



Beyond First Steps

WHAT NEXT FOR THE EU FRAMEWORK
FOR ROMA INTEGRATION?

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Executive Summary

For decades the issue of Roma exclusion attracted little attention and generated even less traction in the European policy agenda. This changed following the two waves of EU enlargement, which meant that by 2007 approximately 4.5 million more Roma became EU citizens. This paper examines the circumstances which led the European Commission to shift from its hitherto hands-off, “colour-blind” approach to social inclusion, to an unprecedented commitment to a comprehensive and coordinated Europe-wide framework for Roma integration.

The EU Framework for National Roma Integration Strategies up to 2020, adopted on 5 April 2011, called on all Member States to develop a targeted and integrated approach to Roma inclusion in education, health, housing and employment, and to submit their strategies by the end of 2011.¹ In its Communication of 23 May 2012, the European Commission stated that the National Roma Integration Strategies (NRIS) amounted to a “first step” towards making “a real difference in the lives of the Roma population.”²

This paper includes an analysis of the NRIS which leaves no doubt that these strategies fall very short of what is required to make the kind of tangible difference that is needed by 2020. This concurs with the verdict of the Commission, which stated

¹ European Commission, *An EU Framework for National Roma Integration Strategies up to 2020*, COM(2011) 173, 5 April, 2011. http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf

² European Commission, *National Roma Integration Strategies: A First Step in the Implementation of the EU Framework* COM (2012) 226, 21 May 2012. http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf

that to go beyond “the first step” the NRIS need to devise concrete measures; allocate proportionate financial resources; set clear targets for measurable deliverables; and be “convincing” in fighting discrimination.

The European Commission rightly insists that the primary responsibility for Roma integration lies within Member States and has positioned itself “as a broker between Member States” to offer assistance in the process. However, it is clear the Framework will founder if states are left to their own devices. If the integration strategies are to have a life beyond paper, the Commission will have to become more interventionist, and go far beyond “brokerage” to sustain the consensus and to drive and coordinate the Framework between now and 2020.

In a climate of rising intolerance and deepening poverty, and beyond these faltering first steps, it is vital to ensure that the prospects for tangible change in the living conditions and life opportunities for Roma communities do not simply dissolve. This paper concludes with a set of recommendations that the Commission needs to consider in order to keep the Framework on track.

From Policy Drift to a Determined Drive for Roma Inclusion

Back in 1984, the European Parliament passed a resolution which acknowledged that “gypsies still suffer discrimination in law and practice,” and called on the governments of EU Member States to eliminate discrimination against Roma.³ At that time, with the Warsaw Pact still intact, the policy elites of the 10-member European Union, with a few honourable and remarkable exceptions, knew little and cared less about an issue deemed to be of no consequence.

Following two waves of EU enlargement in 2004 and 2007 it was estimated that about 4.5 million more Roma became EU citizens. In the course of the protracted accession processes, increased political attention came to focus on the plight of the Roma. Following the accession of Bulgaria and Romania to the European Union, the prospect of unhindered westward migration by tens of thousands of Roma prompted a growing interest across the “older” democracies in the vicissitudes of Roma inclusion in Central and Eastern Europe.

What began to emerge was a seemingly inexorable drift towards a coordinated EU-wide policy response to Roma exclusion, a drift punctuated by European Parliament resolutions, European Council Conclusions, including the adoption of the 10 Common Basic Principles on Roma Inclusion, and two EU Roma Summits, the first in Brussels in 2008 and the second in Cordoba in 2010.⁴

³ Save the Children, *Denied a Future? The Right to Education of Roma/Gypsy and Traveller Children*, Volume 2, p. 20. http://www.ungei.org/resources/files/SaveTheChildren_dafvol2.pdf

⁴ *Vademecum—The 10 Common Basic Principles on Roma Inclusion*, For Diversity. Against Discrimination. European Union. http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf

UPPING THE ANTE: EVICTIONS AND EXPULSIONS IN ITALY AND FRANCE

Events in Italy from 2008, which included outbreaks of public disorder, arson attacks on Roma camps, mass evictions and inflammatory rhetoric from politicians and mayors, prompted a belated realisation that the “Roma issue” could no longer be contained within the new Member States of Central and Eastern Europe. The razing of camps in France and the mass deportations of mainly Romanian Roma back to their country of origin in 2010 prompted an unprecedented and bitter dispute between the French government and the European Commission. Viviane Reding, the European Commissioner for justice, attacked the Sarkozy government over the mass expulsions, accused it of duplicity in its dealings with Brussels, and threatened to launch infringement proceedings against France.⁵ Caricatured as a face-off between Sarkozy and Reding in the global media, this confrontation upped the ante in no uncertain terms, and the Roma issue gravitated from the margins to the mainstream of EU policy concerns in 2010.

