



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Affairs Council
to: European Council

Subject: Roma Inclusion
- Presidency Report

The attached report presented to the General Affairs Council on 23 May 2011 summarises the various discussions on the issue of Roma¹ inclusion that have recently taken place in different Council configurations, namely, Justice and Home Affairs (JHA, 12 April), Employment, Social Policy, Health and Consumer Affairs (EPSCO, 19 May), and Education, Youth, Culture and Sport (EYCS, 20 May).

The General Affairs Council agreed to forward the report, including the Council Conclusions on “An EU Framework for National Roma Integration Strategies up to 2020” adopted by the EPSCO Council, to the European Council.

¹ The term “Roma” is used in line with the definition contained in the Commission’s Communication (8727/11, footnote 1).

PRESIDENCY REPORT

Introduction

Despite efforts at national and European level to advance Roma inclusion, many of the estimated 8 million EU citizens who are Roma still face deep poverty, social exclusion, discrimination, segregation and insufficient access to fundamental rights. Similar problems afflict the estimated 2-4 million Roma who live in neighbouring European countries. Improving the situation of Europe's Roma is not only an urgent social priority, but will also strengthen economic growth and competitiveness in the long term. Successful inclusion policies will significantly contribute to the Member States' efforts to reach the goals of the Europe 2020 Strategy, particularly the headline targets in the fields of employment, education and social inclusion.

On 5 April 2011, the Commission adopted its Communication on "*An EU Framework for National Roma Integration Strategies up to 2020*"², which calls for a more effective response and a comprehensive approach by the Member States, and encourages them to set achievable national goals for Roma inclusion in the four priority areas of education, employment, healthcare and housing, to allocate sufficient funding from national budgets, and to put in place strong monitoring mechanisms. The Commission has also put forward a number of tools for promoting a more effective use and better absorption of EU funds for Roma inclusion. Furthermore, it undertakes to establish a monitoring mechanism and to report annually to the European Parliament and the Council on progress on Roma inclusion and the achievement of the goals set by the Member States. Finally, the Communication calls for parallel action in the context of enlargement policy, with a view to improving the socio-economic situation of Roma in the Western Balkans and Turkey.

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *An EU Framework for National Roma Integration Strategies up to 2020* (8727/11).

Justice and Home Affairs Council

On 12 April 2011, the Commission presented its Communication to the Justice and Home Affairs Council, which held a lunch debate on relevant topics, focusing on the importance of ensuring access to justice and of legal tools for combating discrimination. It was highlighted that members of marginalised communities including Roma were much more vulnerable to exploitation and more likely to be victims of crime. Appropriate legal solutions should be found to these problems, as well as to the problem of discrimination on the grounds of ethnic origin. The importance of ensuring the respect of fundamental rights and in particular the rights of women and children was strongly emphasized.

The Member States also stressed that many Roma lacked knowledge of their rights and of the legal tools available. Other barriers hampering access to justice include the poor organisation, empowerment and self-representation of Roma, as well as the lack of mutual trust and inadequate cooperation between Roma and majority populations. Several tools for overcoming these problems were mentioned, for example appropriate education, including on human rights, accessible legal assistance (especially free legal aid), strengthening Roma communities and implementing measures to protect victims. Good practices identified by the Member States included governmental boards bringing together state officials and representatives of the Roma community, ombudsmen, Roma mediators in various public institutions (including the justice system) and awareness-raising programmes for combating stereotypes and racism.

Several delegations underlined the importance of combating discrimination and respecting human rights as a key element of national approaches to Roma inclusion, as well as of the EU framework. It was also suggested that existing EU legislation prohibiting discrimination was not always adequately implemented on the ground.

One Member State also highlighted the importance of combating organised crime in order to protect the fundamental rights and dignity of Roma, in particular, by intensifying the fight against human trafficking by using available European instruments, as Roma are over-represented among its victims. Other ministers also stressed the importance of combating racially motivated crime. The importance of an effective follow-up of the situation of Roma people was underlined.

