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COMMISSION STAFF WORKING DOCUMENT

**Roma in Europe: The Implementation of European Union Instruments and Policies for
Roma Inclusion – Progress Report 2008-2010**

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Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010

1. CONTEXT

1.1. Background

On 2 July 2008 the Commission published a Communication on "Non-discrimination and equal opportunities: A renewed commitment" which highlighted that the tools to advancing the social inclusion of the Roma have to be applied in a better way.¹ It integrated the specific problems of Roma into the core of European non-discrimination policy. The annexed Commission Staff Working Document (CSWD) analysed the "Community Instruments and Policies for Roma inclusion".² This first analysis fed into the European Roma Summit which took place on 16 September 2008 in Brussels.

It was acknowledged in the discussions at European level since 2008 that there is a broad range of available instruments (in particular legislation and European Union Funds and programmes) and policies on education, employment, social inclusion, public health, regional development, and enlargement. Although they can be applied in a targeted way and mainstream Roma issues in broader programmes and policies, they often lack an impact on the ground.

Since the summer of 2008 the Council,³ the European Parliament⁴ and the Commission have addressed this issue. They pursued the aim to make the European Union instruments and policies more effective as a necessary complement to actions driven by Member States. Since 2008 initiatives for Roma inclusion are a part of the Commission's broader work on the promotion of equality. This includes cooperation with Member States in the Group of Governmental Experts, the integration of Roma themes into the programmes of the annual Equality Summits as well as further research work.⁵

This report is a response to the conclusions of the December 2008 General Affairs Council and aims at giving an overview of the progress achieved in the Member States and within the Commission since July 2008.

¹ COM(2008)420

² SEC(2008)2172

³ European Councils: Council documents 16616/1/07 and 11018/1/08 REV1; General Affairs Council: Council documents 15976/1/08 REV1 and 17217/09, Employment, Social Affairs, Health and Consumer Affairs Council: Council documents 9721/2/09 REV2 and 10394/09

⁴ The Kósáné Kovács report and EP resolution P6_TA(2009)0117, *cf.* section 1.3.4

⁵ E.g. the Special Eurobarometer 317 on Discrimination in the EU in 2009 (2009) and the report on International Perspectives on Positive Action Measures: A Comparative Analysis in the European Union, Canada, the United States and South Africa (2009)

1.2. Persisting problem

Roma communities⁶ live in all EU Member States as well as in candidate countries and potential candidates. Their socio-economic conditions are generally worse than those of the majority and often also than those of other ethnic minorities and immigrants.⁷ The current economic and financial crisis exacerbates already existing structural problems of Roma inclusion (such as access to quality education and jobs, mainstream housing, financial services, efficient public service etc.).

Studies demonstrate that the exclusion of Roma entails important economic consequences in terms of direct costs for public budgets as well as in terms of indirect costs through losses in productivity.⁸

Roma continue to be victims of persistent discrimination in many Member States. In 2009 a number of cases of racist violence which led to the destruction of property, severe injuries and even to the death of Roma have been reported. The EU Fundamental Rights Agency published in April 2009 the EU-MIDIS "Data in Focus" on Roma, based on a survey carried out in Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania and Slovakia.⁹ This report's key findings confirmed that of all the groups surveyed by the FRA, the Roma emerged as the group most vulnerable to discrimination and crime. Roma reported the highest overall levels of discrimination across all areas surveyed. 66-92% of Roma (depending on the country) did not report their most recent experience of discrimination to any competent authority. 65-100% of the Roma respondents reported lack of confidence in law enforcement and justice structures.

The 2008 Commission Staff Working Document (CSWD) analysed the legal and financial instruments as well as of the policies at EU level for Roma inclusion. The analysis made clear that the existing instruments and policies are in principle appropriate and suitable for the inclusion of Roma, but that there is obviously an implementation gap at the national, regional and local level. Main reason for their limited effectiveness on the ground is on the one hand a lack of political will, a lack of strong partnerships and coordination mechanisms. On the other hand there is a lack of capacities and knowledge at the local level to implement instruments and to change the concrete living conditions of Roma communities as well as a lack of ownership among the potential beneficiaries in municipalities, NGOs and Roma communities.

⁶ For the purpose of this paper, the term "Roma" is used – similarly to other political documents of the European Council, European Parliament etc. – as an umbrella term including also other groups of people who share more or less similar cultural characteristics and a history of persistent marginalisation in European societies, such as the Sinti, Travellers, Kalé etc. The European Commission is aware that the extension of the term "Roma" to all these groups is contentious, and it has no intention to "assimilate" the members of these other groups to the Roma themselves in cultural terms. Nonetheless, it considers the use of "Roma" as an umbrella term practical and justifiable within the context of a policy document which is dealing above all with issues of social exclusion and discrimination, not with specific issues of cultural identity

⁷ Cf. e.g. UNDP Regional Bureau for Europe and the CIS, *At Risk. Roma and displaced in Southeast Europe* (2005); High Level Advisory Groups of Experts on Ethnic Minorities, *Ethnic Minorities in the Labour Market. An Urgent Call for Better Social Inclusion* (2007)

⁸ Ch. Bodewig – E. Hromádková, *Social exclusion of the Roma – an economic loss to the Czech Republic* (2009) identify as costs of exclusion in the Czech Republic: 367 million € in terms of lost productivity and 233 million € in terms of direct fiscal costs.

⁹ European Union Agency for Fundamental Rights, EU-MIDIS 'Data in Focus' report 1: The Roma (2009); http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf; cf. annex 2

1.3. Developments at European Level

Since July 2008 a number of important steps have been taken at European Union level which led to progress through more coherent cooperation of national, European and international actors, a common understanding of the problems and the willingness to find jointly effective solutions.

1.3.1. European Roma Summit

The first European Roma Summit on 16 September 2008 in Brussels brought a unique mobilisation at high level of EU institutions, governments of Member States, candidate countries and potential candidates, international organisations and civil society. The Summit emphasised the joint responsibility of Member States and the EU in this area and discussed which concrete, pragmatic and constructive steps are needed to overcome the exclusion of Roma.

There was a broad understanding about the need for a new and strong partnership of all key actors in this field. Moreover, it became evident that only a targeted, culturally sensitive approach which aimed at the inclusion of Roma into mainstream society could lead to progress.

Civil society, and in particular the European Roma Policy Coalition of 10 leading NGOs¹⁰ and the Network of European Foundations contributed significantly to the success of Summit. The Coalition's declaration and the Weinheim declaration issued at this occasion fed into the debate at the Summit, but also into the debates at various occasions in 2009.

"We are committed to closing the unacceptable gaps in welfare and living conditions that exist between Roma and the rest of society as well as putting an end to the cycle of poverty and exclusion that many Roma find themselves in. We are concerned about extreme human rights abuses in education, housing, employment and health care systems, about increasing anti-Gypsyism and the multiple discrimination that Romani women face across Europe. We believe that the European Union and its Member States have a shared responsibility to promote Roma inclusion and uphold the fundamental rights of Roma as European citizens."

From the declaration of the European Roma Policy Coalition

In December 2008 the General Affairs Council welcomed the European Roma Summit and called upon the Commission *"to continue and deepen the discussions and organise a further Summit concerning Roma"* in cooperation with the next three Presidencies in office from 2010. The Spanish Presidency took up this call and suggested to organise the next European Roma Summit on 8 April 2010 – the International Roma Day – in Córdoba.

1.3.2. Council

In December 2008 Council adopted, together with the call for a further European Roma Summit, a comprehensive set of conclusions which welcomed the July 2008 Commission Staff Working Document, the integration of the theme into the programme of the 2008

¹⁰ Amnesty International, European Network Against Racism, European Roma Grassroots Organisation, European Roma Information Office, European Roma Rights Centre, Minority Rights Group International, Open Society Institute, Spolu International Foundation, Roma Education Fund, Fundación Secretariado Gitano

Equality Summit and into the work programme of the EU Agency for Fundamental Rights.¹¹ The conclusions gave a precise mandate for the Member States and the Commission for mid-term action.

This mandate requests the consideration of the situation of the Roma when designing and implementing relevant policies and lays, thus, the ground for effective mainstreaming of Roma issues into these policies. Moreover, it refers to the analysis of the July 2008 CSWD when asking for the identification of specific actions with a view to enhance the effectiveness of European Union instruments and policies. The General Affairs Council conclusions address also the issue of good governance by suggesting reporting on progress by mid-2010 and an integrated Platform as framework for the cooperation of central actors.

Further to the launch of the European Platform for Roma inclusion in April 2009 and the elaboration of Common Basic Principles for Roma Inclusion, the Employment, Social Affairs, Health and Consumer Affairs (EPSCO) Council of 8 June 2009 adopted unanimously conclusions on Roma inclusion. The EPSCO Council annexed the Common Basic Principles and invited “*the Commission and the Member States, in close cooperation, and in accordance with their respective competences to take into account the Common Basic Principles, where appropriate, when designing and implementing policies to promote the full inclusion of the Roma, as well as when designing and implementing policies to defend fundamental rights, uphold gender equality, combat discrimination, poverty and social exclusion, and ensure access to education, housing, health, employment, social services, justice, sports and culture, and also in the EU's relations with third countries.*”¹² With this long formulation Council underpinned the need for both a targeted approach and the mainstreaming of the Roma perspective in all relevant policies.

The General Affairs Council of 7-8 December 2009 stressed the importance of protection of all minorities in candidate countries and potential candidates and highlighted that the Roma minority continues to face very difficult living conditions and discrimination.¹³

1.3.3. *European Platform for Roma Inclusion*

Further to the conclusions of the December 2008 General Affairs Council the Commission launched together with the Czech Presidency of the Council in the spring of 2009 the European Platform for Roma inclusion. The tasks of the Platform as defined in the Council conclusions comprise

- the exchange of good practice and experience between the Member States,
- the provision of analytical support and
- the stimulation of cooperation between all parties concerned by Roma issues.

The Platform is, thus, a process and not a new body which could replace European Union or international decision making bodies. The Presidency of Council plays a leading role in defining the agenda of the Platform. Rationale of the Platform is to make the existing parallel policy processes at European and international level more coherent.