THE CORDOBA COMMUNICATION: EU “STANDS READY TO ACT AS A BROKER”

The Commission’s Communication in the wake of the 2010 Cordoba summit openly recognised the need for a coherent and proportionate EU-wide policy response. While insisting that the prime responsibility for policy measures to promote Roma inclusion in employment, education, health and housing resided within Member States, Commissioner Reding stated that the European Commission “stands ready to act as a broker between Member States and to monitor and assess progress being made.”⁶

Civil society advocates demanded more, and in response to this Communication, the Open Society Foundations called on the EU to go “beyond brokerage” and do the following:

- devise a roadmap for Roma inclusion with well-defined benchmarks;
- mandate the Fundamental Rights Agency to gather data and conduct assessments across Member States;
- issue annual monitoring reports to accelerate progress, and identify and remedy abject policy failures;

⁵ Ian Traynor, “Nicolas Sarkozy Rounds on Critics and Vows to Keep Dismantling Roma Camps.” *The Guardian*, 16 September 2010. <http://www.guardian.co.uk/world/2010/sep/16/nicolas-sarkozy-keeps-dismantling-roma-camps>

⁶ Europa Press Releases: Statement by Viviane Reding, Vice-President of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship, on the Roma Situation in Europe. Brussels, 25 August 2010. http://europa.eu/rapid/press-release_MEMO-10-384_en.htm

- bolster the EU Platform for Roma Inclusion with a dedicated task force, supported by expert working groups; and that the task force be mandated to coordinate, devise and drive policy, to set clear targets and to rigorously monitor how European money is spent.⁷

FROM DRIFT TO DRIVE: FOUR KEY MILESTONES IN 2011–12

Developments in 2011 and 2012 marked not so much a seismic shift as a determined drive from the European Union to set in place a viable and politically acceptable framework for Roma inclusion. Below are four key milestones from the past two years:

1. The European Parliament resolution of 9 March 2011 on the EU strategy for Roma inclusion called on the European Commission to present in the forthcoming strategy a roadmap for introducing binding minimum standards at the EU level for the priority areas of education, employment, housing and health-care. It called for these priority areas to be linked to objectives which include strengthening effective anti-discrimination legislation and measures to provide protection against discrimination in all fields of life, and to combat racism and hate speech against Roma.⁸
2. The EU Framework for National Roma Integration Strategies up to 2020, adopted on 5 April 2011, called on all Member States to develop a targeted and integrated approach to Roma inclusion and to submit their strategies by the end of 2011. The EU Framework aims “to make a tangible difference to Roma people’s lives” by 2020.
3. The Council of the European Union, in its Conclusions adopted on 19 May 2011, fully endorsed the EU Framework, stressing that “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.”⁹

⁷ Bernard Rorke, “Reding on Roma: The Committed Commissioner,” Open Society Voices blog, 3 September 2010. <http://www.soros.org/voices/reding-roma-committed-commissioner>

⁸ European Parliament resolution of 9 March 2011 on the EU strategy on Roma inclusion (2010/2276(INI)) Texts adopted Wednesday, 9 March 2011. <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0092&language=EN>

⁹ Council of the European Union, Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020: 3089th Employment, Social Policy, Health and Consumer Affairs Council Meeting, Brussels, 19 May 2011. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lssa/122100.pdf

The Commission's Communication, "National Roma Integration Strategies: A First Step in the Implementation of the EU Framework," adopted on 23 May 2012, provided an assessment of all 27 strategies submitted and a set of policy recommendations that Member States should further address "in order to meet their responsibilities."

Dilemmas and Constraints

The conceptual challenges, practical shortcomings and political deficits that characterised attempts to forge a European Roma Policy throughout the 1990s were highlighted over a decade ago by the academic Martin Kovats. His observations included:

- The tendency to consider all Roma people as essentially similar is detrimental when it comes to the practical impact of public policies on real people.
- The trend for European institutions to downplay the broader social, economic and political contexts is deeply disabling when it comes to identifying needs, and being cognisant of policy opportunities and limitations in any given situation.
- There is a limited definition of the problem as one of culture and discrimination, and a consequent production-line of recommendations described as “normative restatements of the obvious” devoid of intrinsic authority.
- Misunderstandings led European institutions to view the issue as a set of technical challenges that could be addressed by legal reform and the spread of good practice rather than as an essentially political question requiring substantial reallocation of resources and the skill to forge a wider consensus within states to accept the changes necessary to ensure equality of opportunity.¹⁰

¹⁰ Martin Kovats, “The Emergence of European Roma Policy,” from *Between Past and Future: The Roma of Central and Eastern Europe*, Will Guy (ed.), University of Hertfordshire Press, 2001, p. 105.

The resistance of the European Commission to calls for an EU Roma Policy cannot be attributed solely to bureaucratic inertia or institutional timidity. The Commission was faced with very real dilemmas and constraints in determining how best to respond to the mounting challenges from international organisations and Roma civil society.

