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**12TH MEETING OF THE COMMISSIONERS GROUP ON FUNDAMENTAL RIGHTS,
ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES**

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Strasbourg 7th floor, room WIC 700, WIC (IP1)*

SITUATION OF ROMA IN THE EU
– PREPARATION OF THE CONFERENCE ON ROMA IN SEPT. 2008

Note prepared under the authority of Commissioner Špidla

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THE ROMA AND THE EUROPEAN UNION

INTRODUCTION

The European institutions and civil society have repeatedly highlighted the very specific situation faced by Roma across the European Union. The Roma represent a very large group of European citizens facing discrimination and exclusion from the labour market as well as from social life. This not only leads to human suffering and social tensions, but it also represents a huge waste of human resources at a time where the EU is facing a demographic situation which will imply an increasing lack of labour. The situation of the Roma represents a major concern both in qualitative terms (i.e., extremes of poverty and social exclusion) and in quantitative ones (numbers of persons affected).

Although the aforementioned facts have long been beyond serious dispute, most Member States concerned have acknowledged them only very gradually and partially. This was probably due both to the highly prevalent public prejudice against the Roma and to the intrinsic difficulty of actual policy choices which need to be made. Consequently, even where the seriousness of the issue has been admitted, it was only rarely reflected in practical policies of the Member States.

During the enlargement process, European institutions have played an important role in drawing the attention of policymakers in the accession countries to the needs of the Roma through the Copenhagen Criteria, funding from PHARE etc. In December 2007, the **European Council** recognized in its conclusions (for the first time ever) the very specific situation of Roma and invited Member States and the Union to use all means to improve their inclusion.¹ The **European Parliament** has repeatedly discussed the issue of the Roma - most recently in debates held in November 2007 and January 2008 on the situation of Roma and on a European strategy on Roma.² It called for a Framework Strategy on Roma which would comprise a Community Action Plan on Roma inclusion (providing financial support for the Framework Strategy). In terms of governance, however, the European Parliament acknowledges the key role of Member States and calls for clearer accountability.

The Commission should, therefore, **take stock of its existing policies which affect the situation of the Roma, and evaluate the potential for improving and further developing these policies as well as the feasibility of complementing them with new policy instruments.** In doing so, the Commission should fully respect the principle of subsidiarity, recognizing that **the overwhelming majority of the issues related to Roma inclusion are a matter of Member State's competence.** These issues include:

- Lack of qualifications stemming from poor educational outcomes. This problem needs to be addressed through policies aiming at improving the preparation of Roma children for formal education already in the pre-school period, as well as (where

¹ European Council of December 14, 2008, Conclusions of the Presidency, Art. 50: *... "The European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008."*

² Debate on the Application of Directive 2004/38/EC on the right of citizens of the Union and their families to move and reside freely within the territory of the Member States of November 12, 2007 and A European Strategy on the Roma of January 16, 2008 followed by a resolution of January 31, 2008 (P6_TA(2008)0035).

necessary) the use of teaching assistants for Roma children enrolled in mainstream schools, not segregated educational establishments.

- Lack of access to employment due to low level of marketable skills, insufficient knowledge of available opportunities, and a high rate of early failure. This problem needs to be addressed through culturally sensitive job counselling (as in the Spanish ACCEDER Programme, financed to an important degree from the European Social Fund) and on-the-job supervision.
- Lack of access to self-employment due to lack of experience with formal business as well as due to the lack of sufficient capital. This problem needs to be addressed through investment in training and through micro-credit initiatives.
- Poor quality of housing (urban or rural slums). This problem should be addressed by the construction of non-segregated, affordable social housing rather than - as is often the case at present - by evictions and transfers of Roma groups to segregated, socially excluded housing of a clearly punitive character.
- Chronic debt due to crippling disadvantageous loans. The problem needs to be targeted by systematic, culturally sensitive and client-focused social work and streetwork, aiming for rational debt-payment schedules (in cases of legitimate credits) or effective law enforcement (in cases of criminal extortion to which Roma families with a female head of household are often vulnerable).

While emphasizing the importance of policy progress in these areas, the Commission should be careful not to create unrealistic expectations. Obviously, the responsibility for solving the problem of entrenched discrimination and social exclusion of the Roma cannot be transferred to Community level by means of a strategic document, without corresponding legal and financial instruments. The key to overcoming this discrimination and exclusion remains on Member State, regional and local level.