EPSCO Council

On 19 May 2011, the EPSCO Council held an exchange of views and adopted a set of Conclusions³ on the Commission's Communication.

During the debate the Member States expressed their commitment to the new EU framework for Roma inclusion and recognised it as a major step towards a more socially cohesive Europe. Although the Member States have the primary competence for designing and implementing policies aimed at advancing the social and economic inclusion of Roma, cooperation at EU level brings significant added value, improving competitiveness and economic growth as well as social cohesion. The delegations confirmed their readiness to prepare, update or develop national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion policies, for improving the situation of Roma, by the end of 2011. They also stressed that their national approaches should be tailored to their own circumstances as well as to the size and specific situation of their respective Roma populations.

³ 10025/11. See Annex.

The Member States emphasised that coordinated and comprehensive policies were crucial for achieving a real improvement in the situation of Roma. Most of them reaffirmed the view that national efforts should focus on the four priority areas of education, employment, healthcare and housing with a view to closing the gaps between marginalised Roma communities and the general population. Respecting human rights and fighting discrimination are a prerequisite for achieving real results. Special attention should be paid to the gender dimension as well as the situation of children. Particular concerns were raised by some Member States about the need to ensure a better protection of children and women against human trafficking.

Most delegations stressed that long-term approaches were needed as well as immediate actions. Close cooperation with the regional and local levels and the involvement of all relevant stakeholders including the Roma civil society are also important both at the planning stage and in the implementation process.

The Member States stressed the need to consider the advancement of the social and economic inclusion of Roma when designing, implementing and monitoring their National Reform Programmes in the context of the Europe 2020 Strategy, as issues related to Roma and other marginalized communities should be considered within the broader context of growth and jobs policies if the Member States are to reach the headline targets for employment, education and social inclusion.

Acknowledging the different tools proposed by the Commission in its Communication for the more effective use of EU funds, the Member States emphasised that clear goals based on reliable data can contribute to their better utilization. They called for the strengthening of administrative capacities for management and monitoring, for more integrated and flexible use of the various funds available, as well as for the simplification of procedures. Some Member States expressed their wish to take into consideration the aspects of Roma inclusion in the debate on the future financial perspectives.

Delegations stressed that monitoring and assessment should be based on national mechanisms as well as existing EU-level tools such as the evaluation framework of the Europe 2020 Strategy and the social open method of co-ordination (OMC).

Education, Youth, Culture and Sport Council

On 20 May 2011, the Education, Youth, Culture and Sport Council addressed the Commission's Communication in the context of a policy debate on preventive policies to combat early school leaving among children from socio-economically disadvantaged backgrounds, including Roma.

Ministers highlighted the primary role of education in preventing the inter-generational transmission of poverty. They agreed that early school leaving most frequently occurred among socio-economically disadvantaged groups including Roma, often due to lack of support from families and peers, and because of limited access to high quality education and additional educational support. Tackling school failure and early school leaving requires coordinated efforts and comprehensive and cross-sectoral approaches.

They acknowledged that participation in high-quality early childhood education and care (ECEC) was positively associated with the long-term cognitive, social, emotional development of children, with readiness for school and with enhanced school performance. ECEC is recognised as a crucial stage of education with significant long-term benefits, in particular for the disadvantaged - including Roma - children. It was also stressed that providing strong and solid foundations for future learning in terms of basic skills and key competences, and ensuring certain flexibility in curricula, can make a difference. Regarding Roma particular attention should be paid to ensuring that all children complete primary school as a minimum. Policies aimed at providing high-quality, inclusive, non-segregated education, offering targeted support to improve school environments, as well as teaching and learning achievements, and removing potential obstacles to successful school careers by increasing the flexibility of educational pathways and transitions between them, can all facilitate integration and support pupils at risk of dropping out of school (particularly Roma).