¹¹ Council document 15976/1/08 REV 1

¹² Council document 10394/09, paragraph 11

¹³ Council document 17217/09, paragraph 27

The first Platform meeting on 24 April 2009 in Prague brought together the former, the current and the future Presidency as well as experts from six Member State governments and Serbia,¹⁴ the leading international organisations in this areas (such as the Council of Europe, the OSCE, the World Bank and the UNDP), civil society and academia. Participants called for a firm embedding of Roma inclusion policies into mainstream structural policies (such as *e.g.* labour market, economic, or regional development policies) which would also permit a linkage between the rights based approach for Roma inclusion and the wider socio-economic development strategy. At this occasion, the Platform discussed the proposal from the Czech Presidency for Common Basic Principles for Roma Inclusion as a legally non-binding orientation for decision makers at all levels for successful policies in this field.¹⁵

The June 2009 EPSCO Council conclusions mentioned above called upon key actors to make use of the European Platform for Roma inclusion for the exchange of good practice and experience between the Member States and with those countries with a perspective of joining the EU, and in the cooperation between all parties and international organisations concerned by Roma issues. With regard to the tasks and working methods of the Platform, the EPSCO Council referred to the role of the Commission in supporting the Presidency and left the door open for the consideration of the possibility of further developing the Platform's structure.¹⁶

A meeting of the Platform held under the Swedish Presidency on 28 September 2009 and open to all Member State governments was focused on access to and the quality of education for Roma.¹⁷

1.3.4. *European Parliament*

In March 2009 the European Parliament adopted a resolution on the social situation of the Roma and their improved access to the labour market.¹⁸ The resolution raised the key challenges for the EU in combating Roma exclusion and requested a coordinated approach to improving the complex working and living conditions of the Roma community with a view to three objectives: increasing economic opportunities for the Roma, building human capital, and strengthening social capital and community development.

The European Parliament focused strongly on the access of Roma to quality education and vocational training, and warned that unqualified and unskilled labour mobility exacerbated discrimination. It stressed in this respect the gender dimension. With regard to labour market policy the European Parliament called for using job opportunities in public services and personal/care services and for using instruments such as micro-credits or subsidies for the labour market integration of Roma. The Commission was requested to provide better analysis, for enhanced cooperation with all stakeholders including international organisations, and for a better availability of funding for Roma inclusion.

Moreover, the European Parliament added to the 2009 budget of the Commission 5 m € for a pilot project on the “Pan-European Coordination of Roma Integration Methods”.¹⁹ The

¹⁴ Holder of the Presidency of the Decade on Roma Inclusion 2005-2015 between July 2008 and June 2009

¹⁵ *Cf.* annex

¹⁶ Council document 10394/09, paragraphs 12ff.

¹⁷ *Cf.* section 3.3.1.3

¹⁸ P6_TA(2009)0117

¹⁹ P6_TA(2008)0622

implementation of the pilot project will take place during the first trimester 2010 and the projects will run until the end of 2011.²⁰ The pilot project is composed of four fields of intervention: early childhood education and care (ECEC); micro-credit and self-employment; information and awareness raising; tools and methods for evaluation and data collection as basis for evidence based policy. A conference on this subject will be organised by the Commission in 2010.

2. PROGRESS IN THE MEMBER STATES

The replies from Member States to a Commission questionnaire in autumn 2009 show that progress has been achieved at national level. 21 of 27 Member States – Belgium, Bulgaria, the Czech Republic, Germany, Greece, Estonia, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Romania, the Slovak Republic, Slovenia, Spain and Sweden – have contributed to this overview.

2.1. Relevance of the Issue

Member States identified four key areas – education, employment, health and housing – as the biggest challenges for the inclusion of Roma communities. Among those, the absence of Roma in early childhood education, the low educational attainment, high drop-out rates at young age (particularly of Roma girls) as well as irregular participation in education with the consequence of illiteracy and lacking skills and qualifications for the labour market were mentioned as central problems across all Member States. The same applies to unemployment and ensuing poverty.

Apart from these common challenges, Bulgaria, Hungary, Italy and Romania stressed that segregation represents a serious problem which leads to the exclusion of Roma from education and other basic services. Some Member States underlined that discrimination based on negative perceptions of Roma, a general culpability of Roma for reprehensible acts committed by single members or a lack of knowledge about their culture play an important role. Some further issues were raised: Sweden regarded indebtedness as an important issue, while Lithuania referred to the problem of drug trafficking. The Netherlands highlighted also the high crime rate and some social-cultural traditions as challenges for inclusion. Problems of mobile Roma communities are highlighted by Belgium.

While Bulgaria, the Baltic and the Nordic Member States as well as Spain have not observed a rise of extreme forms of discrimination, inter-ethnic tensions, and violent attacks, these have been recorded in some Member States in Central and Eastern Europe and in the Mediterranean.

Most Member States have identified Roma children and younger Roma as well as Roma women as the most vulnerable subgroups among Roma communities. Greece identified also people with disabilities within the family and single parent families as being exposed to a high risk of exclusion. Hungary regards Roma living in segregated settlements as particularly vulnerable. Italy, Lithuania and Romania mentioned Roma without ID documents in this respect.

²⁰ Call for proposals — European Commission — DG REGIO, Pilot Project ‘Pan-European coordination of Roma integration methods’ — Roma inclusion, OJ 2009/C 171/08 and C 171/37 of 23 July 2009

2.2. Coordination of Roma Policy at National Level

There is some form of overall coordination for Roma policy issues in most Member States with significant Roma communities. This coordination is in most cases assured by ministries in charge of social affairs, of integration, or for minorities. In the Czech Republic the Government Council for Roma Community Affairs advises the Minister for Human Rights and National Minorities, and the Agency for social inclusion in Roma localities is coordinating the state policies at regional and local level. In the Slovak Republic it is part of the responsibilities of the Deputy Prime Minister. In Greece coordination is done through an inter-ministerial committee chaired by the Minister of the Interior. The Minister of the Interior is also in charge of coordination in Poland. Romania has set up in 2009 a national commission through which the strategic process on Roma inclusion is implemented. Slovenia coordinates its Roma policies through the Government Office for national minorities and the Government Commission for the Protection of the Roma Ethnic Community. Spain has set up in 2005 the State Council for the Roma Community as an inter-ministerial consultative body which institutionalises the cooperation of the state administration and Roma civil society. In Belgium where the issue falls in the competence of the Communities and Regions the Walloon region has established an inter-ministerial coordination mechanism led by the Minister for social action, health and equal opportunities.

In a number of EU member countries of the Decade for Roma Inclusion 2005-2015 (Roma Decade) the respective strategic plans provide the basis for a unified national approach (*e.g.* in Bulgaria, the Czech Republic, Hungary, Romania, and the Slovak Republic). In Bulgaria the government nominated in 2006 a national Roma Decade coordinator, while the Ministry of Labour and Social Policy established in the same year an intergovernmental expert working group which is responsible for the implementation of the national Decade action plan. In 2008 the Bulgarian Minister of the interior and the Ministers for education, health, culture, regional development and public works appointed a Deputy-Minister for the implementation of the action plan. In other countries the coordinating bodies have launched joint actions (such as the Integrated Action Plan of Greece) or they screen the national legislation.

Latvia has set up a National Programme "Roma in Latvia" 2007-2009 which aims at promoting the inclusion of the Latvian Roma community into society.

Some Member States have made particular efforts to involve the regional and local actors in their national policies. Spain implements its Roma Development Programme in coordination with the Autonomous Communities and municipal bodies as well as with Roma NGOs. Italy has established in 2009 an interinstitutional group aiming at stimulating local authorities to promote actions in favour of the Roma population and exchange best practice. In Greece, the "Rom Inter-Municipal Network" of municipalities with Roma populations is the main consultative body at local level. The Dutch government stipulated in June 2009 that municipalities with Roma communities must involve the local Roma population in local policies aimed at this group. Sweden has established a network of municipalities.

Difficulties are often due to a lack of indicators and a uniform implementation system for joint actions of different branches of the government. Also a lack of administrative support in the area of Roma inclusion can be problematic. Poland identified insufficient funding for the Programme for the Roma Community as an obstacle.

2.3. Progress Achieved

All Member States report progress with regard to Roma inclusion over the last years. Their achievements cover the broad range of identified problems. It is, however, not in every case clear, in how far the single initiatives implemented by governments are part of a wider and more complex strategic plan and can, thus, mutually reinforce each other.

In Hungary the decision on the Decade of Roma Inclusion Strategic Plan was adopted unanimously in the national Parliament in June 2007. For implementing this Strategic Plan in the period of 2008-2009 the Government adopted an action plan on the improvement of education, housing, labour market position and health of Roma, and furthermore on fighting against discrimination. The action plan for the period of 2010-2011 is currently under way. Another example for a comprehensive long-term strategy is the Polish Programme for the Roma Community 2004-2013. Lithuania has adopted in March 2008 a programme for the integration of Roma into Lithuanian society 2008-2010 with a holistic approach.

National legislation, such as the Municipal Anti-discrimination Services Act in the Netherlands, or the ratification of international legal instruments, such as the Framework Convention of National Minorities in Sweden, provided a framework for the protection against discrimination. Explicit national policies in Finland and Hungary prepared the ground for targeted action.

2.3.1. Education

For most Member States the improvement of the access to and the quality of education for Roma children had the highest priority. Many Member States, such as Bulgaria, Greece, Hungary, Latvia, Romania, the Slovak Republic and Slovenia, have integrated their actions in the field of education into comprehensive strategies which are backed up by (annual) action plans. In Hungary the strategic approach was supported by the national network of educational integration.

Bulgaria adopted already in 2004 an overall strategy for the educational integration of children and students from ethnic minorities. This led since 2005 to ten projects aiming at desegregation in schools which involved more than 2,000 students; 2008 the Bulgarian government approved funding for desegregation projects under the Human Resources Development Operational Programme of the European Social Fund. The Czech Republic focused also on preparatory classes and new concepts of early childhood education as well as on a pedagogic assistance programme for disadvantaged children. Latvia supported actions with a view to integrate Roma students into mainstream schools, *i.a.* through 20 teacher's assistants. These assistants promote examples of Roma culture in multiethnic students groups. Lithuania made big efforts in 2008 to organise early childhood (pre-school) and other non-formal education for Roma children, and introduced also teacher's assistants in schools frequented by Roma. Poland made significant progress with regard to the admission of Roma children to schools, their attendance and outcomes. This was sustained, *i.a.*, through the work of approx. 100 Roma educational assistants (from the Roma population) and a similar number of teachers supporting the education of Roma children. Romania enacted in 2007 legislation on preventing segregation in schools. In the Slovak Republic improvements in this field were prepared through the elaboration of a Concept of Upbringing and Education of Roma Children and Students and the National Action Plan for Children. Concrete progress was achieved through the recruitment of teacher's assistants in pre- and primary schools as well as through investments in pre-school education for the last year before the beginning of

mandatory schooling (“zero grade”). Finland targeted measures on Roma children and early school leavers in 24 municipalities, while The Netherlands supports as from 2010 the school attendance enrolment of Roma girls older than 12 years.

The Czech Republic established a programme to support Roma students in secondary and university education as well as in vocational training. Hungary had set up already in 1996 a scholarship programme for Roma students with good academic results. In 2008 12,335 Roma student received scholarships with the total budget 466 million HUF; in 2009 the total budget of the programme was 465 million. Also Poland awards special scholarships to artistically talented Roma students and Roma students in tertiary education. Spain where segregated schools have never existed and where almost 100% of Roma children attend primary education has established compensatory classes in all public schools with a view to diminish absenteeism.