From 2005, the Commission began to shift from its original “minimalist” approach—which involved regular declarations that existing policies and funding instruments are adequate, and that any deficits can be remedied by improved coordination and more frequent exchange of good practice on Roma inclusion. And there can be no doubt that as the Commission abandoned this minimalist mantra for deeper engagement, it did so mindful of Kovats’s caution that

... for Europe to play its role effectively its institutions need to be realistic about their own competence and recognise that the complexities require the channelling of policy initiatives through state-level structures. To be successful, European initiatives need to address the most fundamental and acute problem of widespread Roma poverty ...¹¹

The Commission Staff Working Document of 2008, described as a “necessary first step in designing better and more efficient policies and mechanism which to bring about a change in the life on European Roma,” set out a number of pitfalls which the Commission sought to avoid in its work on Roma inclusion:

- a purely horizontal (“ethnically neutral”) approach to the problem which would risk losing sight of specific challenges that Roma face;
- a purely ethnically defined approach which forgoes the advantages of mainstreaming Roma issues in the main policy strands;
- a declaratory “Europeanisation” of the problem which could symbolically transfer the responsibility to European institutions without providing them with new instruments to deal with it and without sufficient commitments from Member States.¹²

¹¹ Ibid. p. 110.

¹² Commission Staff Working Document, Non-discrimination and Equal Opportunities: A Renewed Commitment: Community Instruments and Policies for Roma Inclusion. <http://ec.europa.eu/social/BlobServlet?docId=4823&langId=en>

The Decade of Roma Inclusion: Precursor to the EU Framework

The Decade of Roma Inclusion 2005–2015 provided a template for the EU Framework for National Roma Integration Strategies. Indeed, the Commission’s request that all Member States develop and implement targeted strategies, and devote sufficient resources to promote integration in four priority areas of health, housing, education and employment took its cue directly from the Decade.

KEY FEATURES OF THE DECADE

From its inception, the Decade was informed by what UNDP termed “a human development perspective.” The key theme of UNDP’s influential 2003 report *Avoiding the Dependency Trap* was that legal frameworks for rights protection are a necessary but insufficient precondition for sustainable integration, and that there must be complementarity with an approach that focuses more broadly on development opportunities for Roma.¹³

¹³ UNDP, *Avoiding the Dependency Trap: The Roma Human Development Report*, p.2, 2003. <http://hdr.undp.org/en/reports/regional/europethecis/name,3203,en.html>

At its launch in Sofia in 2005, the Decade was heralded as

... an unprecedented political commitment by European governments to improve the socio-economic status and social inclusion of Roma. The Decade is an international initiative that brings together governments, intergovernmental and nongovernmental organizations, as well as Romani civil society, to accelerate progress toward improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.¹⁴

Notwithstanding the Decade's "Europeanisation" of the Roma issue, the role of national governments remained central to the whole initiative; participating governments committed to drawing up National Action Plans (NAPs) in the four priority areas. The NAPs targeted Roma populations specifically, but the objective was that such measures be mainstreamed into wider social inclusion policies. National governments also acknowledged the need to measure and review progress, and pledged to exchange good practice and lessons learned across national borders.

KEY DECADE LESSONS FOR THE COMMISSION

It is clear that in terms of dilemmas and opportunities, constraints and pitfalls to be avoided, some key lessons of the Decade were not lost on the Commission.

- The fact that 12 governments were willing to sign a pledge to close the gap between Roma and the rest of their citizenry, effectively affirming the primacy of their national responsibilities in a pan-European endeavour sent a clear signal that forging political consensus for an EU-wide framework was not beyond the bounds of possibility.
- The fact that National Action Plans were so central to the Decade also provided a working template of how to surmount the "Europeanisation" pitfall—how the European Commission could avoid a "symbolic transfer of responsibilities" by Member States to European institutions on Roma integration.
- The shortcomings of the Decade also proved to be instructive. Critics pointed to the lack of tangible progress since 2005, in that living conditions were actually worsening for marginalised Roma communities and that this was coupled with a rise in anti-Gypsyism; the failure by governments to set quantifiable

¹⁴ The Decade of Roma Inclusion 2005–2015. <http://www.romadecade.org/about>

targets, and the lack of disaggregated data against which to measure progress made for weak reporting and monitoring; the absence of coordination across line ministries and regional and local authorities; the failure to make smart use of EU funding instruments for Roma inclusion; and the missing ingredient of substantive and structured Roma participation. In terms of what could define success, and what would be needed to move beyond the realm of aspirations, the Decade lessons provided a sobering and salutary litany of “pitfalls to be avoided” by the European Commission.

The Framework and Its Discontents

When the European Council endorsed the EU Framework on 24 June 2011, Commissioner Reding was moved to declare that:

Today's agreement is a huge step forward for millions of Roma around Europe. The EU is sending a strong signal: the exclusion of the Roma is not compatible with our societal values and our economic model.

