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Towards a European Policy on Roma Inclusion



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Preamble

Through the present paper the European Roma Policy Coalition (Coalition) wishes to contribute to efforts aimed at achieving the full realization of rights of Roma and Travellers in the **European Union (EU)** as set out in the EU Charter on Fundamental Rights, the European Convention on Human Rights and United Nations human rights framework and in accordance with Article 1a and Article 2 §3, of The Treaty on the European Union as amended by the Treaty of Lisbon.

The European Roma Policy Coalition is an informal gathering of NGOs operating at the EU level in the areas of human rights, anti-discrimination, anti-racism, social inclusion and Roma and Travellers rights. The Coalition is committed to the principle of inclusion through participation and aims to promote the participation of Roma in all relevant processes. The Coalition considers an approach based on the full realization of rights to be essential to promoting the social, political and economic inclusion of the EU's Roma citizens.

I. Introduction

Following the debate in plenary on January 31 2008, the European Parliament adopted a resolution on 'A European Strategy on the Roma', noting:

Whereas the 12 to 15 million Roma living in Europe, some 10 million of whom live in the European Union, suffer racial discrimination and in many cases are subject to severe structural discrimination, poverty and social exclusion, as well as multiple discrimination on the basis of gender, age, disability and sexual orientation

Earlier on 14th of December 2007 the European Council "*conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion*" and "*invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008.*"¹

These official positions of EU institutions reflect the views and findings of civil society and international organizations working on Romani matters. Indeed, there is already a significant volume of research, conference reports, declarations and initiatives on Roma emanating from the EU, intergovernmental organizations and civil society which, taken together, provide a comprehensive description of the challenges facing Roma in our societies as well as long lists of good proposals for addressing them.² Most recently the

¹ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf

² A good summary of the challenges and proposals for action is included in 'Equality for Roma in Europe – A roadmap for action, January 2006' prepared by Lana Hollo on behalf of the European Roma Information Office, European Roma Rights Centre, Interdisciplinary Research Cell in Human Rights, Migration Policy Group, and the Open Society Institute



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report of the High level Group on the Integration of Minorities in the Labour Market notes:

“In spite of many programmes and initiatives targeted at Roma, change has been slow and results have been worse than anticipated, mainly due to structural problems. It needs to be underlined that, although equality mainstreaming should be a strategic goal in the EU and the Member States, specific and targeted action for Roma inclusion is needed.”

Despite the widespread acknowledgment of the gravity situation, European and national decision makers have conspicuously failed³ to take adequate steps to eradicate the social exclusion and stigma associated with Roma as well as the socio-economic gap between the majority populations and the Roma. In the report ‘Equality for Roma in Europe – A roadmap for action, January 2006 the European Roma Information Office, European Roma Rights Centre, the Interdisciplinary Research Cell in Human Rights, the Migration Policy Group, and the Open Society Institute make the following conclusions:

“[...] it is clear that efforts to date to ensure equality for Roma in Europe have failed to produce any significant improvement. The challenges remain enormous: deeply embedded institutional discrimination within government structures, wide spread anti-Gypsism, extraordinarily high levels of poverty and social exclusion, and segregated systems in housing, education and social welfare.”⁴

Most recently, following the diplomatic crisis between Romania and Italy over a controversial security package considering mass expulsion of Romanian citizens⁵, the European Parliament raised concerns regarding the threat to basic provision of EU law with regards to the rights to freedom of movement of EU citizens. Within the same text the resolution draws attention to the situation of Roma and the calls for action for stepping up efforts aimed at inclusion of Roma. At the same time the leaders of Romania and Italy addressed the European Commission a letter highlighting the need for EU concerted action by calling for an EU Framework Strategy for Roma inclusion. Earlier at the International Steering Committee Meeting of the Decade of Roma Inclusion in July 2007, the Bulgarian Prime Minister stated that, “Due to the lack of policy for Roma people, the problem of increasing racism and xenophobia amongst the Bulgarian population can hardly be managed on a national level and needs higher attention from the EU.” In an earlier statement the former Italian Prime Minister Romano Prodi pointed out that "Europe has resolved many inter-ethnic problems, but the question of the Roma is a terrible complication," and subsequently confessing that "Italy is less prepared because the phenomenon is more recent."⁶