In Bulgaria more than 3,500 students participated in Roma language and Roma culture courses. The Slovak Republic made efforts to prepare teachers for schooling in the Roma language (Romanès). Lithuania invested in intercultural training for teachers. The history of Roma was introduced in the Romanian school curricula in 2008. The region Schleswig-Holstein (Germany) organised childcare for Roma offered by mediators. The region Hamburg has worked together with Sinti NGOs and a Berlin-based integration NGO at a concept to open pedagogic training for Roma without high school certificate.

The focus in Hungary was clearly on desegregation: this applied to the segregation into both special needs schools and all-Roma schools. Hungary managed to reduce the number of children who were sent to special needs schools by 11% through the programme “Out of the last row” and the allocation of a higher normative subsidy (+ 70%) for children who were redirected to mainstream education. Also the Equal Opportunities Funding Policy contributed decisively to desegregation.

Equal Opportunity Funding Policy in Hungary

The Hungarian Government developed the so-called Equal Opportunity Funding Policy (EOFP) in 2007, which was introduced first in the field of public education and urban-rehabilitation. The main goal of the EOFP is to introduce an Equal Opportunity Plan for the allocation of EU funds which is a pre-condition for all tender proposals in these fields. The applications/tenders are to be approved by independent experts.

The situation in about 1,000 villages has been analysed in a report on the local situation of equal opportunities in public education. This report has re-enforced the view a local Equal Opportunity Plan can contribute to de-segregation. In the framework of urban rehabilitation programmes, 160 de-segregation plans are addressing the interventions and measures until 2013 for housing, as well as for the social, health and employment integration of people living in Roma settlements.

In September 2009 the Hungarian government has announced that, as of 1 January 2010, the EOFP will be a fundamental requirement when launching calls for proposals for municipalities.

Italy supported five projects which were implemented with a network of schools in metropolitan areas; these projects aimed at encouraging the integration of students from Roma communities into mainstream schools and at improving the relationship between Roma families and educational institutions. Moreover, it set up hosting and assistance services for Roma minors with a view to limit school abandonment.

2.3.2. *Employment*

There is little information from the Member States on measures to improve the labour market situation of Roma outside of the mainstream labour market and vocational training programmes; those have had only a limited impact on the labour market integration of Roma in the last years.²¹ Bulgaria started in 2008 to train and hire 125 mediators of Roma origin for labour exchanges. The Czech Republic started in 2008 to support targeted projects of social integration of Roma localities from the European Social Fund and implemented the pilot project "Assistance for long-term unemployed in Ostrava and Most districts". Continuous support has been provided for employers and municipalities employing long-term unemployed by means of supporting usually supported and protected jobs and public works. Hungary launched a programme targeted at Roma graduates with a view to support their participation in the entry exams for the public sector and creates in this area 200 jobs from 1 January 2011. In 2008 Italy has earmarked 3.4 m € within the national Fund for Social Policies for specific interventions targeted on Roma employment. In this framework a completely new programme was launched which comprises apprenticeships, internships, information and guidance, employment support services and the training of Roma cultural mediators. Lithuania adapted its vocational training programme for unemployed Roma in 2008 and set up a job search centre targeted at Roma. Poland tried to increase Roma employment by subsidised jobs. Romania supported labour market integration projects with NGOs. Key instrument for Roma employment in Spain is the Roma Development Programme.

2.3.3. *Health*

In the field of Roma health the focus of Member States was on awareness raising for issues such as vaccinations, better nutrition, healthy lifestyle and personal hygiene. Slovenia launched a health promotion programme in 2009 and, in the Pomurje region, a successful action plan on health inequalities. The Czech Republic implemented in seven regions a project on health assistants. Hungary supported the establishment of local health houses with 3.8 b HUF from the national budget. Poland number increased the number of community nurses from 6 nurses in 2005 to 35 in 2008. Lithuania focused on an information campaign on the sanitation and hygiene of Roma women and girls. Roma women and girls were also a focus group of the health research programme carried out in Slovenia in 2008/2009.

2.3.4. *Housing*

Most Member States addressed the issue of housing. This was achieved through the construction of apartment buildings and improvements of the infrastructure (Bulgaria, Czech Republic, Romania, and Slovak Republic). In Hungary a programme aimed at the eradication of shanty-towns and targeted 39 small villages with Roma communities with a budget around 12 million €. Bulgaria has a national programme for the improvement of housing conditions of Roma in place which is implemented over 10 years. In the period 2007-2009 the programme was funded with 10-11.7 m BGN/year from the national budget. In 2008, 100 cadastral maps and registers for more than 100 locations with a predominantly Roma population were elaborated. Moreover, 20 projects in 18 municipalities were carried out with a view to reconstruct the water supply system and sewerage for more than 8,000 people. In the case of Greece the legal reform to housing loans in 2006 had a positive impact in this area.

²¹ Cf. section 3.3.1.1

In this context, the priority has shifted to the protection of the most vulnerable groups within the Roma community through the adoption of social assessment criteria. Poland put the focus on repairs, connections to the sewerage, water supply and electricity. An addition to these actions was the construction of 44 new social housings or apartments. Romania approved in 2008 a pilot programme "Social housing for Roma communities" which aims at building 300 social housing units in the eight development regions of the country. For Spain, the access to decent housing in a healthy environment has a high priority with regard to Roma inclusion. Available data shows that 88% of Spanish Roma are living in normalised houses (which have in 96% of all cases water and electricity supplies); the national administrations responsible for housing continue to work on the eradication of the remaining shantytowns and segregated areas. Belgium highlights the problem of mobile Roma communities (Voyageurs). Hence, both the Flemish and the Walloon Region put a focus on improving structures for mobile homes and caravans by buying the ground and improving the infrastructure.

2.3.5. Other Areas

Progress with the aim to improve the personal safety of Roma was reported from the Czech Republic with its special social terrain programme for prevention of criminality, Latvia with a training programme for police officers, and the Slovak Republic where police specialists were trained to work with Roma communities and from Sweden where in 2008 for the first time data on hate crimes with an anti-Roma background were collected.

Member States such as Finland undertook in 2008 and 2009 specific surveys on the labour market situation of Roma, elderly Roma people, the welfare of Roma children and young people, the use of Romanès in Finland, and on Roma history. In late 2009, the Swedish Ombudsman published a report on the ways the Equality Ombudsman has used its powers and the legislation to tackle discrimination faced by Roma in the country.

2.4. Involvement of Roma Communities

In virtually all Member States Roma communities are involved through advisory and consultative bodies. In Bulgaria, the Council for Roma Integration, set up in 2006, is composed of 24 representatives of Roma and non-Roma NGOs and gives opinions to the national Roma Decade Coordinator. In the Czech Republic half of the members of the Government Council for Roma Community Affairs are Roma representatives. Moreover, Roma are represented in local commissions for national minorities. Hungary has established in 2006 the Council of Roma Integration (with the Roma Steering and Monitoring Committee) and, in 2007, the Civil Umbrella. In the Slovak Republic Roma NGOs are involved in the Council for National Minorities and Ethnic Groups and in the Council for Non-governmental Non-profit Organizations. Sweden has set up in 2006 the Delegation for Roma Issues, and Slovenia established in 2007 the Roma Community Council. In Finland the Advisory Board on Romani Affairs is attached to the Ministry of Social Affairs and Health. Poland has the Joint Commission of the Government and National and Ethnic Minorities with a standing team for Roma affairs which involves 22 persons representing the Roma minority organisations. Roma NGOs are involved in the Minorities Consulting Council of the President of Latvia and in supervising the Latvian national program on Roma. Lithuanian Roma NGOs have approved and they have been directly involved in the implementation of the national integration programme 2008-2010.

In Estonia Roma NGOs have participated in 2009 in the elaboration of National Report on Social Protection and Social Inclusion where they had the possibility to describe their situation and make suggestion to the national report.

The leading German NGOs of Sinti and Roma participate in the implementing conferences for the Framework Convention on National Minorities and for the Charter of Languages.

2.5. Implementation of Common Basic Principles

In June 2009 Member States have unanimously agreed in Council to take the Common Basic Principles for Roma inclusion into account when drawing up or implementing relevant policies.²²

Some of them, such as the Czech Republic, Latvia, Slovenia and Spain have already implemented the key principles. Italy and the Slovak Republic stressed that the Principle (2) – explicit but not exclusive targeting is at the core of their programmes. The Slovak Republic is the only Member State which implements the horizontal priority “Marginalised Roma Communities” within the framework of the EU Structural Funds and, thus, gives an excellent example for the effective application of Principle (7) – use of European Union instruments. Finland highlighted that it focuses particularly on Principles (4) – aiming for the mainstream and (8) – involvement of regional and local authorities. Greece pursues Principles (2) and (4) as well as the involvement of local authorities and Roma representative bodies as defined in Principles (8)-(10). Italy underlined that its core activities for Roma inclusion are based on the active involvement of regional and local authorities in accordance with principle (8). Lithuania emphasised that its national integration programme for Roma fulfils most of the Principles.

3. PROGRESS AT EUROPEAN UNION LEVEL

In response to the Council conclusions of December 2008 Commission services started to assess as from January 2009 which of the existing instruments and policies could be made more effective for Roma inclusion. This had immediate results with regard to the visibility of Roma problems, but will have a much more important mid- and long-term impact on the design and the implementation of instruments and policies, because it prepares the ground for a more effective mainstreaming of Roma issues in all relevant European Union policies.

The assessment of instruments and policies was broken down to three major strands: legal instruments and knowledge about rights, policy coordination at European Union level and the support of national policies through European Union cohesion policy and other funding opportunities as well as governance.

The Common Basic Principles for Roma Inclusion have been addressed already by the Commission in official policy documents (such as the amendment of the ERDF Regulation²³), information for the general public (such as the leaflet “EU Action for the Roma”²⁴) and were as of 2009 a reference document for all Commission services when drawing up policies or developing instruments which might be relevant for Roma. For this reason, the Commission

²² Cf. section 1.3.3

²³ Cf. section 3.3.2.2

²⁴ Cf. section 3.5

has organised in September 2009 an internal training session open to all staff on the Common Basic Principles.

3.1. Gender Mainstreaming

The 2008 CSWD integrated systematically the gender dimension into the analysis of instruments and policies. The actions carried out by the European Union since then comprised the gender perspective.

Member States have recognised the particular vulnerability of Roma women and girls in a broad range of areas and have, as the last section demonstrates, made some efforts to overcome the risk of exclusion based on gender and ethnic origin.

The Common Basic Principles have highlighted the importance of the gender dimension by stressing: “*Roma inclusion policy initiatives need to take account of the needs and circumstances of Roma women. They address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.*”²⁵ The following sections demonstrate that the situation of Roma women and girls has been taken into account by policy actors at the national and European Union level.

In order to complete the knowledge about the situation of Roma women, the Commission has commissioned in 2008 a comprehensive study on ethnic minority and Roma women in Europe which was published in November 2008.²⁶ On the basis of existing evidence the study showed that ethnic minority and especially Roma women are the most vulnerable to multiple discriminations and face higher risks of social exclusion and poverty than the women of the native population and minority men. Main reasons for this are the low educational attainment of Roma girls, the lack of quality employment, bad housing and living conditions which lead to a poor health status as well as discrimination from both the majority society and traditional Roma communities.