FIRST REACTIONS FROM CIVIL SOCIETY

The initial reactions from civil society organisations were more muted. In an address to the Roma Platform meeting in Budapest, Zeljko Jovanovic, Director of the Roma Initiatives Office at the Open Society Foundations, summed up the discontent expressed by dozens of organisations from 16 countries, when he stated, “The Framework offers no guarantees to ensure national strategies will be developed in close consultation with Roma civil society. Civil society is ready to play an active role in the policy-making process; we only ask the European Commission to engage with us.”¹⁵

The European Roma Policy Coalition criticised the Framework for failing to specify measures to combat discrimination, intimidation, hate speech and violence against Roma; for failing to provide clear guidance on strategy design and implementation; for setting

¹⁵ Bernard Rorke, *An EU Framework for Roma Integration by 2020: A New Departure or Much Ado about Nothing?* European Policies Initiative, Open Society Institute–Sofia, Policy Brief 31, May 2011. http://eupi.osi.bg/fce/001/0070/files/RomaPolicyinEU_EuPIPPolicyBrief31_May2011.pdf

vague and unambitious targets; and for the lack of a clear coordination mechanism to ensure “full and effective engagement of the European Commission, Member States and civil society.”¹⁶

However, much of the criticism was tempered by a realisation that the Framework, as the product of in-house political bargaining and compromise, and though far short of an EU Roma Policy, was just about as good as it gets in terms of an EU-level commitment. And many aspects of the Framework were welcomed, such as the enlargement component, with the explicit commitment from the Commission to help the aspirant countries of South Eastern Europe at the regional and national levels to enhance their efforts on Roma inclusion. The Communication also made mention of the importance of Roma participation and consultation, and held forth the prospect of a “robust monitoring mechanism.”

A STEPPING-STONE TOWARDS ROMA INCLUSION

Critics acknowledged that the Framework was at least a stepping-stone towards Roma inclusion. And as such, the Framework was unprecedented in being endorsed by the Council and requiring all 27 EU states to produce either detailed national Roma integration strategies or integrated sets of policy measures up to 2020; in that the European Commission committed to support Member States to deliver on their commitments and assist them to use EU funds to address new needs, to simplify delivery and speed up the implementation of priorities on Roma inclusion; and to link the Framework with the wider processes of the Europe 2020 growth strategy.

Without a doubt, some of the rhetorical and at times inchoate clamour for “Europe” to do more to address Roma exclusion seems oblivious to the limitations of the competencies of the various institutions, and prone to a wider misconception that European supranational institutions can deliver where states have hitherto failed. As far as practical politics is concerned, the primary responsibility to remedy exclusion and inequality lies with national governments.

However, the main thrust of civil society criticisms of the Framework was solidly grounded and proved to be well-founded. This became manifest in the critical weaknesses contained in the strategies submitted by Member States. This was borne out by a review conducted by the Open Society Foundations of strategies submitted by Bulgaria, the Czech Republic, Hungary, Romania and Slovakia.¹⁷ The Open Society Foundations

¹⁶ ERPC Press release, “EU Roma Framework Weak on Discrimination Against Roma,” Brussels, 5 April 2011. <http://romapolicy.eu/eu-roma-framework-weak-on-discrimination-against-roma/>

¹⁷ Open Society Foundations, “Review of EU Framework National Roma Integration Strategies,” compiled by Bernard Rorke, February 2012. <http://www.opensocietyfoundations.org/sites/default/files/roma-integration-strategies-20120221.pdf>

supported civil society dialogue and advocacy in each of these five countries, and cooperated with governments in the process of consultation between the Framework Communication in April 2011 and the December 2011 deadline for submission of NRIS. The review of the NRIS was submitted to the European Commission in February 2012.

Integration Strategies: The Open Society Foundations' Verdict

As founding members of the Decade, the five countries covered by the Open Society review (Bulgaria, the Czech Republic, Hungary, Romania and Slovakia), with five years of experience behind them, were, in theory, best placed among Member States to meet all the European Commission's requests contained within the 5 April Communication and deliver comprehensive strategies.

The Open Society Foundations' verdict was that the NRIS were no more than first drafts, best viewed as work in progress. The documents varied in scope and ambition, but all were replete with weaknesses already evident in the Decade National Action Plans.

The message from the assessment was clear: to go beyond vague intent to concrete implementation, strategies need to be bolstered by concrete targets and timelines; structured mechanisms for continuous dialogue with civil society and local authorities; allocated budgets and earmarked funding to support inclusion policies up to 2020; the kind of data that allows for "robust monitoring" of progress; and a recognition that national integration strategies cannot succeed without resolute and unequivocal action to combat racism and discrimination. Below is a summary of the deficits common to the strategies:

- **Use of EU Funds for Roma Inclusion:** The Commission confirmed the obvious when it stated that "Member States do not properly use EU money for the purpose of effective social and economic integration of Roma." All five strategies failed on two counts: first, they failed to describe how EU funds will be better used for Roma inclusion, and second, they failed to fulfill the criteria set by the EU Framework and draft EU regulations.