³ Valeriu Nicolae, “Perfectly equipped European failures- the case of Roma”,
<http://www.ergonetwork.org/euar.htm>

⁴ Hollo, Lana, ‘Equality for Roma in Europe – A roadmap for action’, January 2006

⁵ Shadow Report of COHRE

⁶ «Quello dei rom è un problema politico. L'Europa ha risolto molti problemi interetnici, ma quello dei rom è di una complicazione terribile. Dobbiamo studiare tutte le soluzioni per affrontare questo problema di convivenza che è molto diverso dagli altri problemi proprio a causa delle persecuzioni»



Europe has recently seen a steady increase in anti-Gypsism at all levels, affecting not only Romani communities but also the capacity of governments to address the situation. Past and recent incidents have repeatedly brought Roma into the public headlines. Violent rioting, racist attacks, police raids and migration have given the issue a new immediate and more pertinent dimension. Political figures can increasingly be heard making anti-Romani statements. All too often politicians and government and state officials fail to respond adequately to such comments as well as the many discriminatory or violent acts in the private sphere. This failure to condemn anti-Romani incidents is often justified by referring to Roma as “antisocial elements” that “should be differentiated from citizens belonging to the majority.”⁷ In only a few cases have the braver European leaders spoken out against such atrocities.

Any EU strategy for the promotion and protection of the rights of Roma in Europe should build on the obligations by the EU Member States under international human rights law, acknowledging that the *primary* investment of political will, time and resources in the protection, promotion and empowerment of Roma lies with national governments. However, the EU has strong competences in the area of discrimination⁸ and social inclusion⁹ and must provide greater guidance and assistance to its Member States on issues that are European in nature, as Romani issues are. The need for strong leadership from the EU with regard to improving the situation of Roma is obvious, as is the need for a more comprehensive and ambitious approach to Romani inclusion.

The European Roma Policy Coalition therefore recommends the adoption of an EU Framework Strategy on Roma Inclusion backed by strong coordination, monitoring and financial instruments, to promote and strengthen EU and national action aimed at the social inclusion of Roma in Europe.

II. Key Developments and Challenges

The social and economic transformations resulting from the accession processes to the EU have brought considerable benefits to the countries we now call the new EU Member States. Higher standards of living, mobility, and increased security are now enjoyed by most of the citizens of the new Member States. However the wellbeing of Romani citizens has largely remained a desire in spite of the overall development their countries have benefited from. The socio-economic gap between majority Non-Roma populations and Roma is widening: its immediate effects being social unrest, mass migration, ever increasing levels of anti-Gypsism and deep structural social exclusion. During the pre-accession period and immediately after, key developments paved the way for Roma inclusion both in old and new Members States. However, the remaining challenges greatly outweigh the progress registered to date.

⁷ Nicolae, Valeriu “Between diplomatic spin and anti-Gypsism”, <http://www.ergonet.org/spin.htm>

⁸ Article 13 EC Treaty

⁹ Article 3(1)(k),(p),(q) EC Treaty



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1. Key developments and challenges in EU Member States and Enlargement Countries

To date, the new EU Member States have made some progress in developing strategies and legal frameworks to promote the integration of Roma.¹⁰ At the same time old Member States have done little with regards to the situation of Roma minorities residing in their territories. Most EU Member States have adopted legislation in line with European Council Directive 2000/43/EC (hereafter “Race Equality Directive”), some Member States have failed to adequately transpose the required legislation, i.e., they have partially or incorrectly transposed the Directive into national legislation. Furthermore, existing legislation has only been used to a limited extent so far. Therefore the adoption of anti-discrimination laws is not enough to effectively combat widespread discrimination against Roma. EU Member States must urgently address further challenges in terms of implementing effective and pro-active policies for social inclusion, combating discrimination and anti-Gypsism and eradicating practices of discrimination in various areas such as education, housing, health care and employment. The most egregious forms of discrimination manifest themselves in the abhorrent practices of segregation (in education and housing especially).