3.2. Legal Instruments and Knowledge about Rights

The European Union has the competence to legislate *i.a.* in the areas of non-discrimination, freedom of movement and the protection of personal data. Moreover, Member States pursue their cooperation in the area of justice and home affairs and address in this respect the issue of racism and xenophobia.

3.2.1. New Legal Instruments and Enforcement of Existing Legislation

In terms of new legal provisions the most important progress was the adoption of the Framework Decision on Combating Racism and Xenophobia in November 2008.²⁷ This Framework Decision aims to ensure that racist and xenophobic offences are sanctioned in all Member States by effective, proportionate and dissuasive criminal penalties. The offences include the public incitement to violence or hatred against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic

²⁵ Common Basic Principles no. 5

²⁶ European Commission, Ethnic minority and Roma women in Europe: A case for gender equality? Synthesis Report (2008);

<http://ec.europa.eu/social/main.jsp?catId=813&langId=en&moreDocuments=yes>

²⁷ Council Framework Decision 2008/913/JHA

origin. Such a conduct is also punishable if committed by public dissemination or distribution of tracts, pictures or other material. For any other criminal offences than those covered by the Framework Decision, Member States are obliged to ensure that racist and xenophobic motivation is considered as an aggravating circumstance, or alternatively that such motivation may be taken into account in the determination of the penalties. The Framework Decision also contains provisions on the liability of legal persons. Member States shall take the necessary measures to comply with the Framework Decision by 28 November 2010. The Commission has committed itself to monitor the implementation of this Framework Decision as closely as possible, in line with the powers conferred to it by the Treaty. A group of Member States' experts has been set up to this end.

The Commission continued to enforce the existing Directives on discrimination on grounds of race and ethnic origin,²⁸ on freedom of movement,²⁹ and on the protection of personal data³⁰ by following up complaints and requesting information from national governments. In this context it has initiated infringement procedures for the lack of complete and correct implementation of European Union legislation.

In order to enforce the “Racial Equality” Directive 2000/43/EC – which provides protection against discrimination on grounds of race or ethnic origin in employment, education, social protection and access to goods and services – the Commission has engaged 24 procedures for incorrect transposition, 12 remain open (against Belgium, the Czech Republic, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Sweden, Slovenia and the United Kingdom). The Commission is analysing the conformity of recently adopted new laws in other Member States (the Czech Republic and Slovenia), as well as the replies of Member States to the points raised and decisions are expected to be taken in the near future. The issues more frequently raised concerned the scope of the Directive, the definitions (direct, indirect discrimination and harassment), the right of associations to engage into judicial action on behalf of the victims and the competences of the national Equality Body.

3.2.2. *Improving Knowledge about Rights*

The national laws which transpose Directive 2000/43/EC are still relatively new in a large number of Member States. Consequently, citizens, and to a certain extent also legal practitioners and NGOs, have a wide knowledge gap.³¹ This is particularly relevant for Roma who are not only the group which is most vulnerable to discrimination; in 2008/2009 between 66% and 92% of Roma, depending on the country surveyed, did not report their most recent experience of discrimination, and on average 86% of Roma could not name any organisation which could support them in case of discrimination.³² Hence, the raising of awareness for existing rights and obligations is crucial.

Since the beginning of 2009 each anti-discrimination course offered by the Academy of European Law in Trier under the PROGRESS programme for legal practitioners, members of

²⁸ Directive 2000/43/EC

²⁹ Directive 2004/38/EC

³⁰ Directive 95/46/EC

³¹ Cf. *i.a.* the results of Special Eurobarometer 263: Discrimination in the European Union (2007) and Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes (2008)

³² EU-MIDIS ‘Data in Focus’ report 1: The Roma (2009)

the judiciary, and university professors and law lecturers comprises a lecture on legal issues in discrimination against Roma.³³

Directive 2004/38/EC stipulates the right of freedom of movement for EU citizens and defines under which conditions citizens can make use of it. The European Union Fundamental Rights Agency released a report on the situation of Roma EU citizens who make use of this freedom and organised at this occasion together with the OSCE and the Council of Europe a joint conference on this issue on 9-10 November 2009. The European Agency of Fundamental Rights Agency released a report on the situation of Roma EU citizens moving to and settling in other EU Member States. The research shows that poverty and racism are the main factors "pushing" Roma to leave their countries of origin, with poverty being the dominating factor mentioned by Roma respondents. Factors "pulling" Roma to certain destination countries include their assumed prospects for finding work and improved living standards. The research also identifies negative responses to the arrival of Roma EU citizens, and policies and practices with a potential impact on Roma exercising freedom of movement.³⁴

The Commission's campaign "For Diversity - Against Discrimination" addressed the issue of Roma discrimination both at the European and the national level in a number of Member States with significant Roma communities, such as Bulgaria, Romania, Hungary, the Czech Republic, the Slovak Republic and Spain.

The support for awareness raising actions and capacity building was in 2008 and 2009 also provided under the Instrument for Pre-Accession Assistance (IPA) in the candidate countries and potential candidates.

3.2.3. *Cooperation of National Equality Bodies (EQUINET)*

National Equality Bodies play a central role in providing support and assistance to victims of discrimination, in carrying out research and in informing about rights and obligations. EQUINET as the network of specialised Equality Bodies in the EU adopted in 2009 an action plan on Roma discrimination which aims at improving the cooperation of its members with a view to identify and disseminate good practice and exchange information on most frequent cases of Roma discrimination.

Moreover, EQUINET launched a survey on the treatment of complaints among its members. It is planned for 2010 to put a focus on strategic litigation based on best practice in this area.

3.2.4. *Monitoring of the Acquis in the Context of Enlargement*

The Commission's Directorate-General for Enlargement monitored and assessed continuously the legislative and administrative activities on the national, regional and local level with regard to the implementation of the *acquis* in the field of anti-discrimination and addressed shortcomings in its regular bilateral meetings with the governments of candidate countries and potential candidates. This includes also the access of Roma to identity documents. The results of this monitoring process fed into the 2009 progress reports.

³³ <http://www.era.int>

³⁴ EU Fundamental Rights Agency, The situation of Roma EU citizens moving to and settling in other EU Member States (2009); http://fra.europa.eu/fraWebsite/attachments/ROMA-Movement-Comparative-report_en.pdf

Although the progress reports show that Roma remain in nearly all candidate countries and potential candidates in an extremely disadvantaged situation, there are positive developments in some countries. In Croatia good progress has been made, in particular with regard to education. Bosnia and Herzegovina made also some progress regarding the enrolment of Roma children in school, and provided financial resources for the implementation of its Roma strategy under the Roma Decade. In Serbia a new strategy and an action plan for the improvement of the status of Roma has been adopted and there have been some positive results from affirmative action measures. Albania has joined the Decade for Roma Inclusion 2005-2015 and the respective Action Plan was adopted with adequate resources for implementation.

3.3. Policy Coordination, Cohesion Policy and other Financial Instruments

The structured cooperation of Member States in the form of the existing Open Methods of Coordination is of utmost importance in the central areas of education, employment and social inclusion with a view to mainstream Roma issues into national policies. In 2008 and 2009 the Commission has played its role as coordinator of the processes of mutual learning and as facilitator for the exchange of experience and good practice.

Cooperation among Member States took also place in the context of multilateral initiatives (such as the Decade for Roma Inclusion 2005-2015) and of networks (such as the European Network on Social Inclusion and Roma under the Structural Funds – EURoma).

3.3.1. Mainstreaming of Roma Inclusion in National Policies

3.3.1.1. Employment Policy

Roma employment remained a major challenge in the EU27 as well as in candidate countries and potential candidates. The financial and economic crisis of 2008 and 2009 has exacerbated this problem in terms of employment opportunities, but also in terms of public investments in education, training, active labour market policy as well as in terms of access to financial services for Roma self-employment.

In 2009, the Commission has for the first time put a specific focus on Roma in the context of the Lisbon Strategy. National performance levels and policy responses concerning inclusion of Roma in the labour market have been analysed on the basis of National Reform Programmes in the Member States and fed into the Joint Employment Report (JER) 2008/2009. The report stressed that Roma are among the groups with a high proportion of their members outside the labour market.

Joint Employment Report 2008/2009

The integration of Roma is an emerging issue in the Czech Republic, Romania, Hungary, Spain, the Slovak Republic and Bulgaria. Measures to encourage access and integration into the labour market include anti-discrimination policies, for example in the form of legal proceedings combating school segregation and the refusal to hire Roma (Bulgaria, Hungary). Labour market policies also include subsidised employment programmes (Bulgaria), pre-employment training, career guidance and supervision help Roma integrate into the labour market (Spain), focus on the Public Employment Service to increase the motivation of Roma to start working (Slovak Republic) and the appointment of mediators assisting their job search (Bulgaria)³⁵

³⁵ Joint Employment Report 2008, Council Document 7435/09, p. 13; COM(2009)34, p. 67

The JER 2008/2009 stressed also that many indicators highlight the poor quality of education received by Roma children, with segregation as a pervasive problem and high drop-out rates. Member States were combating this through the provision of free text books and scholarship assistance (Bulgaria), special Roma-reserved places in both high schools and universities (Romania and Hungary) and grant schemes for scholarships (Slovak Republic). The Slovak Republic adopted a White Paper on the education of Roma children and pupils, including the development of secondary school and university education. Bulgaria has created a lifelong learning strategy to target the group for literacy measures and courses. The European Social Fund (ESF) was used to support marginalised Roma communities in the Czech Republic, Spain and the Slovak Republic.³⁶

The evaluation of actions carried out by the Member States in 2009 fed also into the 2009/2010 Joint Employment Report which makes specific reference to the situation of Roma.³⁷ Moreover, it is planned to integrate a specific focus on Roma into the Country Specific Recommendations and into the Mutual Learning Programme 2009-2010.

3.3.1.2. Social Inclusion Policy

The coordination of national policies on social inclusion in 2009 showed that Roma continued to be exposed to a high risk of poverty and exclusion from society. The National Strategy Reports on Social Protection and Social Inclusion have been analysed under Open Method of Coordination with a specific focus to this particularly vulnerable group. In 2009 National Action Plans gave increased coverage to the situation faced by the Roma.

Joint Report on Social Protection and Social Inclusion 2009

Roma people face multiple disadvantages and belong to the most excluded in European societies. In the new reports Member States with a sizable Roma minority have upgraded their coverage of the issue and, in general, there is a better recognition of the challenges it entails. Action taken or announced mainly focus on desegregation, access to employment, addressing educational disadvantage and improved access to basic services such as housing and healthcare. However, in most countries a comprehensive policy framework is still lacking, also due to the non-availability of data and an insufficient knowledge-base.³⁸

A number of National Action Plans (Bulgaria, Czech Republic, Greece, Spain, Italy, Hungary, Latvia, Portugal, Romania and Slovenia) referred to measures taken to improve access to education for Roma children. Existing data shows that Roma children continue to face educational disadvantage. Virtually no information was provided by Member States on the involvement of Roma in adult education or vocational training programmes.