- **Lack of Reliable Disaggregated Data:** The lack of reliable ethnically disaggregated data remains a major stumbling block. States object that the collection of such data is illegal. As clearly shown in the Open Society report *No Data—No Progress*, the reality is that ethnic data—as one component within disaggregated data—can be generated and used in ways that protect the privacy of individuals and groups while providing critical information to help policymakers fight racism and discrimination and draft viable equality programs. The review recommended that the European Commission issue guidelines on the interpretation of its regulations on ethnic data collection and processing, to clearly and authoritatively prevent any misconceptions or misinterpretations that the regulations are an absolute prohibition on the use of data regarding ethnicity.¹⁸ The Framework Communication called for robust monitoring, but there is a danger that old habits of weak monitoring and perfunctory reporting, evident since the launch of the Decade, will persist as long as governments fail to collate reliable and disaggregated baseline data.
- **Gender Equity:** The Framework Communication did not place much emphasis on gender equity and it came as no surprise to see this reflected in the failure of the National Roma Integration Strategies to address adequately the multiple discrimination faced by Roma women. The importance of “explicit but not exclusive targeting” of Roma women cannot be overstated: first as a legitimate affirmative action in its own right; and second for the wider, long-term impact on the community and wider societal cohesion. The Commission’s own report on *Ethnic Minority and Roma Women in Europe* states: “Investing in Roma women... lays the foundations for a longer-term and effective inclusion of future Roma generations.”¹⁹ It is imperative that the principle of gender mainstreaming be fully incorporated into the strategies in a consistent manner across all Member States.
- **Healthcare and Housing:** With regards to health, the Open Society report *Beyond Rhetoric* contained a wealth of general and country-specific recommendations that should be incorporated into the strategies.²⁰ They were not, and

¹⁸ Christina McDonald and Katy Negrin, *No Data—No Progress*, Open Society Foundations, June 2010. <http://www.opensocietyfoundations.org/sites/default/files/no-data-no-progress-20100628.pdf>

¹⁹ European Commission, *Ethnic Minority and Roma Women in Europe - A Case for Gender Equality?* April 2010. <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=492&type=2&furtherPubs=no>

²⁰ Open Society Foundations, *Beyond Rhetoric: Roma Integration Roadmap for 2020*. Compiled by Bernard Rorke, June 2011. <http://www.opensocietyfoundations.org/reports/beyond-rhetoric-roma-integration-roadmap-2020>

the review concluded that the health sections of the National Roma Integration Strategies needed to be revisited and thoroughly revised. Member States should ensure that their strategies contain all necessary measures to eliminate individual and systematic discrimination against Roma in healthcare and social services, by providing Roma with access to quality services at a similar level and under the same conditions as for the rest of the population.

The strategies were plainly inadequate on the issue of housing. The review emphasized the need for housing interventions, urban planning and rural development to be part of comprehensive, integrated and sustainable approaches to improve the living conditions of Roma. It also emphasized the need for provisions to ensure non-discriminatory access to housing.

- **Education:** Ensuring at least two years of high-quality preschool education for each Roma child has been one of the targets of the Decade since its inception. With regards to access to education, the Communication merely called on states to “ensure that every child completes primary school” with a cursory mention of preschool and early childhood interventions. Elsewhere, the Commission was far more explicit in highlighting the key role such interventions can play in overcoming the educational disadvantage faced by Roma children. It stated that “although their needs are greater, participation rates of Roma children in Early Childhood Education and Care are significantly lower than for the native [sic] population, and expanding these opportunities is a key policy challenge across the EU.”²¹ In their current form the strategies are not up to the meeting this challenge.

Early childhood interventions are crucial to success in primary and secondary education. Concise targets and firm indicators need to be in place so that Member States ensure that all Roma children have access to quality integrated education, and measures are taken to reduce the gap in secondary school completion rates.

The Communication states that Roma children and young people should not be subjected to discrimination or schooled in segregated settings. What is lacking in the National Roma Integration Strategies is a firm and unambiguous commitment to end school segregation, as well as a commitment to desist from the practices of misdiagnosing Roma children as “mentally handicapped” and sending them to special schools in defiance of the European Court of Human Rights’ ruling that such practices are discriminatory and unlawful.

²¹ European Commission Communication, *Early Childhood Education and Care: Providing All Our Children with the Best Start for the World of Tomorrow*. COM(2011) 66. Brussels, 17 February 2011. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0066:FIN:EN:PDF>

- **Racism and Discrimination:** The Open Society Foundations' insistence that National Roma Integration Strategies cannot succeed without resolute and unequivocal action to combat racism and discrimination has been echoed by the European Parliament resolution of 8 May 2010. Strategies would need to be revised to reflect an unambiguous recognition of the interdependence of inclusion and anti-discrimination as a prerequisite for meaningful integration.