There are also questions of minority recognition and representation for which, however, the Commission lacks competence. Statements made by NGOs and other stakeholders make various estimates of the overall number of Roma in the EU, refer to the Roma as "the largest minority in the EU" and urge the Commission to recognize the Roma as a "European minority", etc. However, the issue of number of Roma is problematic - there can be no authoritative answer due to the methodological and ethical dilemmas involved. For a number of reasons (ranging from conceptual differences to genuine fear), many persons consider themselves Roma in day-to-day life but do not affirm Roma identity in a census. In a number of Member States, the Roma are not recognised as an ethnic or national minority at all, and are thus not subject to census. Moreover, whole groups of people are conventionally regarded as Roma (or "Gypsies") in Europe-wide estimates though they do not themselves identify as Roma but as Travellers, Sinti or Kale. Authorities do not have the right to "tag" individuals or whole groups as Roma if they do not wish to identify as such.

On the other hand, the EU - and the Commission in particular - can play a very important role in demonstrating political leadership and supporting Member States' actions with a view to fully include Roma in society.

CURRENT EU ACTION ON FIGHTING ROMA DISCRIMINATION AND EXCLUSION

While not claiming in anyway to be exhaustive, the following information gives a brief overview of the key elements of the concerted action ongoing today in fighting Roma discrimination and social exclusion in the EU.

- **Lisbon Strategy**

The economic and social integration of vulnerable groups, including disadvantaged ethnic minorities such as the Roma, plays an important role in the context of the Lisbon Strategy. Member States are encouraged to develop measures to promote the **labour market integration of minorities in the framework of their National Reform Programs (NRPs)**. The strategy is made more powerful through the use of country specific recommendations. A number of Member States have received a recommendation relating to disadvantaged groups. The EU's **Open Method of Coordination on Social Inclusion** also targets poverty and exclusion experienced by ethnic minorities such as the Roma or migrants. The Open Method of Coordination on Education and Training has also tackled the issue of the educational disadvantage of Roma pupils³. The public consultation on school education conducted in 2007 has also received a number of contributions aiming at improving the educational situation of Roma pupils, with the main stress being put on the need for desegregation and the usefulness of the intercultural approach in education.

- **Structural Funds and European Agricultural Fund for Rural Development**

The European Structural Funds support the Member States' practical implementation of the Lisbon strategy. **During the last funding period projects which were targeted directly on Roma inclusion were supported with approximately 275 million €.** In addition, Roma can also benefit from projects targeted at vulnerable groups in a broader sense. **The Commission has urged Member States to take the objective of Roma inclusion into consideration when drawing up their operational plans for the new funding period 2007-2013.**

Both the **European Social Fund (ESF)** and the **European Regional Development Fund (ERDF)** finance projects from which Roma can benefit either directly or indirectly. The different nature of the two financial instruments allows the realization of both human resource oriented projects, such as training from the ESF, and infrastructure projects, such as by-pass road project developments. Besides these project types, other tools such as micro-credits are available. Also the Regions of economic change are useful tools to address Roma exclusion.

The **European Agricultural Fund for Rural Development** refers to Roma in the National Strategy Plans (NSPs) or in the Rural Development Programs (RDPs). Training measures or information measures aim at facilitating the access of minorities to EAFRD support measures. Roma communities can also benefit from actions for the improvement of the quality of live in rural areas under Axis 3 of the Community Rural Development Policy.

While the Structural Funds have the potential to become important tools for the promotion of Roma inclusion, there is much scope for improvement in terms of increasing administrative capacity on the part of Member States, Roma civil society and other

³ The cluster of Member States working on "Access and Social Inclusion in Lifelong Learning" conducted a Peer Learning Activity in Hungary on desegregation measures aimed at Roma pupils. The Peer Learning Activity clearly showed that further work is needed in order to achieve full desegregation as well as the existence of good practices in this area that need to be further expanded.

stakeholders in order to set up successful Roma inclusion projects. It has therefore been a priority within the Commission to systematically increase the know-how of the Structural Funds desks to assist and encourage the national authorities to use the means available to support Roma inclusion.

- **Legislative framework**

Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of their racial or ethnic origin. This Directive provides for protection against discrimination in the fields of employment and training, membership and involvement in organizations of workers and employers, education, social protection (including social security and healthcare), social advantages, and access to goods and services (including housing).

Because the actual impact of this Directive and the national implementing measures will depend to a large extent on the knowledge of the actual rights and obligations, there is a need to raise the awareness of all directly involved actors (judges, lawyers, NGOs, social partners etc.) as well as of the general public. Hence, the Commission focused the funding under the anti-discrimination action programme 2001-2005 (80 million €) on training of judges and lawyers, training for NGOs and social partners and broad information activities targeted primarily at business and youth through the "For Diversity - Against Discrimination" information campaign.

In 2007 the Council reached a political agreement on the **Framework Decision on racism and xenophobia** which criminalises intentional conduct such as incitation to violence or hate towards a group of people, or a person belonging to a group, defined on the basis of race, colour, descent, religion or belief, national or ethnic origin, as well as the public condoning, denial or gross trivialisation of crimes against humanity and war crimes. Incitement to violence or hatred will also be punishable if committed by public dissemination or distribution of tracts, pictures or other material. Clearly, this is an important addition to the EU instruments which can apply to protecting the Roma from open manifestations of racism.

