of exemplary process and of course we need to have these mechanisms that are clear, independent, that check all member states, that put all member states on equal footing and check whether or not they are complying with their obligations and EU Fundamental Rights Charter. And especially when it comes into those institutional forms of discrimination and also that European Union should itself practically promote that there is no place for hate speech within the European Institutions but now in the Parliament we see that its actually not the case. There should be more focus on angle of justice, access to justice, non-discrimination, anti-racism policies and that has been left behind. And so now the main focus was on the social economic conditions of the Roma and not so much on their rights and them being active agents of their rights.

R: Okay that is clear thank you.

L: Okay I hope this has been helpful for you.

R: Yes, thank you very much.

7.1.2 Interview Transcript 2

Interview with Alexandra Hosszu

This interview was conducted via email.

- 1. Since 1993 Romania tried to become member of the EU and succeeded in 2007. Has the influence of the European Union improved the policies regarding the inclusion of the Roma? Has it changed the attitude of the Romanian society and authorities towards the Roma?**

The EU accession determined the Romanian state to put the Roma issues on the public agenda. Even before 2007, taking into consideration the pre-accession conditions, Romania adopted the first National Strategy for Improving the Roma situation in Romania (2001-2010). This strategy was modified in 2006 including an action plan. The main critics addressed to this strategy are related to the lack of monitoring and evaluation mechanisms, lack of ex-ante evaluation and the responsibilities were not clearly shared. It is quite surprisingly that the same challenges also describe the current strategy (2012-2010).

The attitude towards Roma has changed mainly at public discourse level, but Roma are still one of the most stigmatized groups in Romania and institutional racism is part of their daily lives.

- 2. Do you think that the current national Roma inclusion strategy has achieved enough? Has it sufficiently improved the lives of the Roma in Romania?**

No, the strategy was a failure. It had no budget, no clear responsibilities, no monitoring, and evaluation mechanism. The Roma situation has been a little bit improved lately but rather improved in terms of access (to education, health, social services) than quality access to basic services and rights.

- 3. Do you think in the future, there is a possibility that the attitude of the government and Romanian society will change towards the Roma? Since currently, there are policies that are relatively progressive and liberal, but still focus more on the integration of the Roma instead of inclusion.**

The attitude of the government is changing. There is no clear difference between integration and inclusion of the state institution. We can notice more public cultural events for promoting Roma history and their contribution to the development of Romania.

Examples for commemoration events:

- 20th of February – Celebration of Slavery abolishment (according to the Law no. 28/ 2011). In 2016, 160 years were celebrated since the liberation of Roma in Romanian Principalities. With this occasion, the actual president, Klaus Iohannis, declared: “The discrimination cases are not disappeared, and most of the time, their conviction lacks celerity and firmness. After 160 years, not all Roma are citizens. Some of them still don’t have identity papers and they

are deprived by any integration perspective in terms of education, health, social security, and constitutional rights. This situation must be on the agenda of the responsible authorities”¹.

- 16th of May – Romani Resistance Day² - This day is not officially recognized by the state; there are several commemoration events organized on this day by civil society.
- 2nd of August – International Roma Genocide Remembrance Day

On this day, commemoration events are organized by relevant institutions, usually National Agency for Roma and National Center for Roma Culture with the participation of others (Ministry of Culture, representatives of the Parliament, Roma Party, Elie Wiesel Institute, NPCR etc.). In 2018, the Ministry of Foreign Affairs had a statement: “the Ministry sustains consolidating the efforts for including the issue of Roma genocide from the Second World War in the educational programs and for ensuring decent conditions to the last survivors of the Roma deportations in Transnistria”³.

4. **What I’ve seen in my research is that the NRIS is not perfect and some things need to change. Is there still enough confidence in the NRIS to have a positive effect on the inclusion of the Roma when amendments are made? Or should it make place for a whole new strategy altogether?**

In 2019, the Roma civil society started to debate about the new Strategy for Roma Inclusion that will follow the current one. The new Strategy is supposed to shift the social vulnerable group approach to a more realistic perspective on the Roma taking into consideration the diverse needs of the minority group. Moreover, the measures for a vulnerable group should be mainstreamed for all categories (no matter the ethnicity), they should include vulnerable Roma, but there is no need for targeted measures.