First Steps: The Verdict of the European Commission on the Strategies

At the May 2012 launch of the Commission's assessment of the NRIS, Commissioner Reding declared that the European Commission and Parliament had succeeded in putting Roma integration high, not only on the EU's political agenda—"but also on Member States' national agendas"; that all 27 states lived up to their word and delivered national strategies; and that "this shows the strong political will to tackle the challenges of Roma integration."

However, beyond these upbeat opening comments, Reding was characteristically forthright in detailing the deficits:

For the strategies to exist not just on paper and to produce tangible benefits for the 10–12 million Roma living in Europe we now need concrete measures, explicit targets, earmarked funding and sound monitoring and evaluation. As we know, the devil is in the detail. And it is precisely this level of detail that is lacking in most of the strategies.²²

²² Europa Press Release: Viviane Reding Vice-President of the European Commission, EU Justice Commissioner, The Commission's Communication on "National Roma Integration Strategies: A First Step in the Implementation of the EU Framework," Press Conference, Strasbourg, 23 May 2012. <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/379&type=HTML>

The communication itself effectively delivered a thumbs-down to the Member States' National Roma Integration Strategies. The Commission's verdict, though carefully calibrated, leavened with faint praise and a smattering of "good practice examples," was fairly damning.²³

The strategies submitted were deemed to be no more than a "first step towards making a real difference in the lives of the Roma population." While the national strategies vary in terms of quality, scope and ambition, even the best fall far short of what is required: "Much more needs to be done when it comes to securing sufficient funds for Roma inclusion, putting monitoring mechanisms in place or fighting discrimination and segregation in the key priority areas." The gaps identified by the Commission were profound and corresponded closely to those highlighted in the Open Society review of the strategies.

STRATEGY DEFICITS IN HEALTH, HOUSING, EDUCATION AND EMPLOYMENT

In the four key areas, of health, housing, education and employment, the Communication sets out priorities that Member States should address further "in order to meet their responsibilities." In education, for example, "as part of an integrated approach" Member States are urged to eliminate school segregation and the misuse of special needs education; increase early childhood enrolment; improve teacher training and mediation; raise parental awareness; and promote vocational training.

From these urgings, it is clear that Member States have failed to adopt an integrated approach to inclusive education, and have failed to address the basics to ensure that Roma children will have full and equal access to quality, integrated education by 2020.

Reding expressed her deep regret that not all Member States addressed the issues of access to decent healthcare and housing, areas where she insisted national action is needed:

A startling report released today by the Fundamental Rights Agency shows that about 45% of the Roma surveyed live in households lacking an indoor kitchen, toilet, shower or bath, or electricity. The report also shows that one in three Roma is unemployed, 20% are not covered by health insurance, and 90% are living below the poverty line.

²³ Bernard Rorke, "Damned with Faint Praise," *European Voice*. 23 May 2012. <http://www.europeanvoice.com/article/2012/may/damned-with-faint-praise/74387.aspx>

The information is sobering—and should serve as a wake-up call to Member States. The Commission’s message today is this: Member States need to extend health and basic social security coverage to Roma people. They also need to improve living conditions especially in segregated settlements.²⁴

STRATEGY DEFICITS IN FUNDING AND COORDINATION

On the crucial question of putting your money where your mouth is, or in EU terms, securing the financing necessary for sustainable implementation, there remains a profound problem. The Framework called on Member States to allocate sufficient funding from national budgets, and identify complementary sources of EU funds. The Commission’s verdict was that, for most states, “it remains unclear what specific funding is earmarked to support their Roma policy for the coming years.”

The Commission noted that as regards implementation and monitoring, most Member States failed to explain how they see cooperation with regional and local authorities, on the one hand, and civil society and Roma communities, on the other. The message from the Commission was clear: “Member States need to make more efforts to meaningfully involve both the regional and local authorities and civil society at all stages of the national strategies.”

In sum, in May 2012, the Commission communication called on all Member States to live up to their democratic responsibilities towards their Roma nationals: to devise concrete measures; to allocate proportionate financial resources; to set clear targets for measurable deliverables; and to be “convincing” in fighting discrimination.

In essence, this was a repeat of what the Commission called for in April 2011, in the Framework Communication. That the Commission had to call for it all over again, after the submission of the strategies, stands as an indictment of Member States’ less-than-adequate commitment to Roma inclusion.

²⁴ Europa Press Releases: Viviane Reding on the Commission’s Communication on “National Roma Integration Strategies: A First Step in the Implementation of the EU Framework.”

Conclusion

LOOKING AHEAD: THE PROSPECTS FOR “MAKING A DIFFERENCE BY 2020”

It is certainly to the credit of dedicated personnel within the European Commission that the issue of Roma inclusion did not simply vanish from a very crowded EU political agenda in a year when the entire European project seemed to teeter inexorably “on the brink.” As the Union lurches from crisis to crisis, it is quite an achievement that Commission officials driving its Roma Task Force have managed thus far to sustain the political momentum generated by the EU Framework for Roma Integration.