- **Internal cooperation**

The Inter-Service Group on Roma

In order to ensure a regular exchange of information and mutual support as well as a coherent approach vis-à-vis external stakeholders the Commission set-up an Inter-Service Group on Roma in 2004. Currently, it is composed of 18 services. The Fundamental Rights Agency of the EU and external experts participate regularly in its meetings. The group meets twice a year under the chair of DG EMPL.

The Inter-Service Group has developed a useful tool for structural funds management on the Roma; its "Roma and Structural Funds" subgroup has been an important vehicle in this context. There is a regular exchange among concerned Commission services in both programming and implementation phases of all Structural Funds. A joint aide-memoire on "Roma and the Structural Funds" helps to increase effectiveness.

Currently, the members of the Inter Service Group are preparing an overview table on the Roma and Roma related policies, programs and projects in the different policy fields of the

European Commission including the Operational Programs of the Structural Funds for the 2007-2013 programming period.

Roma Trainees in the Commission

In cooperation with the Open Society Institute, the European Commission (DG EAC in cooperation with DG EMPL) is running since 2005 a traineeship scheme, which allows 10 Roma graduates each year to spend a special traineeship period in the different services of the Commission.

- **2007 European Year of Equal Opportunities for All**

The 2007 European Year of Equal Opportunities for All stimulated a wide debate on ways to increase social participation of groups that are prone to discrimination. While under the obligation to treat all grounds of discrimination equally, Member States were allowed some flexibility to tackle the most burning issues in their national strategies for the Year. This has resulted in 19 interesting projects specifically targeted on Roma inclusion in Bulgaria, the Czech Republic, Greece, France, Ireland, Italy, Lithuania, Poland, Romania, Finland and Slovakia. There is a planned follow-up to the European Year projects for Member States under the PROGRESS programme 2007-2013.

The European Year was launched through the Special Eurobarometer 263 of January 2007 on perceptions of EU citizens of discrimination. This comprehensive survey highlighted a growing awareness of Europeans that Roma are among the socially most disadvantaged groups; 77% of all respondents assumed that being Roma is a disadvantage in society. The awareness-raising campaign launched in the context of the European Year (10 million €) has built on this to fight stereotypes against discriminated groups, notably the Roma.

- **High Level Group on Social Integration of Ethnic Minorities**

In 2006, the Commission decided⁴ to set up a High Level Group on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market. This group, presided by Rita Süßmuth (former President of the German Parliament - Bundestag), submitted on December 3 and 4, 2007 its report and recommendations to all stakeholders on the policies to be implemented. The scope of its activities included Roma as well as other ethnic minorities insofar as their minority status coincides with social exclusion or a disadvantaged position in the labour market.

The report identifies 14 specific labour market barriers and issues eight recommendations. The specific situation of Roma is characterized in the Report by the accumulation and mutual reinforcement of barriers. An effective policy has, thus, to be targeted but not ethnically exclusive and has to take the whole complexity of the problem (*e.g.* lack of social and labour

⁴ Decision n° 2006/33/EC of 20 January 2006 of the Commission establishing a high-level advisory group on social integration of ethnic minorities and their full participation in the labour market.

market opportunities, lacking infrastructure, stereotypes, poor health status, lack of political support at local level) into account.

- **Support for Civil Society actors**

Partnership with the European Roma Information Office (ERIO) for the Establishment of a Network of Roma NGOs

Noting the specific problems facing the Roma, the Commission provided for the first time in 2007 an operating grant for a Roma NGOs network (0.2 million €). This network has the role to act as an intermediate body between the Commission and the Roma civil society. The Commission has signed in December 2007 a three-year partnership agreement (with a financial envelope of 0.6 million €) with the European Roma Information Office (ERIO). ERIO is a key member in the emerging "Roma Coalition" composed of eight human-rights and Roma-focused NGOs.

European Network Against Racism (ENAR)

The Commission gives an operating grant to one European umbrella NGO for each of the grounds of discrimination listed in Article 13. For discrimination on the basis of ethnic origin, the European Network against Racism obtained a yearly grant since 1997 (for 2008: 1.15 million €). ENAR has more than 600 national member organizations, many of them working on the Roma. It has produced several important reports on Roma issues. Moreover, ENAR is a further key member of the "Roma Coalition".

- **Fundamental Rights Agency (FRA)**

The agency, previously the European Monitoring Centre against Racism and Xenophobia, has delivered several **comprehensive reports** specifically on the situation of the Roma (e.g. EUMC 2006: Roma and Travellers in Public Education; EUMC 2003: Breaking the Barriers – Romani women access to public health care). It has also reported annually on the situation of racism and xenophobia in the EU.