In terms of labour market integration, policies presented in most National Action Plans stayed within the limit of pilot actions or had a narrow, workfare-type perspective. Member States with a significant Roma population had often not yet considered the important potential of Roma in view of labour force shortages and invested accordingly in education and training, including preparation for (and support of) self-employment.

³⁶ Joint Employment Report 2008, Council Document 7435/09, p. 15; COM(2009)34, p. 67

³⁷ COM(2009) 674/3

³⁸ Joint Report on Social Protection and Social Inclusion 2009, Council Document 7503/09, p. 6; the Supporting Document and the country profiles annexed to the Joint Report gave a comprehensive overview on the situation and the recent developments in the Member States, *cf.* SEC(2009)141 annexed to COM(2009)58 and SEC(2009)255

Some Member States (France, Slovenia, and the UK) have reported about investments in infrastructure for Roma settlements or sites for travelling people. Nevertheless the situation of housing remains precarious as a comparative study on Roma housing shows which the EU Fundamental Rights Agency published in October 2009. It highlighted that Roma and Travellers are strongly disadvantaged in private and social housing throughout the European Union. This includes discrimination in access to housing, poor housing conditions, segregation, and forced evictions. The research shows that sometimes, Roma live in squalid shanty-towns and temporary camps, often in segregated and environmentally hazardous areas. Very often, Roma housing areas have poor access to public services, employment and schools, and are without adequate access to public utilities such as water, electricity or gas. Many Roma and Travellers live in overcrowded conditions, with considerably less space per person than national averages, where many dwellings are in a state of considerable disrepair.³⁹

Rural poverty tended to receive less attention than poverty in urban areas. The risk of poverty was in rural areas three times higher than in urban areas. Only Hungary was addressing this problem with two programmes for the 600 most disadvantaged settlements and the 33 most disadvantaged micro-regions of the country.

Segregation remained one main obstacle to Roma inclusion, but no general conclusions could be drawn from the figures on desegregation presented by several Member States. A comprehensive approach to desegregation was presented by Hungary with an action plan for 2008-2009. This Member States requires an anti-segregation plan as precondition for obtaining urban rehabilitation development resources. Moreover, an anti-segregation network had been established by the responsible Ministry.

In the area of social inclusion the first peer review ever on Roma inclusion with eight participating Member States took place in May 2009 in Athens.

In 2009 the Commission and UNICEF prepared a joint management project on "Early Childhood Development as Entry Point to the Social Inclusion of Roma Children" that will be implemented in 2010 and 2011 with a focus on activities in the Czech Republic, Hungary, Romania and Spain, but also on the Former Yugoslav Republic of Macedonia and Serbia.

The Social Protection Committee (SPC) as the responsible body for policy coordination in the EU in the area of social inclusion has put the social inclusion of Roma on its agenda in 2009 and will do this also in 2010. The SPC works *i.a.* on thematic monitoring and discussed the idea of organising a thematic year on Roma inclusion. The SPC will also meet the Group of Governmental Experts on Discrimination in 2010 in order to develop a more consistent approach with regard to the situation of Roma.

In order to develop concepts, definitions and operational patterns to combat excessive exclusion of Roma and other groups in similar socio-economic conditions, the Commission has launched in 2009 a study on "How to measure extreme poverty in the EU?". Preliminary results are expected for the autumn of 2010; the final study will be published at the end of 2010.

³⁹ EU Fundamental Rights Agency, Housing conditions of Roma and Travellers in the European Union - Comparative report (2009); http://www.fra.europa.eu/fraWebsite/attachments/ROMA-Housing-Comparative-Report_en.pdf Key findings comprise that 70% of Roma do not know that laws exist which prohibit their discrimination in access to housing; 71% think nothing would happen if they reported it, and 41% are unsure how to report discrimination.

3.3.1.3. Education Policy

In 2008 and 2009 the European Union policy on education, culture and youth followed a mainstreaming approach of equal opportunities (including attention to ethnic minorities). However, the specific situation of Roma was taken into consideration in policy coordination as well as in the implementation of the relevant European Union programmes.

In 2008 the Commission published the Green Paper on "Migration and Mobility: Challenges and Opportunities for EU Education Systems".⁴⁰

The European Parliament adopted in April 2009 a resolution⁴¹ on the topic of the Green Paper in which it stressed "*the need to integrate migrants and social categories such as Roma people, in society; [the EP emphasized] that integration must be based on the principles of equal opportunities in education, ensuring equal access to quality education; [and the EP rejected] any solutions - whether temporary or permanent - that are based on, or lead to, segregation and poor education.*"⁴² Also the Committee of Regions and the European Economic and Social Committee³ provided opinions on this topic.⁴³ The analysis of responses was published in the summer of 2009.⁴⁴

One peer learning activity carried out in 2009 in the field of early school leaving also touched upon Roma.

The strategic framework for European cooperation in education and training ("ET 2020")⁴⁵ which was adopted by Council in May 2009 fixes the promotion of equity, social cohesion and active citizenship as one of four strategic objectives. It puts a focus on early leavers from education and training by strengthening preventive approaches, building closer cooperation between general and vocational education sectors and removing barriers for drop-outs to return to education and training. It also puts a specific focus on pre-primary education with a view to promote generalised equitable access and on learners with special needs. It establishes benchmarks for progress by 2020 in both areas.

The 2nd meeting of the European Platform for Roma inclusion on 28 September 2009 highlighted the key problems faced by Roma in the education system based on a number of underlying factors related to the general characteristics of the education systems (e.g. insufficient places in pre-school education, excessive use of early testing and labelling, etc.) and to inter-cultural elements (prejudices and cultural misunderstanding). The presentations and discussions emphasised the link with the socio-economic context in which Roma are living: unemployment and socio-economic status of parents, incidental costs of mainstream schooling and poor health/inadequate nutrition of children, are additional factors that have an impact on Roma access to quality education. A number of potential remedies to respond to these challenges such as desegregation, positive and affirmative action or socio-economic

⁴⁰ COM(2008)423

⁴¹ P6_TA(2009)0202

⁴² *Ibid.*, paragraph 14

⁴³ Opinion of the Committee of the Regions of 13.02.2009 on the Green Paper 'Migration and Mobility', OJ 2009/C 12/07; Opinion of the European Economic and Social Committee of 25.2.2009 on the 'Green Paper – Migration & mobility: challenges and opportunities for EU education systems', EESC/2009/344

⁴⁴ SEC(2009) 1115 Results of the consultation on the education of children from a migrant, p. 8 background

⁴⁵ Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020'), OJ 2009/C 119/02

intervention were presented. The conclusions by the representative of the Swedish Presidency stressed as main political messages:⁴⁶

- the moral, legal and political imperative to guarantee access to quality education for all Roma, in particular Roma girls;
- the interdependence of economic, social and educational progress of the Roma communities and the majority society;
- the rejection of using special needs schools as general solution for Roma children;⁴⁷
- the pursuit of the general objectives of equity, social cohesion and active citizenship in implementing the “Education and Training 2020” framework.

This first discussion on education in the framework of the platform will be followed up, *i.a.* at the 2nd European Roma Summit in Córdoba on 8-9 April 2010.

The pilot project “Pan-European Coordination of Roma Integration Methods” focuses in one of its four fields of intervention on the improvement of the access of Roma children to quality early childhood education, and the enhancement of child development for Roma children aged 0-6 (ECEC). This part of the project has an indicative budget of 2 m €. It is expected that it will contribute to prove to the populations concerned, both Roma and non-Roma, the paramount importance of ECEC in breaking the vicious circle of exclusion and as an essential instrument for Roma inclusion. By identifying, developing and disseminating policies and effective good practices in this area, the Commission aims at providing the necessary evidence for introducing and scaling up ECEC.

3.3.1.4. Youth and Culture Policy

The Youth in Action Programme has paid a particular attention to the access of young people from Roma Communities, through its annual priority focus in 2009 and 2010. In 2009, six projects involving overall more than 100 Roma participants touched upon the Roma issue. They mainly aimed at raising awareness about Roma culture.

In the framework of measures taken to facilitate the access of Roma young people to the Youth in Action programme, a handbook has been published and disseminated to youth leaders and youth workers working with Roma young people.⁴⁸ The handbook informs on the structures of the programme and gives examples of youth projects already in place.

In 2009 Roma culture has been valorised in EU activities in the field of culture as a follow-up of the year of inter-cultural dialogue. In the course of 2010, the Commission intends to support the set up of a network of experts in Romani studies. The aim will be to provide a reference for education content and cultural activities, while also bringing academic research on culture and identity with policy making in broader fields, at both European and national level.

⁴⁶ <http://ec.europa.eu/social/main.jsp?langId=en&catId=518&newsId=597&furtherNews=yes>

⁴⁷ Referring also to the landmark decisions of the European Court of Human Rights in the cases *D.H. and others v. the Czech Republic* (judgement of 13 November 2007, application no. 57325/00) as well as *Sampanis and others v. Greece* (judgement of 5 June 2008, application 32526/05)

⁴⁸ Youth in Action and the Roma Community – Inclusion of diversity (2009)

3.3.1.5. Public Health Policy

The Commission highlighted in 2009 a specific focus on the problem of health inequalities and action needed to tackle them. The Communication “Solidarity in Health: Reducing Health Inequalities in the EU”⁴⁹ stresses the relationship between social vulnerability, poverty and social exclusion and poor average levels of health. Living conditions, education, occupation and income are identified as important factors affecting the health of people.

The Communication explicitly mentions the Roma among the vulnerable and socially excluded groups that experience particularly poor average levels of health, outlining *i.a.* that Roma have an estimated life expectancy of 10 years less than the general population. It sets out the Commission's intention to launch initiatives to improve access and appropriateness of health services, health promotion and preventive care for migrants and ethnic minorities and other vulnerable groups. The Commission will also examine how the Fundamental Rights Agency could, within the limits of its mandate, collect information on the extent to which vulnerable groups may suffer from health inequalities in the EU, particularly in terms of access to adequate health care, social and housing assistance.

Evidence suggests that health inequalities may be greater for Roma women than for men⁵⁰. Reasons for poor health in such groups include a lack of basic needs for health (poor housing without adequate thermal protection or sanitation, poor quality of food), and more severe barriers to accessing health and other services.⁵¹

The results from a study carried out in seven European countries and released at the end of 2009⁵² brought out similar observations. This study revealed that from the age of 35, the Roma have a shorter life expectancy than the overall population in the EU27, with only 2.7% of the Roma population aged over 65 (17.0% in the EU27). The study established also a clear link between the health status and the living conditions of the Roma.

3.3.1.6. Data Issues

The lack of data on the socio-economic situation and demographic development of Roma communities is a serious obstacle for evidence-based policy making and effective European Union action. The collection and processing of personal data remains, however, also a sensitive issue for many Roma, in particular if the collection of data is interpreted as a preparation for social control policies.