Despite the EU and national legislation on gender, there is no progress registered in the area of Romani women’s rights triggered by a lack of targeted as well as gendered actions benefiting Roma communities. The European Parliament resolution on the Situation of Romani women in the European Union adopted in 2006 highlighted that Romani women continue to face the greatest level of discrimination throughout Europe and urged public authorities in the EU to ensure Romani women and girls equal access to education and health care, including an end to segregation in schools and hospitals. It also called for support services for Romani survivors of domestic violence, redress for human rights violations, safer and socially mixed housing, enforcement of anti-discrimination laws, and policies to address the high levels of unemployment.¹¹

Monitoring efforts related to the Decade of Roma Inclusion¹², compiled by an international team of Romani activists in the recently-published report Decade Watch¹³ have shown that whilst some progress has been registered in various areas concerning Roma, it has not been consistent enough across all areas in all the participating

¹⁰ All new CEE Member States have adopted National Strategies for the Improvement of the situation of Roma; these countries are also part of the Roma Decade of Roma Inclusion a initiative aiming at improving the situation of Roma in the course of one decade (2005 -2015).

¹¹ European Parliament, Resolution on the Situation of Romani Women in the European Union: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0244+0+DOC+XML+V0//EN&language=EN>

¹² The Decade of Roma Inclusion 2005–2015 is an unprecedented political commitment by governments in Central and Southeastern Europe to improve the socio-economic status and social inclusion of Roma within a regional framework. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.

¹³ Decade Watch 2005-2006, Roma activists assess the Progress of the Decade of Roma Inclusion, 2007



countries.¹⁴ Current progress is localized¹⁵ and limited. According to the Decade Watch report, this is mainly the result of a lack of comprehensive policies encompassing all areas in which development is needed for Roma. The report highlighted similar problems with regard to all Decade countries.

Secondly, the Decade Watch report analyses reveals that there is a lack of cooperation on Romani issues even between those EU Member States which are part of the Decade initiative and that there has been little exchange of good and tested, policies between Member States and enlargement countries. For example, whilst Romania has successfully implemented a health mediator programme, which is regarded as a positive programme by the Roma¹⁶, it has failed to implement effective policies concerning access to education. Hungary, in contrast, has designed and implemented a promising national policy on access to education but not on access to health.¹⁷

In respect of enlargement countries, the human rights and minority rights component of the Copenhagen criteria has provided an important mechanism for promoting positive change. However, their fulfilment in respect of Roma communities has been inconsistent, as a result of the seemingly low priority attached to them by the EU Institutions in the accession processes.

An EU Framework Strategy should ensure that the fulfilment of the Copenhagen criteria affecting Roma receives greater political attention. Such a Strategy should also ensure greater consistency in EU assistance and monitoring of pre and post accession countries.

2. Key developments and challenges at the EU level

While at the EU level, following policy commitments made in 2004, some mainstreaming efforts have been made concerning Roma inclusion, to date, there is no single overarching EU policy that specifically targets Roma integration. However, certain policies of the EU have had some positive effect on the situation of Roma throughout Europe and, most importantly, boosted reform in areas such as protection of minorities, anti-discrimination and social inclusion.

Overall, anti-discrimination legislation of the EU has had a positive impact on the awareness of discrimination in the Roma communities. However, beyond the legally binding scope of the Race Equality Directive, no significant progress has been made in eliminating discrimination against Roma.¹⁸ Despite the non-legally binding nature of positive measures¹⁹ under the Race Equality Directive, it would be prudent to observe the

¹⁴ Decade Watch 2005-2006, 2007, p. 25-29

¹⁵ I.e. whilst Hungary has adopted a rather advanced education policy, it lacks similar policy development in the area of access to health care, and systemic efforts are still not being undertaken by Member States.