It was widely acknowledged that teacher training is key to prepare teachers to cope with the challenges that motivation and confidence building require in order to help retain pupils who tend to leave school earlier. Confidence is also important in building a bridge between schools and families. Special programmes aimed at improving the relationship between the home and school could improve attitudes to education and raise awareness of the importance of learning.

Stronger involvement of Roma communities, civil organisations and mediators have been mentioned as important tools. Special targeted funding given to school maintainers, schools and or pupils most in need are crucial.

The Member States agreed that the exchange of good practices, joint actions and programmes at European level contribute to national policies and actions. Consideration should be given to using European programmes and the Structural Funds in order to complement the efforts made by Member States.

**AN EU FRAMEWORK FOR NATIONAL ROMA⁴ INTEGRATION⁵ STRATEGIES UP TO
2020
COUNCIL CONCLUSIONS**

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

1. that the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as it follows from Article 2 of the Treaty on the European Union and in particular from Article 21 of the Charter of Fundamental Rights of the European Union;
2. the fact that combating social exclusion, discrimination and inequality is an explicit commitment of the European Union as set out, inter alia, in Article 3 of the Treaty on European Union as well as Articles 9 and 10 of the Treaty on the Functioning of the European Union;

⁴ The term “Roma” is used in line with the definition contained in the Commission’s Communication (8727/11, footnote 1).

⁵ For the purpose of the present Council conclusions, "integration" and "inclusion" both refer to measures for improving the situation of Roma living in the Member States' territories.

3. that Article 19 of the Treaty on the Functioning of the European Union specifically empowers the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation; the Council has exercised these powers when adopting Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
4. the Presidency Conclusions of the European Council (December 2007⁶ and June 2008⁷); the Council Conclusions on the Inclusion of the Roma (December 2008⁸); the Council Conclusions on the Inclusion of the Roma and the Common Basic Principles on Roma Inclusion annexed thereto (June 2009⁹); the Council Conclusions on Advancing Roma Inclusion (June 2010¹⁰); the European Council Conclusions adopting the Europe 2020 Strategy (June 2010)¹¹ and the Council Conclusions on the Fifth report on economic, social and territorial cohesion (February 2011)¹²;
5. the European Parliament Resolutions on the Situation of Roma women in the European Union (June 2006); on the Social situation of the Roma and their improved access to the labour market in the EU (March 2009); on the Situation of the Roma people in Europe (September 2010); and on the EU strategy on Roma inclusion (March 2011);

⁶ 16616/1/07 REV 1.

⁷ 11018/1/08 REV 1.

⁸ 15976/1/08 REV 1.

⁹ 10394/09 + COR 1.

¹⁰ 10058/10 + COR 1.

¹¹ EUCO 13/1/10 REV 1.

¹² 6738/11.

6. the Communication of the Commission on the social and economic integration of the Roma in Europe¹³, and the accompanying Staff Working Document "Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report"¹⁴;
7. the European Roma Summits which took place in Brussels on 16 September 2008 and in Córdoba on 8 April 2010;
8. the Opinion of the Committee of Regions on the Social and economic integration of the Roma in Europe (December 2010);
9. Regulation (EU) No 437/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities¹⁵;

STRESSES THAT:

10. despite efforts at national, European and international level to advance Roma inclusion, many Roma still face deep poverty, profound social exclusion, barriers in exercising fundamental rights, and discrimination, which often means limited access to quality education, jobs and services, low income levels, sub-standard housing conditions, poor health and lower life expectancy. This situation does not only affect Roma, but also has an economic cost for society as a whole, including through the waste of human capital and loss of productivity;

¹³ 8439/10.

¹⁴ 8439/10 ADD 1.

¹⁵ OJ L 132, 29.5.2010, p. 1.