In 2008 and 2009 the taskforce of EUROSTAT on equality data has analysed the practical possibilities to identify Roma as national minority in national statistics. The taskforce's report was discussed among the directors for social statistics in September 2009.

The fourth field of intervention of the Pilot Project “Pan-European Coordination of Roma Integration Methods”⁵³ foresees the development of evaluation methods (tools and methods

⁴⁹ COM(2009) 567

⁵⁰ Cf. the July 2008 Commission Staff Working Document, SEC(2008) 2172, and the study “Ethnic minority and Roma women in Europe: A case for gender equality?” (2008), <http://ec.europa.eu/social/main.jsp?catId=748&langId=en&moreDocuments=yes>

⁵¹ COM(2009)567, pp. 3; 8

⁵² Fundación Secretariado Gitano, Health and Roma Community: Analysis of the Situation in Europe (2009)

⁵³ Cf. section 1.3.4

for data collection) for Roma integration policies, with a specific focus on impact evaluation. It will go beyond project evaluation *per se*, as it aims to provide a coherent framework for evidence based policy and solid impact assessment. It will be carried out through a contribution agreement – joint management with the World Bank, the United Nations Development Programme (UNDP) and the European Commission.

3.3.2. *More Effective Use of the EU Structural Funds, Rural Development Fund, IPA*

The European Union provides with the EU Structural Funds (European Social Fund and European Regional Development Fund), the European Agricultural Fund for Rural Development, the Instrument for Pre-Accession Assistance as well as the specific European Union programmes funding opportunities with the view to support national policies and commitments made in the framework of the Roma Decade.

In line with the Common Basic Principles for Roma Inclusion⁵⁴ it is important that the EU Funds and the EU programmes are used in a way which is targeted on Roma without excluding other people in a similar socio-economic situation. The overall objective of projects and programmes supported by European Union funding should be the inclusion of Roma into mainstream education, the mainstream labour market, mainstream housing and mainstream society in general. In order to be effective it is crucial that the ownership for such projects and programmes is with the local authorities and the Roma communities and their organisations. Thus, the Common Basic Principles go far beyond the general non-discrimination clause in the EU Structural Funds Regulation.⁵⁵

The identification of successful projects, programmes and policies for Roma inclusion and of those factors which made them a success is important with a view to valorise the results, to fine-tune European Union instruments and to promote transferability. To this end the Commission has commissioned in 2008 a comprehensive study on this subject. The study is based on 18 country studies which feed into a synthesis report. The preliminary results will be discussed at a validation seminar planned for the first quarter of 2010; the final report will be published in the summer of 2010. The study is accompanied by a steering committee of experts from the Commission and NGOs which met for the first time in March 2009 and for the second time after the presentation of the country studies in the winter of 2009/2010.

3.3.2.1. European Social Fund

In the implementation of the European Social Fund (ESF), progress was achieved through the application of complex programming as well as through a stronger focus on Roma in monitoring and evaluation.

The Slovak Republic indicatively earmarked in its National Strategy Reference Framework 200 m € from both the European Social Fund and the European Fund for Regional Development to a horizontal priority for the marginalised Roma communities. This money will be spent on the basis of comprehensive local strategies which will be presented in

⁵⁴ Cf. section 1.3.3

⁵⁵ Art. 16 of the Council Regulation 1083/2006 provides that: “*The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them*”

January 2010. It can be expected that the calls for proposals for the Operational Programmes will follow as soon as the strategies are approved.

The Commission asked Member States to describe how they ensured that the non-discrimination provision in the General Regulation of the Structural Funds was observed.⁵⁶ On the basis of these reactions, the Commission launched a horizontal study and prepared peer reviews on Roma inclusion within the ESF Committee.

The development of tools for a better monitoring of access to training and employment and, thus, for better targeting of financial support has been addressed by Commission and national authorities who implement the EU Structural Funds in the framework of the EURoma network. The network examined in 2009 the Hungarian "learning card system" and the new programme for the 33 most disadvantaged micro-regions as well as the mapping/research activities in the Czech Republic. Successful tools have been presented in 2009 to the ESF Committee.

Since 2009, the Commission is systematically analysing the implementation data of Operational Programmes with regard to specific measures for Roma. It is carrying out a qualitative assessment and making comments on the national Annual Implementation Reports, including the national horizontal priorities.

In 2009, the Commission promoted actively strategic evaluations foreseen in the Structural Funds Regulation with a view to detecting policy gaps and improving the planned measures. This has led to concrete initiatives in Bulgaria, the Czech Republic, the Slovak Republic, Slovenia and Spain.

In the summer of 2009, the Commission launched a study on the ESF support for Roma. This thematic study focuses on the social inclusion through measures aimed at promoting labour market participation. The study will identify measures under the ESF programming period 2000-2006 period and priorities in the current period 2007-2013 as well as under EQUAL in which Roma were targeted. It will collect data on Roma participation in ESF activities in these two programming periods and identify best practice.

A central element of creating ownership of programmes and of building capacity is the inclusion of Roma representatives in the Monitoring Committees. In 2008 and 2009 the Commission strongly encouraged Member States to follow this approach and suggested that Member States set up subcommittees within the relevant Monitoring Committees in order to deal with horizontal issues, including the situation of the Roma minority. The most important progress was made in the Czech Republic, Romania, the Slovak Republic and Spain.

A way of improving the implementation of the ESF is the visit of projects targeted on Roma by the respective Monitoring Committees, as well as the invitation of project managers to the Monitoring Committee meetings. Such visits have taken place or are planned for 2009 and 2010 in Bulgaria, Romania, the Slovak Republic, Slovenia and Spain.

⁵⁶ Council Regulation 1083/2006, Art. 16

3.3.2.2. European Fund for Regional Development

Important progress with regard to the access of Roma and marginalised communities to housing was prepared with the proposal to amend the Regulation of the European Fund for Regional Development.⁵⁷

The European Parliament has approved the first reading of the amendment of the 1080/2006 EC ERDF regulation on 9 February 2010 (the official publication is supposed to be published before the end of March 2010). The amendment of Article (7)2 will allow to launch interventions on housing for marginalised communities in urban and in rural areas. The intervention may include renovation and replacement of existing houses. Housing interventions should take place in the framework of an integrated approach (to be designed by national authorities). Hence, the intervention should not focus exclusively on housing, but include actions also in other relevant fields, such as *e.g.* education, health, social inclusion, employment, de-segregation. Moreover, housing interventions focused on a specific group should not exclude other people sharing similar socio-economic circumstances.

The proposed interventions in favour of these communities would take place within the current ERDF financial allocation (with a maximum amount of 3% by Operational Programme or 2% of the total ERDF allocation).

This proposal was one of the first Commission documents which was elaborated on the basis of and referred explicitly to the Common Basic Principles.⁵⁸

The actions to promote internal cohesion of deprived urban neighbourhoods ("URBAN-type actions") are implemented under Article 8 of the ERDF regulation. They are mostly programmed on regional level in several Member States. Social urban regeneration projects aim to improve the circumstances and chances of life of inhabitants, to prevent the deepening of segregation and to reduce the concentration of the low-status population. Special target areas of social urban regeneration include blocks of high-rise buildings constructed with industrialised technology, urban residential areas of traditional construction and industrial colonies, and areas populated by Roma.

The ROMA-NET network, under the URBACT programme, has the main objective to establish a trans-national exchange programme which would facilitate transfer of policy, planning and good practices, as well as provide capacity building for professional development on the issue of integration of Roma population. The transnational exchange programme will assist partner organisation to develop Local Action Plans. The network consists of 5 cities⁵⁹ and is considered for enlargement up to 8 partners.

In terms of territorial cooperation the "Roma-NET co-operation network" (with a budget of 142,614 €) is part of the Hungary-Slovak Republic cross border cooperation programme.

⁵⁷ Council Regulation 1080/2006, Art. 7(2); proposal for the amendment Council Document 13609/09

⁵⁸ Consequently, cons. 5 and 6 refer explicitly to the Common Basic Principles; *cf.* section 1.3.3

⁵⁹ Budapest/Hungary – lead partner, Udine/Italy, Heraklion/Greece, Karvina/Czech Republic, Amadora/Spain

3.3.2.3. European Agricultural Fund for Rural Development

A better involvement of Roma communities in the implementation of the EAFRD is ensured both at national and local levels. To this end Roma associations are at the national level members of the Rural Development Network in Romania and of the Monitoring Committees in Hungary and Bulgaria; Roma organisations at the local level are members of Leader local action groups in Hungary. In Romania the presence of Roma organisations in Leader local action groups is given a priority in the selection of local action groups. This will increase their capacity to apply for funding and to manage local projects.

Cornerstone of the use of the EAFRD for Roma inclusion is the promotion of targeted measures for Roma communities under this Fund's mainstream operations. This includes either the definition of specific eligible actions for the Roma population (*e.g.* vocational training and information actions in Hungary) in 2009 or in the project selection procedure priority to disadvantaged rural areas or disadvantaged rural population groups with high unemployment rates (*e.g.* in the Czech Republic and the Slovak Republic). This is applied for the measures which provide the population with basic services and focus on village renewal and development. This latter solution ensures that areas with a significant Roma population are benefiting from the available support.

In the above mentioned Member States the Commission monitors on an ongoing basis the implementation of Roma inclusion principles.

3.3.2.4. High-Level Visits of EU Structural Funds and Rural Development Fund

The EU Structural Funds (European Social Fund – ESF, and European Fund for Regional Development – ERDF) and the European Agricultural Fund for Rural Development – EAFRD represent with approx. 50 billion €/year an important part of the European Union budget. All three funds can be used to address the specific problems of Roma communities and to promote their social inclusion.

There is generally no lack of funds, but a lack of political commitment in certain Member States to use them for actions on Roma as major target group. In other Member States the willingness may be there at the national level, but is absent at the regional or local level. Another serious problem is a lack of experienced owners and project managers, a lack of political awareness among large parts of the Roma populations leading to less impact in self-organisation (including the capacity to apply for funding and to manage projects).

For these reasons the Commission started in 2009 to have bilateral discussions at high political level with the governments of Member States with significant Roma communities. These discussions aim at encouraging national governments to commit themselves to use the Funds and to reach targets by specific and established milestones.

The first of a series of meetings took place on 13-15 October 2009 in Hungary. This visit comprised a central conference in Budapest (in the presence of the Hungarian President) as well as conferences in Pécs, Szeged, Miskolc and Debrecen in order to create ownership at the regional and local level. In the run-up to the visit, the Hungarian government presented its

complex programme and renewed its commitment for the equal opportunities funding policy.⁶⁰

The “Complex Programme” in Hungary

The "complex programme" which was launched in October 2009 with a budget of 407 m € is based on an inter-sectoral approach and are implemented by several Operational Programmes in the 33 most disadvantaged micro-regions of Hungary (in which 10% of the national population, but about 1/3 of Hungarian Roma are living). A network of advisors of Roma origin has been set up to assist Roma applicants in project preparation and throughout all stages of the project cycle (contracting, monitoring, and reporting). Representatives of Roma NGOs participate at the Monitoring Committee meetings.