¹⁶ Decade Watch, 2005-2006, 2007, p. 117

¹⁷ Decade Watch, 2005-2006, 2007, p. 117 and p.87

¹⁸ Cahn, Claude, Roma Rights and Anti Discrimination Law, <http://www.errc.org/cikk.php?cikk=1395>

¹⁹ Towards Realising a Right to Positive Action for Roma in Europe: Connors v. UK p. 13



precedence established under international law, in this instance Article 1(4) of the International Convention on the Elimination of all forms of Racial Discrimination expresses that States Parties have an obligation to implement positive measures to redress entrenched practices of discrimination for:

“...securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved...”.

However these are rarely implemented in needed areas such as employment and education. Some forms of discrimination such as segregated education remain difficult to address even with the new laws adopted.²⁰ In addition to segregated education and the failure of implementing positive measures in key areas, there are a number of other gaps in the Race Equality Directive and the corresponding national legislation, such as the failure to address multiple forms of discrimination. There are also problems as regards the limited remit of equality bodies.²¹

The result to date of projects targeting Roma implemented within EU initiatives such as the Community Action Programme to Combat Discrimination 2002 – 2006 and the European Social Fund have been thematically and geographically isolated projects with little effect and limited sustainability. Research suggests that this failure is due to a lack of strategic focus and integrated planning in the design and implementation of projects.²²

It is currently difficult to measure the effects of EU policy with regard to the inclusion of Roma due to a lack of available data disaggregated on the basis of ethnicity. There is therefore a clear need for such data to be collected and relevant indicators to be devised.²³

So far the EU has taken a mainstreaming approach to tackling Roma related matters. However it appears that this approach has had only limited impact. While the Coalition is supportive of the horizontal approach towards Roma inclusion it suggests that the creation of a single coordinating structure to achieve sustainable impact and high level presence in policies undertaken by the EU would greatly increase the effectiveness of the EU's activity in this area.

²⁰ The Situation of Roma in an Enlarged Europe, European Commission 2004, p. 17-22

²¹ Hollo, Lana, 'Equality for Roma in Europe – A roadmap for action, January 2006, p. 5-6,

²² Hollo, Lana, 'Equality for Roma in Europe – A roadmap for action, January 2006, p. 4.

²³ Hollo, Lana, 'Equality for Roma in Europe – A roadmap for action, January 2006, p. 1.



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III. The Benefits of an EU Framework Strategy on Roma Inclusion

An EU Framework Strategy for Roma Inclusion should provide the basis for the design, implementation and coordination of comprehensive policies and programmes in this area. Such a Strategy on Roma Inclusion will provide Member States the “EU added value” by facilitating policy making in the area of minority protection and improving the coordination of the implementation of programmes for Roma, thus increasing the scope, systemic nature, efficiency and quality of the implemented programmes. In this context, an EU Framework Strategy on Roma Inclusion should ensure a more efficient flow of funds and foster increased transparency and accountability by devising specific measures and setting benchmarks and indicators, as well as ensuring efficient monitoring and reporting through European Commission structures. In the context of plans to enhance the current anti-discrimination legislation, an EU Roma Strategy by setting the eradication of structural discrimination as a policy goal should pave the way to a more effective legal approach to structural discrimination.

An EU Framework Strategy on Roma Inclusion would provide a roadmap for Member States to follow, which would obviously be adaptable to the individual needs of each country. An EU Framework Strategy would enable Member States to approach Romani issues in an integrated manner, thus responding better to the full range of problems experienced by Roma. By setting objectives, guidelines and indicators an EU Framework Strategy would ensure that policy priorities were set in all areas of relevance to Roma inclusion, backed up by comprehensive and systematic programmes and efforts. Member States would also be able to use the EU Framework Strategy as a tool for developing solutions when implementing national policies aiming at Roma inclusion – including goals, timeframes, indicators and evaluation methods.

The development and implementation of an EU Framework Strategy on Roma Inclusion would enable the EU to systematise and coordinate its approach to Romani issues and maximise the impact of the resources it allocates in this area. It would provide one overall framework position with regard to Romani inclusion, defining clear and transparent goals, good practices, target actions and resources in this area, and enabling better coordination of EU action to improve the situation of Roma.