5. **What can be done to get the national Romanian NGO’s more involved in the policy making process?**

First of all, the Romanian NGO’s struggle for obtaining resources for their work. The European funded projects are highly bureaucratic and there was a lack of other funding opportunities during the last 2 years. Only, this year Norwegian funds called for proposals, but the competition is very high, and the management authority has high delays in verifying the projects.

Secondly, very few of the NGOs have real capacity for approaching the policy making process. There is a need for building capacity in this area, otherwise only 3-4 big NGOs will remain active on public policy.

¹ „The Romanian President’s message transmitted at the celebration of 160 years since Roma liberation”
<http://www.presidency.ro/ro/media/comunicate-de-presa/mesajul-presedintelui-romaniei-domnui-klaus-iohannis-transmis-in-cadrul-evenimentului-160-de-ani-de-la-dezrobirea-romilor-in-principatele-romane>,

² <http://2august.eu/the-roma-genocide/16-may-romani-resistance-day/>

³ <https://www.mae.ro/node/46588#null>

7.1.3 Interview Transcript 3

Interview with Mary-Ann Hummel

This interview was conducted via email.

1. Why is the Indian Act still in effect since it is a law from 1876?

It was amended once, slightly, and then again was on the table to be amended in 2015. 2015 came and went with no amendments. Partly because the current government and other political parties recognize it is problematic, but none have taken on the responsibility of changing it.

There are also benefits the First Nations receive that they too enjoy such as Treaty Money and loan laws. More specifically they are exempt from some taxes ‘other’ Canadians have to pay based on law

2. The original purpose of The Indian Act was to control and assimilate the Aboriginals, have the amendments made during the years changed the Indian Act enough in the sense that it is less discriminatory and has a more positive impact?

My perspective on this is that the amendments are very few. The fact that the Act still carries the name and references the term “Indian” shows that there still needs to be more discussions on change.

3. What has the Indian Act achieved regarding housing and education? Has it achieved enough to improve the lives of the Indigenous peoples?

I will answer this question from the lens of an educator and from the point of view that the dark history of Residential Schools in Canada is only in the last 5-10 years come to light. I have a quote from the Prime Minister of Canada.

[Sir John A. Macdonald](#), to the House of Commons in 1883:

“When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.” [2] Canada, House of Commons Debates (9 May 1883).

The solution our government came up with was to take the children away from their families and put them in residential schools. Schools today that are abandoned and some even serve as a memorial site for the ‘victims’ of the abused system.

Addressing this issue Canada has created the **Truth and Reconciliation** Commission (search the TRC reports to get the full scope of the commission’s duty)

From my perspective as an educator and dealing with students that come into post-secondary, I still see the struggles. Although we have Indigenous Resources available at our college the success rate is very low. Many students live on the reserves with their band and their extended families. Finances are in place to assist in assimilated the student into city and college life however the emotional and human support I believe is lacking. The culture of living alone in a college dorm is difficult to adjust to when the student has lived very communally prior to this.

4. What is needed from The Indian Act to achieve reconciliation?

Time, awareness, education, a strong leadership of the bands and a supportive provincial and federal government. AND mostly the willingness of the indigenous to accept the apologies Canada is making. The bands need the leadership to teach their children authentic ways of their culture and provide them with the resources both financial and emotional to transition off the reserves if they so choose.

5. In your opinion, should the Indian Act be removed or once again be amended?

I think it should be used as a living document. It needs to be kept as a record of our history and at the same time allow for changes to be made slowly with thought so that new mistakes will not be made, and history repeated.

6. Should new policies be created? And what should the focus of those policies be?

I will use the TRC report and the 94 ‘calls to action’ as the basis for this answer. The report identifies the residential school issue that affected so many families. Understanding the errors that were made are recognized, and the calls to action are set in place to alleviate some of the pain. From this report new policies will be made. It is this process that I believe more items in the Indian Act should follow. An extensive understanding and report can then bring forth recommendations for new policies.

7. In your opinion, does the Canadian Government currently have too much power over the Indigenous peoples?

No, I don't believe so. As an example, we have environment and economic projects (pipeline placement) that are on hold due to disagreements between the indigenous communities and the government. There is a respect by all leaders concerned that more discussion needs to take place and the government is not forcing their position.