11. the size and the social and economic situation of the Roma population are different in each Member State; therefore national approaches to Roma inclusion should be tailored to the specific circumstances and needs on the ground, including by adopting or continuing to pursue policies that address marginalised and disadvantaged groups, such as Roma, in a broader context;
12. the active involvement and participation of Roma themselves is essential for the improvement of their living conditions and for the advancement of their inclusion;
13. the protection of fundamental rights, notably by combating discrimination and segregation, in accordance with existing EU legislation and the international commitments of the Member States, is essential for improving the situation of marginalised communities including Roma;
14. improving the situation of Roma is not only an urgent social priority, but can also strengthen economic growth in the long term; successful inclusion policies will contribute to the Member States' efforts to reach the goals of the Europe 2020 Strategy, particularly the headline targets in the fields of employment, education and social inclusion;
15. the Member States have the primary competence for designing and implementing policies aimed at advancing the social and economic inclusion of Roma, and action taken at the EU level should take into consideration the different national circumstances and respect the principle of subsidiarity. Advancing Roma inclusion is also a common concern and interest of the Member States and the EU, and cooperation at EU level brings significant added value, improving competitiveness, productivity and economic growth, as well as social cohesion;

16. socio-economic aspects, and territorial aspects where relevant, should serve as the main basis for designing Roma inclusion policies in key fields such as education, employment, housing and healthcare, in line with the Common Basic Principle of "explicit but not exclusive targeting"¹⁶ and in accordance with a human rights perspective. Specific measures to prevent or compensate for disadvantages linked to ethnic origin can also be taken;
17. special attention should be paid to the interests and difficulties of Roma women and girls, who face the risk of multiple discrimination, and thus a gender perspective needs to be applied in all policies and actions for advancing Roma inclusion;
18. there is an urgent need to stop the inter-generational transmission of poverty and social exclusion; with this in mind, the situation of Roma children needs to be improved from the earliest possible age in order to allow them to fulfil their potential. Education and training, with special attention to the gender perspective, as well as close cooperation with families have a crucial role to play in this;

WELCOMES:

19. the Communication of the Commission on an EU Framework for National Roma Integration Strategies up to 2020¹⁷, which invites Member States to adopt or develop further a comprehensive approach to Roma inclusion, and encourages them to set achievable national goals in the fields of education, employment, healthcare and housing, as well as to put in place a monitoring mechanism and make existing EU funds more accessible for Roma inclusion projects, in accordance with the size and the social and economic situation of the Roma population living in their territories and taking into account the different national circumstances;

¹⁶ Common Basic Principle 2.

¹⁷ 8727/11.

INVITES THE MEMBER STATES:

20. to improve the social and economic situation of Roma by pursuing a mainstreaming approach in the fields of education, employment, housing, and healthcare, taking into account, where appropriate, the Common Basic Principles on Roma Inclusion, as well as by ensuring equal access to quality services, and to apply an integrated approach to these policies and make the best use of the funds and resources available;

21. to set or continue working towards their goals, in accordance with the Member States' policies, in the fields of education, employment, healthcare and housing with a view to closing the gaps between marginalised Roma communities and the general population. Particular attention should be paid to the need to ensure equal access in practice. The goals could focus on the following priority areas, paying special attention to the gender dimension:
 - (a) access to quality education, including early childhood education and care, as well as primary, secondary and higher education, with particular reference to the elimination of possible segregation at school, the prevention of early school leaving and ensuring successful transitions from school to employment;

 - (b) access to employment, with particular reference to non-discriminatory access to the labour market, as well as active labour market policies, labour market programmes, adult education and vocational training, and support for self-employment;

 - (c) access to healthcare, with particular reference to quality healthcare including preventive healthcare and health education; and

- (d) access to housing, with particular reference to social housing and the need to promote housing desegregation, and making full use of the financing that has recently become available in the context of the European Regional Development Fund¹⁸;
22. to prepare, update or develop their national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion policies, for improving the situation of Roma, by the end of 2011, taking into account their specific circumstances, as well as to consider the need to advance the social and economic inclusion of Roma when designing, implementing and monitoring their National Reform Programmes in the context of the Europe 2020 Strategy;
23. to appropriately monitor and evaluate the impact of the Roma inclusion strategies or integrated sets of measures as referred to in paragraph 22;
24. to ensure, where appropriate, that available EU funds are used in line with national, regional and local Roma inclusion policies;
25. to identify and implement necessary measures for improving access to and ensuring the effective use of EU funds for the social and economic inclusion of Roma, including, for example, modification of operational programmes, making greater use of technical assistance and improving the predictability of financing by increasing the duration of projects and maximising the uptake of funds;

¹⁸ OJ L 132, 29.5.2010, p. 1.