The agency is currently facilitating work of Romani women networks, and is active in the field of policy related work of Member States and international organizations, the Council of Europe and the OSCE. It contributed to a number of policy related products of the European Commission, European Parliament and the consultative bodies of the EU (EESC and the Committee of Regions) as well as to the report of the High Level Group of Experts on Ethnic Minorities.

- **Involvement in the Decade of Roma Inclusion 2005-2015**

The drive to declare the years 2005-2015 a "Decade of Roma Inclusion" emerged initially from the World Bank and the Open Society Institute (OSI).. The Decade is based on the **commitment** of Prime Ministers or their representatives from currently **nine countries** (Hungary, Czech Republic, Slovakia, Romania, Bulgaria, Croatia, FYROM, Serbia and Montenegro). It is supported by a number of international organizations (World Bank, OSCE, Council of Europe, UNDP) as well as by civil society.

The participating countries have adopted action plans indicating how they intend to meet specific targets in the four priority areas of the Decade – employment, education, housing and

health – with budgetary resources allocated to the targets and objectives set. The implementation of the commitments is measured by the DecadeWatch, an independent monitoring mechanism of Roma civil society which is supported by the OSI and the World Bank. In the last DecadeWatch report of June 2007 Hungary scored by far best.

The European Commission gave political support to this initiative from the outset. Although EU funding rules do not allow setting aside a specific budget for the implementation of the Decade as such, there are important synergies between Structural Funds, pre-accession assistance and the Decade. The Decade of Roma Inclusion Action Plans are systematically referred to in the Structural Fund planning documents and pre-accession assessment papers.

FURTHER ACTION ENVISAGED

Communication on follow-up to the 2007 Year of Equal Opportunities

As an immediate response to the European Council request, a strong political message on action targeted on Roma will be included in a policy Communication on non-discrimination and follow-up to the Year of Equal Opportunities (2007). The Communication will also take on board the recommendations made by the High Level Group on the Social Integration of Ethnic Minorities (see above). Its adoption is planned for June 2008.

The Communication will be accompanied by a background document (Staff Working Paper) which - unlike the Communication itself - will focus specifically on Roma. This document will aim to present a very clear assessment of the effectiveness of Community action across the whole range. It will highlight the means the EU puts at the disposal of Member States and accession countries based on contributions from all involved Commission departments. It is envisaged that the Fundamental Rights Agency will also be asked to contribute to the document.

2008 European Year of Intercultural Dialogue

The ongoing European Year of Intercultural Dialogue addresses the contribution of Roma to European culture and the role of Roma in European history in the framework of national campaigns as well as of trans-national projects. **The European Roma Information Office (ERIO), is a member of the contact group established between DG EAC and the Civil Society Platform for Intercultural Dialogue.**

Roma Action Group

DG EMPL as the lead service has established a Roma Action Group composed of desk officers from the European Social Fund units, the units in charge of the Open Methods of Coordination in the field of employment and social inclusion as well as of the Directorate for Equal Opportunities. It will examine - together with the representatives of the other concerned Commission services represented in the Interservice Group on Roma - the Community instruments and policies for Roma inclusion and assess their effectiveness. In particular, it will analyse how the issue of labour market and social inclusion is addressed in the NRPs and whether it is possible to identify good practice in the results of peer reviews. The Roma

Action Group will submit its report in the form of the aforementioned Staff Working Paper which will be annexed to the Communication following-up the 2007 European Year of Equal Opportunities for All.

High-level conference on Roma

On 16 September, the first EU high-level conference on Roma issues will bring together representatives of the EU institutions, Member States and Roma civil society for a discussion on how to proceed further in developing a long term sustainable approach on Roma inclusion.

Project for improved use of Community financing by Member States

DG EMPL is planning to initiate a specific project in 2008 (1 million €) to further identify key factors for success and prepare training manuals on successful use of Community funds (above all the ESF) for Roma inclusion.

Trans-national network on Roma issues

The next step aims at getting Member State authorities and civil society directly involved in the development and exchange of best practice. A concrete example for this is the newly created trans-national network on Roma issues led by the Spanish Fundación Secretariado Gitano (FSG). This project builds on the positive experience of the FSG with an ESF-funded multi-faceted Roma inclusion project comprising training, job counselling and mediation as well as awareness-raising. It will be carried out with the Heads of Managing authorities of 13 Member States as partners.

Exploratory opinion of the Economic and Social Committee

Recognising the innovative and valuable work on civic citizenship and the social integration of ethnic minorities done by the European Economic and Social Committee and its important relation to civil society and social partners, the Commission has invited the EESC to prepare an exploratory opinion on how to promote concerted efforts in order to maximise the impact and effectiveness of all relevant instruments in order to fight discrimination and promote the integration of minorities, notably Roma. This opinion, prepared by Anne-Marie Sigmund and Madi Sharma, is expected in April 2008.