It would also help the EU to tackle the problem of poor integration of Roma within mainstream EU policies as a whole. A specific approach to Roma should be available within the social inclusion (OMC) and employment policy of the EU. An EU Framework Strategy on Roma Inclusion should ensure both “better mainstreaming” and focused, specific action, by providing guidance on policies and programmes to EU officials working in all relevant policy and programmatic areas.

In terms of maximising financial resources, an EU Framework Strategy on Roma Inclusion should aid in increasing the focus and effectiveness of EU funding, and would enable the EU to *directly link funding to policy initiatives*. It would also enable the EU to



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move away from localised projects and ensure a more consistent and systematic impact of the initiatives it funds.

The use of EU funding for addressing the situation of Romani women would be a measure of the accountability of the European Commission and national governments to their political, strategic, and legislative commitments to protect human rights, fight discrimination, promote the social inclusion of Roma, and advance gender equality. Similarly, EU should make better use of its instruments on gender equality and mainstreaming so that they benefit ethnic minority women and Romani women as well. In this sense, the European Institute for Gender Equality as well as national equality bodies should have a targeted focus on Romani women.

Finally, a Framework Strategy for Roma Inclusion incorporating the main policy and institutional elements discussed above would enable the European Commission and Member States to adapt those structures and policy and legal instruments in relation to *other* religious and ethnic minorities suffering disadvantage and discrimination in key areas of life that hinder their ability to enjoy long-term well-being and the ability of societies to achieve social cohesion among all of their members.

V. Proposal for an EU Framework Strategy on Roma Inclusion

Existing EU law and guidelines provide the legal basis and policy framework for any future EU Roma Strategy on Roma Inclusion.²⁴ Article 13 of the EC treaty underlines the need to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The new Treaty pending ratification includes the Charter of Fundamental Rights, which will become legally binding. It contains provisions concerning anti-discrimination, social exclusion and poverty, and the citizen's rights to education, health, housing and employment.

Drawing on previous EU experience in the areas of gender mainstreaming and disability, there is a historic opportunity for efficiently tackling the problems of Roma through the development and adoption of a Framework Strategy to encompass all policies and support programmes. The EU Framework Strategy on Roma Inclusion should aim to provide policy coherence and complementarities as well as act as coordination instrument

²⁴ Race Equality Directive (2000/43/EC), Employment Equality Directive (2000/78/EC), Communication on a framework strategy for non-discrimination (June 2005) Proposal for the Year of Equal Opportunities for All – 2007 (June 2005), Resolution on the Situation of Roma and Sinti in the European Union (2005); Resolution on the situation of Roma and Sinti women in the European Union (2006), Resolution of the European Parliament on Discrimination against Roma and Sinti (1995), Resolution of the European Parliament on Gypsies in Community (1994), Resolution of the European Parliament on the Situation of Gypsies in the Community (1984), Resolution of the European Parliament on Illiteracy and Education for Children whose Parents have no Fixed Abode (1989); Resolution No. 89/C 153/02 of the European Union Council on School Provision for Gypsy and Traveller Children (1989), Resolution of the Council and the Ministers of Education Meeting within the Council on School Provisions for Children of Occupational Travelers (1989), Resolution of the European Parliament on Education for Children whose Parents have no Fixed Abode (1984)



to ensure an effective mainstreaming (for Roma issues to be addressed in all relevant EU policies) and specific (i.e. positive) actions are targeting Roma where required. An EU Framework Strategy outlining a comprehensive programme for change should be based on the obligations of EU Member States under international human rights law and EU law, thus providing the framework for addressing Roma exclusion.

Through an integrated approach, the EU Framework Strategy on Roma Inclusion will address the interdependence of the political, social, economic and cultural rights' violations suffered by the Roma community. The EU Framework Strategy should be built on three pillars: equal **access** to education, health services, housing and employment; **accountability** of the authorities in their actions to protect the rights of the Roma community (i.e. legislation, policies); and **empowerment** of Roma community –through ensuring full participation and responsibility for the effective implementation of measures taken by the European Union and the Member States.