On a personal level I feel that that government money and resources are spent quite easily on indigenous programs. I feel we are on the mend with our past discretions. I feel that management of resources at the band level is not as strong as it can be. There comes a point when we need to stop apologizing and stop victimizing and work together for fairness amongst ALL Canadian people and the economy and I believe we are on that road.

Mary-Ann Hummel

December 2019

Calgary, Alberta

7.1.4 Interview Transcript 4

Interview with Ashley O'Soup-Rocheleau

This interview was conducted via email.

1. Why is the Indian Act still in effect since it is a law from 1876?

Although formed in 1876, the Indian Act is a current piece of legislation that is continuously being amended, the last amendment being August of 2019. The very thing that binds indigenous people also keeps our rights intact.

The act is engrained with western beliefs, ideologies, and worldviews that just do not plainly transfer to an 'indigenous' worldview. The reason this act is still in effect is due to its complex nature. To do away with the Indian Act would mean hundreds of thousands of Indigenous Canadians lose their Treaty Status. To lose my registration as a Status Indian would not only mean losing an enormous amount of benefits (health, economic, education, etc.), but would also mean losing apart of my identity. As a passing indigenous person living off reserve, my status, in large amount is what ties me to my history, my family, and my heritage.

To put it simply, Indigenous peoples in Canada do not have the self-determination to claim status. We receive our status from the Federal government; they decided who is "Indian". To get rid of the Indian Act is to get rid of "Indians" in Canada, which just is not an option.

2. The original purpose of The Indian Act was to control and assimilate the Indigenous. Have the amendments made during the years changed the Indian Act enough in the sense that it is less discriminatory and has a more positive impact?

Yes and no. The amendments made to the Indian Act have never been enough. Any time the Canadian government makes an amendment its like one step forward and two steps back. There are always indigenous people who fall through the cracks of these amendments. There has been positive impacts from the amendments but they continue to place the responsibility on individual indigenous peoples to obtain their status. The amendments are not properly reviewed and implemented; a complete overhaul instead of individual made amendments is what the Indian Act needs.

3. What has the Indian Act achieved regarding housing and education? Has it achieved enough to improve the lives of the Indigenous peoples?

The Indian Act has little to say on housing and education. The biggest impact this act had on education was the horrible history of residential schools. The only area the Indian Act states any jurisdiction over housing is giving the minister the authority to approve loan requests for housing and make regulations around loans for bands requesting housing money. Simple put, no. The Indian Act has achieved nothing in regards to housing and education.

4. What is needed from The Indian Act to achieve reconciliation?

Reconciliation is dead. The Canadian government has proven repeatedly that it is not interested in helping Indigenous peoples, only to make it look as though they are. The current blockades and protests happening all around Canada are due to the Canadian government infringing on the rights and freedoms of Indigenous people living on unceded native land. The Canadian government is 'sitting on the fence' but the silent and lack of action speaks volumes. In order for reconciliation to be achieved, I believe the narrow worldview of the west needs to be used alongside the worldviews of various Indigenous communities. There are more ways to live and govern than the Canadian government recognizes and that is an inherent problem.

5. In your opinion, should the Indian Act be removed or once again be amended?

No and no. I believe there needs to be a complete overhaul of the Indian Act. It needs to be a collaborative process for all parties involved. The name needs to change too because we are no longer categorized as 'Indian'; the department name has changed many times over but the Act stays the same.

6. Has the final report of the Truth and Reconciliation Commission, with the 94 calls for action, effectively changed the relationship between the Canadian government and the Indigenous communities, to a more equal and respectful relationship?

With each report that is released in regards to Indigenous peoples I always have a small glimmer of hope that is dashed by reality. If you go back through Canadian history you will find many reports on many different occasions that outline, in detail, calls for action of the Canadian government that have been shelved. I believe the TRC was absolutely impactful and important, just not to the Canadian government. The people who shared their stories and those that listened began to heal. They began to heal decades of generational trauma that would aid them in paving a way for future generations. I don't believe there is a more equal or respectful relationship, considering RCMP are arresting peaceful protestors and land defenders. I do believe there is hope that the relationship may change in the future, because of how united and strong Indigenous people have become.