26. to promote desegregation in all policies and to avoid reproducing segregation, so as to overcome this problem in the long term;
27. to appoint a National Contact Point or use an already existing body in order to ensure effective monitoring of the Roma inclusion strategies or integrated sets of measures as referred to in paragraph 22 and to foster the exchange of good practices and discussions on evidence-based approaches in the area of Roma inclusion policies;
28. to promote the active involvement of Roma civil society and all other stakeholders, including at the regional and local levels, in policies to advance Roma inclusion;

INVITES THE COMMISSION:

29. to continue the work of the Roma Task Force, so as to mainstream Roma inclusion within EU policies and assess the role of EU funds in efforts to advance Roma inclusion in the EU as well as in the context of enlargement policy, thereby also fostering the exchange of best practices and contributing to the discussions on the future of the EU financial instruments and their more effective use;
30. to pursue rigorous monitoring of the implementation of Council Directive 2000/43/EC which is a powerful instrument for combating discrimination based on ethnic origin;
31. to appropriately assess the success of Member States' Roma inclusion policies in accordance with their respective approaches, and within existing coordination mechanisms such as the Open Method of Coordination;

INVITES THE COMMISSION AND THE MEMBER STATES, in close cooperation and in accordance with their respective competences:

32. to consider mainstreaming the fight against segregation and extreme poverty, as well as the promotion of equal opportunities for marginalised communities, including Roma, across all relevant policy areas, including in the context of the EU funds, and based on clear and verifiable criteria;
33. to ensure that the various EU funds available work together in a more integrated and flexible manner in the future, providing an appropriate framework for integrated, long-term actions for advancing Roma inclusion;
34. to improve the implementation and strengthen the effectiveness of EU funds used in favour of marginalised and disadvantaged groups including Roma, notably through the assessment of results;
35. where appropriate, to identify the main socio-economic factors characterising the territorial concentration of marginalised and disadvantaged groups including Roma in order to map these territories, and use relevant policies to improve the situation;
36. to enhance cooperation between relevant stakeholders in order to facilitate the exchange of best practices and mutual learning regarding evidence-based policies and successful methods, including by extending and improving existing networks and initiatives such as the EU Roma Network and the high-level events organised by the Commission;

37. to strengthen the role of the European Platform for Roma Inclusion, thereby intensifying the exchange of good practices and discussions on national policies between the Member States and cooperation with civil society; to strengthen the role of the Commission in the preparation and running of the Platform as well as in ensuring its continuity; and to ensure that its results are fed into policy developments both at EU and national level;
38. to draw on the experience of international organisations such as the Council of Europe¹⁹ and the Organisation for Security and Co-operation in Europe as well as international initiatives such as the Decade of Roma Inclusion 2005-2015;
39. to advance the social and economic inclusion of Roma by guaranteeing their legal rights, especially those of Roma victims of human trafficking, by intensifying the fight against human trafficking by making full use of instruments available at the EU level, including the recently adopted Directive 2011/36/EU²⁰;
40. to foster positive changes in attitudes towards Roma by improving public awareness of Roma culture and identity and combating stereotypes, xenophobia and racism;
41. to promote the empowerment, active involvement and necessary participation of Roma themselves, at all levels of policy development, decision-making and implementation of measures, including by raising awareness of their rights and duties, as well as to consolidate the capacity of Roma NGOs and encourage the better involvement of civil society and all other stakeholders.

¹⁹ See, in particular, "the Strasbourg Declaration on Roma":
<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1691607&Site=CM>

²⁰ OJ L 101, 15.4.2011, p. 1.