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EU Policy for Roma Inclusion

1. An EU Framework Strategy on Roma Inclusion should aim to orient and provide the umbrella for all relevant Community policies. The development of the Strategy should be the result of a comprehensive consultative process with all relevant stakeholders including the Roma, civil society actors, EU Member States and EU institutions. The Strategy suggests proactive equality mainstreaming as well as concrete actions to improve the situation of Roma in society. The Strategy should contain clear objectives, actions, assessment criteria, monitoring tools and indicators. It should be designed with the approach of enabling Roma to take ownership for the improvement of their own situation as well as tackling exclusionary mechanisms that keep Roma away from being treated as equal citizens.

Proposed objectives of the EU Framework Strategy for Roma Inclusion:

- Prioritise and promote the inclusion of Roma through the EU's social inclusion and employment policy and through the relevant structural funds by supporting sustainable EU and National programmes aiming at the realization of the rights to education, employment, health and housing in both Member States and enlargement countries. The funding and financing through structural or other funds must be focused on both the impact and the sustainability of the measures taken. The progressive assumption of budgetary responsibilities by Member States in fulfilment of their obligation to ensure the realisation of the rights of Roma must be built into the EU financial instruments, under the Strategy.
- Contribute to combating structural/institutional discrimination in the areas of education, employment, access to health services and housing. Advance positive action as an important tool in reversing entrenched disadvantage. Combat anti-Gypsism by integrating it thematically in EU level anti-racism campaigns and initiatives. Provide support for the above aims through funding under existing community action-programmes and structural funds.
- Establish mechanisms and procedures for monitoring and evaluating programmes in the area of Social Inclusion and Employment with the aim of increasing the efficiency of programmes that pursue this policy aim. Set benchmarks and indicators and provide the necessary support for research and the evaluation of implemented programmes.
- Ensure a holistic approach to Roma issues and align EU policy aiming at Roma inclusion with existing inter-governmental initiatives such as the Decade of Roma Inclusion, the OSCE and Council of Europe strategies for the improvement of the situation of Roma. Facilitate the transfer of expertise among Member States and candidate countries by promoting successful programmes implemented by Member States.



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- Ensure the empowerment of Roma as recognised stakeholders in combating exclusion. This should involve policies designed to empower them to claim their rights and participate in and take ownership of decision making processes. This would involve also promoting increased Roma participation through positive action schemes advanced by relevant EU institutions and agencies,

2. Sufficient financial support for objectives covered by the Strategy is needed. In order to meet the massive need in terms of research, strengthening Roma civil networks as well as for the effective coordination and funding of EU measures on Romani issues, a separate Action Plan on Roma should be considered. The Action Plan must support and enhance the implementation of the Strategy. The creation of a new Action Programme could however be substituted by the better integration of Roma related objectives within existing Action Programmes such as *Progress*, (sixth strand within PROGRESS).

3. A more structured approach to the development; implementation and monitoring of Roma related programmes and policies in shaping policy for the Roma should be considered. To this end a Roma Unit should be established within the structures of the European Commission, with the main role overseeing the implementation of the Strategy. A stronger, more active, Inter-service Group on Roma enhanced through this unit could have the role of setting indicators and benchmarks in order to enable regular monitoring of progress and reporting under the future Roma Framework Strategy.

4. An Inter-Governmental High Level Group on Minorities should be established to ensure the political involvement of the Council. A High Level group – comprised of high level officials from Member States, ideally at the ministerial level – would constitute an important informal forum for discussion ensuring the exchange information on best practices and experience and synergy among EU and national policies and strategies. The High Level Group²⁵ would proactively support EU Presidencies in identifying policy areas and topics for discussion at European Councils.

Issues that need to be reflected in an EU Roma Policy/Strategy

EDUCATION

1. The EU has a variety of mechanisms that can be used to improve access to quality education for Roma. It is vital that the EU engages in this issue, as the obstacles facing Roma children now will have serious consequences for Europe's future. Positive measures should be used to increase the integration of Roma in and through education.