A second visit is planned for the second semester 2010 in Romania. Further meetings will follow. It is also planned to follow up in 2010 the first round of high-level visits by organising seminars at both Commission and Member State level on Roma and the Structural Funds.

3.3.2.5. European Instrument for Pre-Accession Assistance (IPA) and European Instrument for Democracy and Human Rights (EIDHR)

As the inclusion of Roma is an important political criterion for membership in the European Union, in the pre-accession phase, the European Union supports respective actions by the national governments of candidate countries and potential candidates with the Instrument for Pre-Accession Assistance (IPA). Budget allocations were in total at 1.5 b € in 2008 and 2009; they will increase to 1.6 b € in 2010; the Commission is implementing or planning projects with a total value of about 50 m € which either exclusively or partly could also benefit the Roma communities this and following years.⁶¹

In 2008 and 2009 the Commission raised awareness and encouraged candidate countries and potential candidates to develop projects targeted on ethnic minorities, and in particular on Roma, as a key priority under the existing Multi-Annual Indicative Planning Documents (MIPDs). This will continue also in 2010 and leads *i.a.* to explicit references to Roma in the calls for proposals.

Moreover, in 2008 and 2009 the Commission promoted the mainstreaming of Roma issues in projects on civil society, education, employment, social inclusion, provision with identity papers and housing. This is reflected in a number of existing projects and in the programming under IPA in 2009 and 2010. Finally, the Commission evaluated in 2008 and 2009 projects targeted at or mainstreaming Roma under IPA and identified best practice.

In terms of territorial cooperation, the IPA was used in combination with the Structural Funds for the Hungary-Serbia IPA CBC Programme which contains a provision in favour of Roma. IPA funding from the country programme for Bosnia and Herzegovina contributes to a project on the “Support for vulnerable groups in Bosnia and Herzegovina” (with a total budget of 2 m €) implemented by the European Commission Delegation.

Return, Reintegration and Cultural Heritage in Kosovo

The IPA 2007 Annual Programme has been amended in 2009 with the purpose to re-allocate 5 m € of unspent funds to new activities. This new activities aim to facilitate a peaceful and sustainable resettlement and

⁶⁰ Cf. section 2

⁶¹ Council Regulation 1085/2006; COM(2008)705

reintegration of displaced families, which would subsequently contribute to the closure of the lead-contaminated Osterode and Cesmin Lug camps in North Mitrovica. A project will be implemented through a grant awarded to the NGO Mercy Corps.

The European Instrument for Democracy and Human Rights (EIDHR) has been prioritising in 2008 and 2009 the inclusion of Roma in a number of candidate countries and potential candidates. There are a number of civil society projects in Serbia, Bosnia and Herzegovina, Macedonia and Albania targeting specific problems of the Roma communities. The various approaches these projects take reach from strengthening authorities and local NGOs to design, implement and monitor National Action Plans for Roma (Bosnia and Herzegovina, Moldova, Ukraine) to socially and economically integrating Roma into local communities (Albania), strengthening advocacy and networking capacities, particularly of youth from vulnerable groups (Serbia, Macedonia), awareness-raising and empowerment of minorities (Kosovo) and working through the media to fight discrimination and improve the situation of marginalized groups, including Roma (Bosnia and Herzegovina).

3.4. Governance

Cooperation among Member States and with the EU institutions regarding Roma inclusion is well established. Partly, it is Treaty-based (*e.g.* the European Employment Strategy),⁶² partly, cooperation relies on voluntary self-evaluation of Member States (*e.g.* the Open Methods of Coordination on Social Protection and Social Inclusion⁶³ and on Education).⁶⁴ Furthermore, cooperation takes place in the framework of international organisations, such as the Council of Europe, the United Nations and their Agencies, the Organisation for Security and Cooperation in Europe, or the World Bank, as well as in multilateral initiatives, such as the Decade for Roma inclusion 2005-2015, or more informal networks focused on Roma issues.

In all these contexts, the active involvement of Roma communities and NGOs representing Roma and defending their rights in discussions and decision making has become more and more important.

3.4.1. *The European Platform for Roma Inclusion*

The most important development since 2008 was the launch of the European Platform for Roma Inclusion (Platform) under Czech Presidency in April 2009 in response to the conclusions of the December 2008 General Affairs Council.⁶⁵

As the preceding sections have clearly demonstrated, there is in the Member States, at European Union level and within international organisations a new openness to mainstream the specific issues of Roma into policies and programmes. This is an important step forward. The broad variety of approaches, their different degrees of legal commitment, and their varying potential impact lead, however, to some confusion. For this reason, it is the Platform's rationale to make existing parallel policy processes more coherent and to create synergies. The Platform is not only a place for inter-governmental and international cooperation, but regards civil society as a constitutive element.

⁶² Art. 148(2) TEC

⁶³ Cf. COM(2008)418

⁶⁴ COM(2003)685 and joint reports 2004, 2006 and 2008

⁶⁵ Cf. section 1.3.3

As only two meetings have taken place in 2009, the Platform process is still emerging. With just this small experience, it can be said that the most important added value of the Platform is:

- The commitment of the single Council Presidencies and Trio Presidencies since 2009 to address Roma inclusion in their work programmes;
- The mutual information of key actors about their activities and the provision of feedback in this respect (in particular from civil society);
- The development of practical tools for the design, implementation and monitoring of policies such as the Common Basic Principles for Roma Inclusion;⁶⁶
- Political in-depth discussions with the Presidency of Council on thematic key issues for Roma inclusion which end with conclusions on which further debates can build;
- The preparation of legally non-binding political declarations on questions which can be taken up by Council, or the other actors.

The Platform is not a place for decision making, but it can help to identify the best solutions for problems. It can, thus, prepare the ground that the decision making bodies at EU, national and international levels make their choices.

It was discussed at the first Platform meeting in Prague in April 2009 whether a merger of the Platform with the Informal Contact Group “Roma” (ICG) would be useful. The members of the ICG decided in September 2009 to reflect about this and organise their meetings in the future immediately before or after the meeting of the Platform. Whether or not the work of the Platform can be aligned or merged with other initiatives needs to be discussed in 2010 and the following years.

3.4.2. Common Basic Principles for Roma Inclusion

These Principles elaborated in the framework of the Platform process represent a legally non-binding political declaration. With the Principle of “explicit, but not exclusive” they introduce an innovative approach which does not concentrate on the ethnicity of a person, but on the socio-economic reality in which this person lives. A second important political choice is enshrined in the Principle “Aiming for the mainstream”: Overall objective of Roma inclusion cannot be a segregated society or a segregated labour market. Hence, interventions must aim at including Roma into mainstream society by opening the mainstream schools for their children and offering employment opportunities on the mainstream labour market. The Common Basic Principles put a strong focus on the creation of ownership. This addresses local authorities as well as NGOs and Roma communities themselves.

Common Basic Principles for Roma Inclusion

Principle no 1: Constructive, pragmatic and non-discriminatory policies

Principle no 2: Explicit but not exclusive targeting

⁶⁶ Cf. section 3.4.2

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| Principle no 3: Inter-cultural approach |
| Principle no 4: Aiming for the mainstream |
| Principle no 5: Awareness of the gender dimension |
| Principle no 6: Transfer of evidence-based policies |
| Principle no 7: Use of Community instruments |
| Principle no 8: Involvement of regional and local authorities |
| Principle no 9: Involvement of civil society |
| Principle no 10: Active participation of the Roma |

3.4.3. *Cooperation with Civil Society, Local Actors and Capacity Building*

In 2008 and 2009 the Commission met regularly with European and national NGOs from EU Member States, candidate countries and potential candidates as well as from 3rd countries. These meetings served for the mutual information on European and national developments regarding Roma. The European Roma Summits and the meetings of the European Platform for Roma inclusion involved Roma and non-Roma civil society. In the case of the Summit this included also national NGOs from the EU27, candidate countries and potential candidates.

At the level of the Fundamental Rights Agency (FRA), an extensive stakeholder consultation took place in 2008. The results from this consultation on the future work of the FRA on Roma issues fed into its work programme 2009-2012. Moreover, the FRA promoted the dialogue with civil society and worked closely with NGOs in the framework of the Fundamental Rights Platform, which held its meeting in 2009. In the same year, the FRA facilitated one meeting of the Romani women networks. Another meeting with the networks is planned for 2010.

In April and May 2009 the Commission held consultations on a country by country basis with NGOs and civil society at the national, regional and local level from candidate countries and potential candidates. These consultations had a direct impact on the progress reports for enlargement. Moreover, meetings were held in the context of the EU development cooperation, and focused *e.g.* on the protection of rights of Roma women and children.

In Albania the European Commission is currently involving NGOs active in the area of Roma inclusion in the "People to People Programme", in the framework of Civil Society Facility.

After an open call for proposals, the Commission concluded in 2008 a partnership agreement with the European Roma Information Office (ERIO) for the organisation of a network of NGOs representing Roma and defending their rights which will be continued in 2010. In the context of this partnership agreement the Commission contributed to the running costs of ERIO with 200,000 €/year.

Since its establishment in March 2008, the Commission pursues a critical dialogue with the European Roma Policy Coalition and its member organisations⁶⁷ in the framework of the Platform, the European Roma Summit and the Roma Decade.

Under the national or multi-beneficiary programmes and the civil society facility of the Instrument for Pre-Accession Assistance (IPA) actions were launched in 2009 in order to support awareness raising and capacity building in candidate countries and potential candidates.

The Commission had in 2009 also liaised with the DecadeWatch, the monitoring mechanism of the Decade for Roma Inclusion 2005-2015. It involved in the spring of 2009 representatives of the DecadeWatch in the consultations on the reports on progress achieved in candidate countries and potential candidates.⁶⁸

3.4.4. *EURoma Network*

The European Network on Social Inclusion and Roma under the Structural Funds (EURoma) was launched in 2007 on an initiative of the Spanish government and is supported by the European Social Fund (ESF). It involves governmental experts from currently 12 Member States who are responsible for policies targeting the Roma community and who implement the EU Structural Funds as well as the Commission.⁶⁹

EURoma began its biannual conventions at the inaugural conference in Sevilla in January 2008. Since then, it has held meetings in Bucharest (May 2008), Mytilene (October 2008), Budapest (May 2009), and Stockholm (September 2009).

Most important outcomes of the EURoma's work was a study visit to the ACCEDER programme in Spain (March 2009) with a view to learn from the experience of the most successful Roma inclusion programme in the EU,⁷⁰ and a brief on ethnic data collection (September 2009).⁷¹

In 2009 the Commission promoted the EURoma network in relevant fora, such as the ESF Committee, and supported the initiative to invite further Member States to join the network.