7. Will the introduction of Bill C-92 have enough impact?

I don't believe it will without the necessary amendments. These changes need to be implemented properly to have an overreaching effect. There needs to be clear concise definitions and understandings of what exactly is being portrayed through this piece of legislation. I believe from a western white worldview the legislation is sound. However, those are not the people that are facing adversity and not the only type of perspective that needs to be addressed.

8. According to the Report "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Metis Children, Youth and Families, Bill C-92 still is not sufficient

since the authors have concerns and believe amendments are needed to make the bill truly effective. What is your opinion on this?

I full heartedly agree. The Canadian governments proves time and time act that their legislation around indigenous peoples are insufficient and lacking in many areas. Funding being a huge one. The government promises to do better and then puts out an act that does not have hard limits or caps on the type of funding that would be provided? This is a sloppy, rushed piece of legislation that was created to coddle and appease indigenous peoples and it has not.

9. Should new policies be created? And what should the focus of those policies be?

This goes beyond the creating the policies but asking whom are the ones creating these policies to begin with? Who is having final say on incomplete acts? If the federal government takes indigenous child welfare and reconciliation seriously they would put forth a viable act that are clear cut guidelines on how funding is to be handled. All this new act does is continue to allow the provincial and federal government to point fingers at each other and play the blame game while indigenous children in care suffer. Look what it took for Jordan's Principle to become a viable piece of legislation; the death of a child in care. The focus of policies should be the short comings that the federal government has in their legislation time and time again and what can be done differently. Focusing on indigenous language and culture is a prime example. Although it's viewed as unnecessary, it is in fact a vital component to indigenous health and well-being. The type of perspective the people creating policies for indigenous child welfare need to be those that come from both worlds; white and red.

10. In your opinion, does the Canadian Government currently have too much power over the Indigenous peoples?

This is a very complex question. Yes, the Canadian government has too much power. They decide when they want to respect treaty rights and treat indigenous communities and people with respect and justice. When it suites their interests or makes them appear they have reconciliation at heart they will be loud and proud about it. When it suites their interest to break treaty rights and destroy indigenous communities and land they ensure media coverage is mostly if not all blocked and they will defer blame to the indigenous. The current situation all across Canada screams this truth. There are numerous treaties the Federal Government breaks but this has been history repeating itself. Legally they have no power on unceded indigenous land, a Supreme Court case ruling from 1997 would back this up, but this does not stop them from send RCMP to remove indigenous peoples from their land. However, when indigenous communities have been without clean drinking water for 25 plus years they need to be patient and wait for the governments help that never seems to come.

7.2 Informed Consent Forms

7.2.1 Informed Consent Form Lina Vosyliute



Informed Consent Form

Informed Consent Form

1) Research Project Title: What has been achieved with Romania's minority policy concern

2) Project Description (1 paragraph)

The Roma in Romania and the Indigenous in Canada face many difficulties, despite the implementation of minority policies by the Romanian and Canadian governments. It would be beneficial to research what the existing minority policies have achieved so far, to see how effective they are, in order to establish if they need improvement or new policies need to be created, so that the situation of the Roma and The Indigenous will improve where needed.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: *Lina Vosyliute*

Signature: *Lina Vosyliute*

Date: 11.05.2020

7.2.2 Informed Consent Form Alexandra Hosszu

THE HAGUE
UNIVERSITY OF
APPLIED SCIENCES

Informed Consent Form
Informed Consent Form

1) Research Project Title: What has been achieved with Romania's minority policy concerning

2) Project Description (1 paragraph)

The Roma in Romania and the Indigenous in Canada face many difficulties, despite the implementation of minority policies by the Romanian and Canadian governments. It would be beneficial to research what the existing minority policies have achieved so far, to see how effective they are, in order to establish if they need improvement or new policies need to be created, so that the situation of the Roma and The Indigenous will improve where needed.

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I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: HOSSEU ALEXANDRA

Signature:  Date: 3. 12. 2019

7.2.3 Informed Consent Form Mary-Ann Hummel



Informed Consent Form

Informed Consent Form

1) Research Project Title: What has been achieved with Romania's minority policy concerning

2) Project Description (1 paragraph)

The Roma in Romania and the Indigenous in Canada face many difficulties, despite the implementation of minority policies by the Romanian and Canadian governments. It would be beneficial to research what the existing minority policies have achieved so far, to see how effective they are, in order to establish if they need improvement or new policies need to be created, so that the situation of the Roma and The Indigenous will improve where needed.