²⁵ The High Level Group could be established on the model of the High Level Group on Gender Mainstreaming:http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/gender/high_level_group_en.html



Relevant DGs should work closely together to ensure that structural funding for desegregation programmes are made available widely across the EU.²⁶

2. Under the Lisbon strategy, better synergies should be operated between the OMC on social inclusion and the Education and Training 2010 which should explore in particular the following aspects:

Enforce anti-discrimination legislation in the area of education. The EU should explore how to tackle structural discrimination (segregation in education) more effectively. In particular reflection should be given to the question of desegregation (equal access to quality education) in line with the landmark decision of the Grand Chamber of the European Court of Human Rights in November, 2007 in its ruling of the *D.H. vs Czech Republic* in which it ruled that segregating Roma students into special schools is a form of unlawful discrimination in breach of Article 14 of the European Convention (prohibiting discrimination), taken together with Article 2 of Protocol No. 1 (securing the right to education)²⁷

LABOUR MARKET AND EMPLOYABILITY

1. The Commission has shown some concerns for the issues affecting Roma communities in the area of employment; these concerns have been recently highlighted by the High Level Group on the Integration of Ethnic Minorities in the labour market. However its programming efforts aimed at improving the employability of Roma notably through the ESF need to be more focused and aimed at systemic change.²⁸

2. Positive action should be promoted both under the social inclusion and education and training 2010 policies and progressively through anti-discrimination measures.

3. Promotion of self-employment and micro credit schemes are two underutilized tools that can greatly improve the situation of Roma. Such tools should therefore be included under the policy aims of the employment policy and greater promotion and availability is needed.

4. Encouragement of diversity policies within the business sector, such as internal policies to promote gender equality designed by international companies

HOUSING

1. The issue of housing and property rights has been a constant problem facing most Roma communities in Europe. Support for social housing schemes should be made widely available. Systemic efforts in this area need to be stepped up through increased availability of funding for alternative housing and camping sites (where appropriate). Particular attention is needed as regards the use of EU funding (particularly ERDF) in the area of housing in order to combat and not inadvertently exacerbate the segregation of

²⁶ I.e. in Hungary under the human resources operational programme, budget lines were in place for equal access to quality education. This example should be replicated by other member states.

²⁷ <http://www.errc.org/cikk.php?cikk=2945&archiv=1>

²⁸ I.e. The ACCEDER programme which has been a success story in Spain shows that, when programmatic, wide in scope and participatory, projects can have visibly positive effects.



Roma communities. Sufficient safeguards need to be put in place in order to prevent and eradicate this phenomenon. In this context support for policies aiming to address access to quality housing should focus on housing subsidies and/or slum upgrade.

The issue of evictions is a common problem in Europe as well. As underlined by the Council of Europe Commissioner for Human Rights²⁹ evictions are carried out in violation of Human Rights standards and more often alternative housing is not made available. Although the EU has limited competence in the area, it needs to explore possibilities of integrating this particular objective under its social inclusion objectives and/or regional policy objectives.

2. Discrimination in the provision of housing is also an area where EU anti-discrimination measures should be improved. Discrimination in the provision of housing is also structural, encompassing both discrimination in the public sector i.e. provision of state owned social housing, or private i.e. denial of services by private companies, owners etc. Eradication of discriminatory practices requires a stronger enforcement of anti-discrimination legislation.

HEALTH

1. There is little data available on the overall health outcomes of ethnic communities in Europe, but probably the clearest evidence of health inequalities relates to Roma. Research by the European Roma Rights Centre (ERRC) which suggests ongoing and severe discrimination against the Roma population, instances of forced sterilization and segregation³⁰, lower life expectancy rates and higher infant mortality rate compared to the non-Roma population. Therefore it is essential that the health strategy 'Second Programme of Community Action in the Field of Health 2008-2013' addresses the issue of lower health outcomes and discrimination in the health sector towards the Roma and other ethnic minorities. The health strand of the Open Method of Coordination on Social Protection and Social Inclusion and in particular the objectives 'access for all to adequate health and long-term care' and the need to address 'inequities in access to care and in health outcomes' must take account of the health situation of the Roma and other ethnic minorities and provide for adequate policy responses. In this context support for systemic national programmes aimed at improving the health situation of the Roma communities should be made available. Successful programmes supported through either national or EU funding (ESF) should become standard across the EU and support for such programmes should be made widely available.