3.4.5. *Network of Socio-economic Experts in the Field of Discrimination*

A number of networks have been established by the Commission, to provide Commission services with independent advice and analysis. Specific problems of Roma have been analysed e.g. by the Network of legal experts.⁷² In 2008 a Network of socio-economic experts in the field of discrimination was set up. The objectives of this Network are twofold: to provide the Commission with analyses of the situation and policy developments with regard

⁶⁷ Cf. section 1.3.1

⁶⁸ Cf. section 3.2.4

⁶⁹ <http://www.euromanet.eu>. The network's structure comprises the managing committee, three working groups on education, employment and social inclusion as well as the technical secretariat which is provided by the Fundación Secretariado Gitano.

⁷⁰ http://www.euromanet.eu/newsroom/archive/learning_from_experience_acceder_study_visit.html cf. also <http://www.gitanos.org/acceder>

⁷¹ http://www.euromanet.eu/upload/29/80/BRIEF_ON_ETHNIC_DATA_COLLECTION.pdf

⁷² Cf. e.g. European Commission, Segregation of Roma Children in Education (2007)

to discrimination (including discrimination against the Roma) in the EU27, and to support exchanges of good practice on anti-discrimination policies.

In 2009, the Network of socio-economic experts in the field of discrimination produced two reports that included, where relevant, descriptions of the policies and practices in place to prevent and fight against discrimination towards the Roma. The two national reports were discussed in each country, in the framework of a workshop involving and creating synergies among the various stakeholders concerned with discrimination.

3.5. Communication Strategy on Roma Issues

The Commission started to develop in 2009 an overall communication strategy on Roma issues which is based on the key message “*Roma in Europe: Support inclusion is for everybody’s benefit*” and is targeted on civil society, journalists and the general public.

Key elements of the strategy were the set up of a communication plan linked to the major events 2009-2012, a new visual identity for the Commission’s action in this area and the development of communication tools. In 2008 and 2009 all major events were broadly covered by the European and national media (print, radio and TV).

An important achievement was the creation of the European Roma web portal <http://ec.europa.eu/roma> which displays the most important documents from Commission, Council and European Parliament on Roma issues, disseminates information on the main events (European Roma Summits, Platform events) and gives access to relevant print and audiovisual publications.

With the leaflet “EU Action for the Roma” in September 2009 the Commission published for the first time a short overview on European Union instruments and policies for Roma inclusion for the general public and journalists.

The Video News Release (VNR) “Europe’s Forgotten Citizens – Defending Roma Rights” was mediated three times in June 2008, September 2008 and October 2009. It was used by more than 30 European, national and international broadcasters and found an audience of over 13 million people.

The DVDs “Time to change” (2008, in English and Romanès) and “Roma dreams – Roma realities” (2009, in English and Hungarian) which were produced under the campaign “For Diversity – Against Discrimination” (FDAD)⁷³ were screened at high-level events (European Roma Summit in 2008; High-level bilateral visit to Hungary in 2009) and widely disseminated to journalists, conference participants and interested persons.

4. CONCLUSIONS

In 2008 and 2009 there has been significant progress with regard to Roma inclusion at the European level. The issue was on top of the political agenda of the EU institutions and Member States and the Council conclusions in 2008 and 2009 have led to more and more concrete calls upon Member States and the Commission for action. Moreover, they have helped to embed the issue of Roma inclusion firmly into European Union policy making. It

⁷³ Cf. section 3.2.2

must not be ignored that the developments in 2008 and 2009 have not yet changed significantly the concrete situation and living standards of Roma communities. The EU Fundamental Rights Agency's "Data in Focus" report on Roma of April 2009 showed a very high overall level of discrimination, a lack of information about supporting and assisting bodies and a lack of trust into the justice and law enforcement. It is likely, that the financial and economic crisis has even exacerbated persisting problems as Roma become in some Member States scapegoats for emerging economic and social problems.

Member States had clear ideas about the central problems which prevent Roma from participating in mainstream society. These include education, employment, health and housing as well as poverty and discrimination as overarching motives of social exclusion. Those Member States who have set up national strategies in the framework of their commitments under the Decade for Roma inclusion 2005-2015 seem to have had a better starting position for using complex programming. It is a sign of progress that in all Member States Roma communities are involved in designing and implementing policies which concern them.

There has been significant progress at the European level in terms of rights with regard to the adoption in November 2008 of the Framework Decision on Combating Racism and Xenophobia. Moreover, the Commission has strengthened its efforts to enforce the existing legislation on non-discrimination, freedom of movement and data protection. Together with the network of specialised Equality Bodies, the EU Fundamental Rights Agency, and the Academy of European Law, the Commission has stepped up its efforts to inform Roma communities, NGOs, legal practitioners and the general public better on rights and obligations.

In 2008 and 2009 the Commission has also closely monitored the progress on Roma inclusion achieved in the candidate countries and potential candidates. The recent enlargement package shows still that Roma remain in most of these countries in an extremely disadvantaged situation. There are, however, signs of progress in Croatia, Bosnia and Herzegovina and Serbia.

The Exploratory Opinion of the European Economic and Social Committee of July 2008⁷⁴ already underlined that the existing Open Methods of Coordination have the potential to mainstream the key issues for Roma inclusion – education, employment, social inclusion – effectively into national policy making.

The policy coordination in the areas of employment and social protection and social inclusion has in 2008 and 2009 focused on Roma as a particularly important subgroup of vulnerable and marginalised groups. This is reflected not only in the respective Joint Reports, but also at the level of many national strategy documents and implementation reports. The fact that Member States have carried out for the first time ever a peer review on the social inclusion of Roma in May 2009 and that there is more and more exchange among national administrations on successful targeted programmes on Roma under mainstream policies shows that this potential is already used and can be further exploited. This is also indicated by the voluntary cooperation of Member States in the European Network on Social Inclusion and Roma under the Structural Funds (EURoma).

⁷⁴ The Integration of Ethnic Minorities/Roma, SOC(263), CESE 1207/2008, paragraph 5.3

The analysis of the 2008 and 2009 National Reform Programmes set up under the European Employment Strategy shows that in many Member States explicit policies have been implemented. Member States have launched *i.a.* initiatives with a view to promote desegregation, improve the access to education, employment and basic social services, such as health and housing. Many Member States have focused on the research on the situation of Roma in education and health. Moreover, the strategic framework for European cooperation in education and training "ET2020" which was adopted by Council in May 2009 aims at equity, social cohesion and active citizenship as one of its strategic objectives.

The conclusions of the December 2008 General Affairs Council stressed that the full potential of the EU Structural Funds needs to be used to support Roma inclusion. In order to explore how this can be best achieved by governments, the Commission made in Hungary in October 2009 the first of a series of High level visits to Member States.

In the implementation of the European Social Fund (ESF) most progress was made in 2008 and 2009 in monitoring and evaluation. This included strategic evaluations as well as the involvement of Roma communities in the Monitoring Committees of the Operational Programmes. The most important progress in the area of the European Fund for Regional Development (ERDF) was the proposal for an amendment to the Fund Regulation with the aim to make the ERDF more effective with regard to funding of Roma housing. The amendment foresees that housing interventions should take place in the framework of an integrated approach for marginalised communities.

With regard to governance, the launch of the European Platform for Roma inclusion in April 2009 with the aim to make existing parallel policy processes at national, European and international level more coherent has been the most important step forward. The 10 Common Basic Principles for Roma inclusion, as a legally non-binding political declaration with a practical orientation, were the first outcome of the Platform process. The EPSCO Council of June 2009 annexed them to its conclusions, and invited Member States and the Commission to take them into account when designing and implementing policies.

In 2008 and 2009 the Commission continued to cooperate closely with civil society in the framework of the partnership agreement for a network of Roma NGOs, at the meetings of the Platform and in preparation for the progress reports on candidate countries and potential candidates.

The Commission strengthened its efforts in 2009 also with regard to the communication of Roma issues towards Roma communities, civil society, the general public and media. Under the key message "Roma in Europe: Support inclusion for everyone's benefit" it published a number of print and audiovisual materials and launched in the autumn of 2009 the Roma web portal of the Commission (<http://ec.europa.eu/roma>).

ANNEX

1. Common Basic Principles for Roma Inclusion

Principle no 1: Constructive, pragmatic and non-discriminatory policies

Policies aiming at the inclusion of Roma people respect and realise the core values of the European Union, which include human rights and dignity, non-discrimination and equality of opportunity as well as economic development. Roma inclusion policies are integrated with mainstream policies, particularly in the fields of education, employment, social affairs, housing, health and security. The aim of these policies is to provide the Roma with effective access to equal opportunities in Member State societies.

Principle no 2: Explicit but not exclusive targeting

Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on Roma people as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma-focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.

Principle no 3: Inter-cultural approach

There is a need for an inter-cultural approach which involves Roma people together with people from different ethnic backgrounds. Essential for effective communication and policy, inter-cultural learning and skills deserve to be promoted alongside combating prejudices and stereotypes.

Principle no 4: Aiming for the mainstream

All inclusion policies aim to insert the Roma in the mainstream of society (mainstream educational institutions, mainstream jobs, and mainstream housing). Where partially or entirely segregated education or housing still exist, Roma inclusion policies must aim to overcome this legacy. The development of artificial and separate "Roma" labour markets is to be avoided.

Principle no 5: Awareness of the gender dimension

Roma inclusion policy initiatives need to take account of the needs and circumstances of Roma women. They address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.

Principle no 6: Transfer of evidence-based policies

It is essential that Member States learn from their own experiences of developing Roma inclusion initiatives and share their experiences with other Member States. It is recognised that the development, implementation and monitoring of Roma inclusion policies requires a good base of regularly collected socio-economic data. Where relevant, the examples and experiences of social inclusion policies concerning other vulnerable groups, both from inside and from outside the EU, are also taken into account.

Principle no 7: Use of Community instruments

In the development and implementation of their policies aiming at Roma inclusion, it is crucial that the Member States make full use of Community instruments, including legal instruments (Race Equality Directive, Framework Decision on Racism and Xenophobia), financial instruments (European Social Fund, European Regional Development Fund, European Agricultural Fund for Rural Development, Instrument for Pre-Accession Assistance) and coordination instruments (Open Methods of Coordination). Member States must ensure that use of financial instruments accords with these Common Basic Principles, and make use of the expertise within the European Commission, in respect of the evaluation of policies and projects. Peer review and the transfer of good practices are also facilitated on the expert level by EURoma (European Network on Social Inclusion and Roma under the Structural Funds).

Principle no 8: Involvement of regional and local authorities

Member States need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities. These authorities play a key role in the practical implementation of policies.

Principle no 9: Involvement of civil society

Member States also need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organisations, social partners and academics/researchers. The involvement of civil society is recognised as vital both for the mobilisation of expertise and the dissemination of knowledge required to develop public debate and accountability throughout the policy process.

Principle no 10: Active participation of the Roma

The effectiveness of policies is enhanced with the involvement of Roma people at every stage of the process. Roma involvement must take place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the design, implementation and evaluation of policy initiatives. It is of vital importance that inclusion policies are based on openness and transparency and tackle difficult or taboo subjects in an appropriate and effective manner. Support for the full participation of Roma people in public life, stimulation of their active citizenship and development of their human resources are also essential.

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