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I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name:

MARY-ANN
HUMMEL

Signature:

Date:

January 3/2022

7.2.4 Informed Consent Form Ashley O'Soup-Rocheleau



Informed Consent Form

Informed Consent Form

1) Research Project Title: What has been achieved with Romania's minority policy concern

2) Project Description (1 paragraph)

The Roma in Romania and the Indigenous in Canada face many difficulties, despite the implementation of minority policies by the Romanian and Canadian governments. It would be beneficial to research what the existing minority policies have achieved so far, to see how effective they are, in order to establish if they need improvement or new policies need to be created, so that the situation of the Roma and The Indigenous will improve where needed.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:


All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Name: Ashley Rae O'Soup-Rocheleau

Signature:  Date: May 25, 2020

7.3 Student Ethics Form



European Studies Student Ethics Form

Your name: Raven Reints

Supervisor: Maarten van Munster

Instructions:

Before completing this form you should read the APA Ethics Code (<http://www.apa.org/ethics/code/index.aspx>). If you are planning research with human subjects, you should also look at the sample consent form available in the Final Project and Dissertation Guide.

- a. Read section 2 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
- b. Complete section 1 and, if you are using human subjects, section 2, of this form, and sign it.
- c. Ask your project supervisor to read these sections (and the draft consent form if you have one) and ask him/her to sign the form.
- d. Always append this signed form as an appendix to your dissertation. This is a knock-out criterium; if not included the Final Project/Dissertation is awarded an NVD.

Section 1. Project Outline (to be completed by student)(i) **Title of Project:** What has been achieved with Romania's minority policy concerning the**(ii) Aims of project:**

To perform a comparative policy analysis by looking at what the achievements are of Romania's minority policy concerning the Roma compared to Canada's minority policy regarding the Indigenous peoples. With doing so, it will be established whether they need improvement or new policies need to be created, so that the situation of the Roma and First Nations will improve where needed.

(iii) **Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer 'NO' to this question.)**

Yes

If yes: you should complete the section 2 of this form.

If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.

This project is not designed to include research with human subjects. I understand that I do not have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.

Student's signature Raven Reints

Date 16/10/2019

Section 2 Complete this section only if you answered YES to question (iii) above.

(i) What will the participants have to do? (v. brief outline of procedure):

The participants will be asked to conduct an interview within their field of study, either through skype, a phone call or email. They will also be asked to sign the Informed Consent Form.

(ii) What sort of people will the participants be and how will they be recruited?

People who are knowledgeable about either Romanian minority policies or the Roma minority in Romania or Canadian indigenous policies or the Indigenous itself. They could provide information about the minority groups themselves, highlighting the effect of the policies have on them, whether what is achieved actually benefits them, or they provide information about the policies, the goals and milestones and whether the achievements were desired.

(iii) What sort of stimuli or materials will your participants be exposed to? Tick the appropriate boxes and then state what they are in the space below

<input type="checkbox"/>	Questionnaires	
<input type="checkbox"/>	Pictures	
<input type="checkbox"/>	Sounds	
<input type="checkbox"/>	Words	
<input checked="" type="checkbox"/>	Other	I will ask them questions regarding my thesis topic.

(iv) Consent: Informed consent must be obtained for all participants before they take part in your project. By means of an informed consent form you should state what participants will be doing, drawing attention to anything they could conceivably object to subsequently. You should also state how they can withdraw from the study at any time and the measures you are taking to ensure the confidentiality of data. A standard informed consent form is available in the Dissertation Manual. Appendix the Informed Consent Form to your Final Project/Dissertation as well.

(vi) What procedures will you follow in order to guarantee the confidentiality of participants' data?

The Informed Consent Form will be signed.

I will make an agreement with the participant about his/her wishes regarding privacy and I will act accordingly. I will not share any information about the participant or the recordings unless the participants allows it.

Student's signature: Raven Reints

Date 16/10/2019

Supervisor's signature: Maarten van Munster

Date 17/10/2019

(if satisfied with the proposed procedures)