2. Continuing patterns of discrimination in the provision of health services need to be addressed by strengthening the implementation of anti-discrimination measures.

²⁹[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech\(2007\)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech(2007)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

³⁰ ERRC, 'Ambulance not on the way – the disgrace of healthcare for Roma in Europe' (Budapest, ERRC 2006) 56.



MONITORING AND EVALUATION

While programmes implemented under the social policy objectives need to be systemic and wider in scope as outlined above, increased attention must also be given to monitoring and evaluating programmes for Roma inclusion.

Indicators and benchmarks need to be developed and disaggregated data collected so as to make objective evaluation processes possible.

PARTICIPATION AND EMPOWERMENT

The participation of Roma in all processes, including planning, implementation and evaluation, is essential in order to enable Roma to take ownership of the improvement of their own situation as well as tackling exclusionary mechanisms that keep Roma from being treated as equal citizens. In some Member States, Roma have been included in governmental structures that have these competences. The EC should follow suit and develop schemes that ensure the participation of Roma in its own structures, on local, regional, national and European level. Not only is that equitable but it also has the advantage of bringing the first hand experience of Roma professionals into EC structures, which will assist them in the development of realistic strategies and programmes. It is important to keep in mind that participation should encompass the different segments of Roma communities ensuring that even the most marginalized groups (women, youth, persons with disabilities and others) are included.

Crucial to the success of the implementation of a Roma policy is the empowerment of Roma as recognised stakeholders whose voice is heard so that they can effectively benefit from the policies and programmes targeting them. In order to avoid that the policy remains a paper remedy, it should contain instruments for capacity building of Roma and stimulation of Roma initiative, self-organisation, leadership and lobby of grassroots Roma as well as independent representative structures, NGO and networks that have the bargaining power and represent the interest of Roma grassroots towards local, regional and national authorities and institutions. This process should be supported by adequate structures and resources with a view of creating an environment conducive to participation. Therefore, the policy should include schemes for support of independent Roma self-organisation.

SYNERGIES

An EU Roma Strategy on Roma Inclusion has to be aligned with existing initiatives, in particular the Decade of Roma Inclusion. Commissioner Spidla said in 2005 that "We need a partnership in the broad sense: between the Member States of the European Union, the accession countries and the other countries; between the authorities at local, regional, national and European level; between the State and civil society; and with major international players, such as the UNDP". The Decade of Roma Inclusion is this mechanism of partnership which provides a practical platform for cooperation of



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governments and international organizations working together based on a shared commitment to significantly improve the lives of Roma over a 10 year period. The 9 participating governments have each adopted action plans in the 4 priority areas: education, employment, health and housing and meet regularly to assess progress and share experience and good practice. The role of the European Commission in making this initiative a success is important.

Unfortunately so far the European Commission has played a more passive observer role, offering its various legal and financial instruments but without taking a leading position in shaping the Decade. The Decade is already a political commitment of the governments with major Roma population; it provides space for exchange of best practice and potentially joint action. The Decade should be a government-led platform for the EU to exploit in promoting its social inclusion policies, even beyond the current EU membership.

EQUALITY MAINSTREAMING

Race equality and fundamental rights protection of the Roma and other ethnic and religious minorities should be mainstreamed into all areas of policy making and a fully integrated approach to non-discrimination must be developed and implemented. All policy fields must take account of the equality principle. Equality must be seen as an integral part of all EU policy making and implementation including through the promotion of the more effective use of the human rights impact assessment procedure and via the Open Method of Coordination in Social Protection and Social Inclusion.



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