There is, however, a grave danger that this momentum will peter out due to a lack of political will. The fundamental flaws and the failures of most NRIS to comply with the expectations laid out in the Framework Communication stood as stark evidence of the indifference and ambivalence of many Member States. The critical shortcomings in the NRIS were detailed in the assessments provided to the Commission by the European Roma Policy Coalition and the Open Society Foundations, and much of this critique was reflected in the Commission’s own assessment of the strategies.

It is abundantly clear that, if left to their own devices, Member States will simply not deliver on Roma integration. In order for these strategies to have a life beyond paper, for the Framework to make a difference, there is no option but for the Commission to overcome its qualms about the “Europeanisation” of the process. The Commission will have to become more interventionist, and go well beyond “brokerage” to sustain what is a fragile consensus. The Commission will need to drive and coordinate the Framework, and be proactive in providing assistance to national and local authorities. At the same time, the Commission must avoid allowing room for any state to abrogate its primary responsibilities for the rights and well-being of its Roma citizens.

Recommendations

In a climate of rising intolerance and deepening poverty, and beyond these faltering “first steps,” it is vital to ensure that the prospects for tangible change in the living conditions and life opportunities for Roma communities do not simply dissolve. The Commission needs to consider the following recommendations to keep the Framework on track.

COMBATING PREJUDICE AND DISCRIMINATION

The recommendations already contained in the Report to the Committee on Civil Liberties, Justice and Home Affairs, and endorsed by an overwhelming majority in a European Parliament Resolution on 9 March 2011, called on the Commission to link social inclusion priorities to a clear set of objectives that include protection of citizens against discrimination in all fields of life and promotion of social dialogue between Roma and non-Roma to combat racism and xenophobia. They called for the Commission, as guardian of the European treaties, to ensure full implementation of relevant legislation and appropriate sanctions against racially motivated crimes. The Council reaffirmed the vital importance of this linkage. To sustain this linkage between now and 2020, the EU institutions have a vital role to play:

1. EU institutions need to react more frequently and more forcefully to racist incidents targeting Roma, and hold Member States to account to ensure the safety and security of Roma citizens as well as to provide prompt remedy for rights abuses.

2. EU institutions should coordinate and scale up existing efforts in a concerted drive to work with national governments, local authorities, educational institutions and civil society partners to launch awareness-raising campaigns to dispel anti-Roma prejudice and negative attitudes, along with initiatives that foster intercultural dialogue and cooperation and cultivate majority support for policies of Roma inclusion. Challenging prejudice and fostering popular consensus needs to be a sustained effort, fully integrated into the Framework and supported up to 2020.
3. With regard to Roma, in its forthcoming review of the Race Equality Directive (RED), the Commission should identify challenges in domestic implementation of RED, and work with Member States to remedy them in key areas identified by the Open Society Justice Initiative, including: (1) applying the concept of indirect discrimination; (2) widening the scope and access to remedies; (3) defence of rights; (4) burden of proof; and (5) positive action.²⁵
4. There is need for an EU-wide monitoring mechanism on hate crime against Roma. In the 2010 OSCE report *Hate Crime, Incidents and Responses*, with the exception of Sweden, all country reports stated that “No official data on crimes or incidents motivated by bias against Roma and Sinti were reported to ODIHR.”²⁶ According to Human Rights First, “official monitoring of hate crimes that includes disaggregated public data on violence against Roma is practically non-existent even among countries that have developed adequate monitoring systems on racist violence.”²⁷ European institutions should work with Member States to remedy this neglect.
5. As well as confronting the direct and blatant forms of racism that Roma face, European institutions should take the lead in addressing the impact of institutional racism, understood as the collective failure of organisations “to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic

²⁵ For more detail please see Open Society Justice Initiative and Open Society Institute–Brussels, Briefing Papers: “Evaluating the Implementation of the EU Race Equality Directive,” May 2012. <http://www.soros.org/briefing-papers/evaluating-implementation-eu-race-equality-directive>

²⁶ OSCE/ODHIR, *Hate Crimes in the OSCE Region – Incidents and Responses*, Annual Report for 2010, Warsaw, November 2011. http://tandis.odihhr.pl/hcr2010/pdf/Hate_Crime_Report_full_version.pdf

²⁷ Ibid.

people.” One first positive step would be to lead by example, and ensure a meaningful presence of Roma within the European institutions.

ROMA PARTICIPATION

The Council Conclusions invited the Commission in cooperation with the Member States 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.”²⁸

1. In light of the failure of Member States to identify in their NRIS precisely how they intend to empower and involve Roma, the Commission should request that states render this component of their strategies explicit, and cooperate with governments and municipalities to give form and substance to the notion of Roma participation.
2. Where the capacity of marginalised communities for meaningful participation is low, the Commission should press Managing Authorities to make more use of underspent EU Technical Assistance Funds. The amounts at Member States’ disposal are significant (4% of all Structural Funds). As a matter of urgency, the Commission should work with Member States to identify and remove the “bottlenecks and blockages” that inhibit absorption of available assistance funds. Roma inclusion needs to be incorporated as a key objective of Technical Assistance, so that unspent money can be used to support local projects targeting Roma, to build local capacity, knowledge and expertise to manage, monitor and evaluate such projects.
3. Funding and capacity-building should not be confined to Roma NGOs immersed in service-provision. One side-effect of EU funding has been the depletion of independent civil society voices, as NGOs increasingly became clients of Managing Authorities. The Commission should work to ensure that resources and training are also directed to civil society organisations focused on monitoring, evaluation, and holding local and national authorities to account.
4. The Commission should establish clear mechanisms to engage Roma expertise and provide regular opportunities to ensure that Roma contribute directly to the

²⁸ Council of the European Union (2011), Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020.

policy debate at the European level. It should encourage the National Contact Points to incorporate regional Roma expertise formally into their structures, and move beyond tokenism to ensure that such experts are fully involved in the design, implementation, monitoring and evaluation phases that should follow the submission of the first drafts of the NRIS.

5. The Framework failed to identify the multiple discrimination faced by Roma women as a major obstacle to integration. The Council Conclusions remedied this oversight by stressing that “Special attention should be paid to the interests and difficulties of Roma women and girls” and calling for a gender perspective to be applied in all Roma inclusion policies and actions.²⁹ It came as no surprise that little attention was paid to the interests and difficulties of Roma women and girls. A systematic approach to gender equity, and the active participation of Roma women as agents of change, was entirely absent from the NRIS. The Commission should work with the Member States to revise their strategies to address this deficit.

COORDINATION MECHANISMS

The Framework Communication acknowledged that the role of the EU Roma Platform needs to be reinforced. The Report to the Committee on Civil Liberties, Justice and Home Affairs is explicit in saying that the Open Method of Coordination has not been up to the task of fostering Roma inclusion. This is hardly likely to change. Commission mechanisms for coordination need to be proportionate to the tasks ahead.

1. The Commission should adopt the Spanish Presidency recommendation for the creation of expert working groups to support the work of the Roma Task Force. This would facilitate structured input from external experts and civil society, and allow for continuity between Platform meetings and rotating EU Presidencies.
2. The Commission urged Member States to meet a number of structural requirements including the involvement of civil society and regional and local authorities in the review, implementation and monitoring of the strategies to ensure a targeted approach in line with the Common Basic Principles on Roma Inclusion. There is a need for a dedicated expert working group to assist

²⁹ Council of the European Union (2011), Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/122100.pdf.

National Contact Points in key Member States to meet these requirements by a set deadline.

3. Further to the FRA/UNDP household survey on Roma, these agencies should work with governments to assist them to produce disaggregated data with a view to setting baseline indicators and measurable targets essential for the much-vaunted “robust monitoring system” to see the light of day.
4. The EU should commission a wide-ranging external review of EU funds that have been used for Roma inclusion. In many countries, the record to date is dismal, the capacity to absorb and manage EU funds is weak, and the impact on Roma communities remains negligible. Beyond accounting for monies spent, there is a need to ascertain what has been achieved, and what amounts to good, bad and downright useless practices. The focus needs to switch to impact and the imperative for Member States to demonstrate how the smart use of EU funds can make a “tangible difference to Roma people’s lives.”
5. The enlargement component of the Framework came with an explicit commitment to help the aspirant countries of South Eastern Europe at the regional and national levels to enhance their efforts on Roma inclusion in three ways: improving the delivery of support under the Instrument on Pre-Accession Assistance (IPA); strengthening the involvement of civil society; and closely monitoring the progress made by each country. Mechanisms to deliver on this commitment are missing. All these countries, bar Kosovo, are members of the Decade of Roma Inclusion. The Commission could utilise the convening power of the Decade, draw extensively from lessons learned since 2005, and step up its own participation within the Decade. The Decade can serve to complement and bolster the Framework and function as a mechanism to coordinate NRIS planning in accession countries. IPA funding has had negligible systemic impact on Roma inclusion to date. The Commission should examine the possibilities to put in place a Roma Integration Fund to promote comprehensive, participatory and sustainable approaches that deliver tangible and measurable outcomes that impact positively on local communities.

The EU Framework for National Roma Integration Strategies called on Member States to develop a targeted and integrated approach to Roma inclusion, and to submit their strategies by the end of 2011. According to the European Commission, the resulting strategies amounted to a “first step” towards making “a real difference in the lives of the Roma population.”

In a climate of rising intolerance and deepening poverty, it is vital to move beyond the faltering first steps and ensure that the prospects for tangible change in the lives of Europe’s Roma communities do not simply dissolve. This paper offers a set of recommendations that the European Commission needs to consider in order to keep the Framework on track.



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