

CENTRAL COUNCIL of German Sinti & Roma

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CENTRAL EUROPEAN UNIVERSITY



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Civil Society feedback on the Roadmap published by DG Justice on 17 Feb 2020

INITIATIVE SETTING OUT THE EU POST-2020 ROMA EQUALITY AND INCLUSION POLICY

Statement by the Alliance against Antigypsyism, Central Council of German Sinti and Roma, Center for Policy Studies of the Central European University, European Network Against Racism (ENAR), European Roma Grassroots Organisations (ERGO) Network, European Roma and Travellers Forum (ERTF), European Roma Institute for Arts and Culture (ERIAN), European Roma Rights Centre (ERRC), Fundación Secretariado Gitano (FSG), Open Society European Policy Institute (OSEPI), Phiren Amenca International Network, Roma Active Albania (RAA); Roma Education Fund (REF), Roma Entrepreneurship Development Initiative (REDI), and ternype International Roma Youth Network.

As European Roma and pro-Roma civil society organisations, we strongly welcome the commitment of the European Commission to develop a reinforced post-2020 European Strategic Framework for Roma equality, social and economic justice, and combating antigypsyism. As civil society we shall hold European institutions and Member states accountable for their constitutional, democratic and rule-of-law standards and European values. Therefore, we urge for an ambitious and binding commitment aiming at achieving substantive equality and full participation of Roma as equal citizens across Europe.

A. CONTEXT, PROBLEM DEFINITION AND SUBSIDIARITY CHECK

The problem the initiative aims to tackle

The failure of EU Member states and Enlargement Countries to significantly improve the socio-economic situation of Roma in the past decade and the growing rate of antigypsyism underline the urgency for an increased investment and political commitment to Roma equality, economic and social justice, and combating antigypsyism. For example, almost six years have passed since the launching of infringement procedures by the European Commission against the Czech Republic, Slovakia, and Hungary, however, there is little to no political progress toward ending educational discrimination and systematic segregation. While the Roadmap states that “the housing situation remains difficult,” we recognise that no legal and political measures have been taken so far against Member states to end residential segregations, forced evictions, and the denial of basic services and therefore to ensure Roma’s access to quality housing.

We welcome the Commission’s “stronger focus on non-discrimination and antigypsyism (as root causes of exclusion)” and expect that this translates into a reinforced rights-based and anti-racist approach in national strategies for Roma equality, social and economic justice, and for combating antigypsyism. [The EU must recognise antigypsyism as a specific form of racism, accompanied by specific and established national legislations and policy measures](#) across Member states and Enlargement Countries.

To combat antigypsyism in a conducive manner, it is essential to:

1. Understand and adopt effective measures that tackle antigypsyism as a form of structural racism, specifically against Roma and not as a “minority issue.” Besides, we should pay more attention to the ideology and behaviour of mainstream societies, in particular of institutions and duty-bearers, rather than to “the Roma.”
2. Recognise the historical aspect of antigypsyism; thus, institutions should hold clear responsibilities toward Romani communities.
3. Empower those dramatically affected by antigypsyism; Roma leadership, grassroots participation, and empowerment play a crucial role in overcoming the long-lasting effects of antigypsyism.
4. Deal with the high-level of antigypsyism’s social acceptance, often expressed through the inversion of causes and effects of antigypsyism in order to blame Roma for the challenges that they face.
5. Understand that “Roma inclusion” will remain illusory as long as we do not confront antigypsyism as the root cause of exclusion. Consequently, the fight against antigypsyism is fundamental in making inclusion measures effective and complementary.
6. Address intersectional discrimination of Roma people at the intersections of different grounds of discrimination, which increases the severity of exclusion.

B. WHAT AND HOW DOES THE INITIATIVE AIM TO ACHIEVE?

With its abstract outline for a new post-2020 EU Roma Strategic Framework, the Roadmap reflects some of the key conclusions from the evaluation of the implementation of the European Framework for National Roma Integration Strategies (2011-2020). It recognises the added value of an EU initiative in this context and of EU interventions and guidance of Member states and Enlargement Countries. The Roadmap defines the fight against antigypsyism and the need for empowerment measures as key priorities alongside thematic areas of education, employment, housing and essential services, health, and poverty. According to the Roadmap, the new Strategic Framework should also consider the diversity among Roma communities, include monitoring measures, set a common indicator framework, and define clear EU-level targets until 2030.

The joint statement addresses several aspects of the Roadmap that should be fully considered when designing the future EU Strategic Framework.

1. The need for an ambitious, comprehensive, and binding commitment of the EU and Member states

The Roadmap states that the proposed “non-legislative initiative on Roma equality and inclusion” will be outlined in a Commission Communication that will be complemented with a revised Council Recommendation.

As a European civil society, we urge the European Commission and the Member states to propose and commit to an ambitious, comprehensive, and binding EU Strategic Framework for Roma equality, social and economic justice, and combating antigypsyism.

We highlight that Member states are legally obliged to fully implement, through appropriate laws and regulations, all provisions of the Race Equality Directive and the Council Framework Decision on combating certain forms and expressions of racism and xenophobia. The Commission’s Roadmap should ensure that antigypsyism is addressed by Member states and Enlargement Countries under relevant mainstream legal frameworks, including national action plans against racism. The Poznan Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process, which was signed at highest level by the Prime Ministers of the Enlargement countries, can inspire EU Member states to a strong political commitment.

2. Ensuring the fundamental-rights, anti-racism, and empowerment approach

The Roadmap outlines that “the initiative will contribute to promoting equality and combat socio-economic exclusion of Roma.” We believe it is crucial for the post-2020 policy initiative to establish and follow clearly defined aims. Besides equality, participation, and inclusion, the strategic framework should include fundamental rights, anti-racism, and empowerment actions as the focus of the framework and national Roma strategies.

The title of the future policy initiative should reflect the complementary features and should be “EU Strategic Framework for Roma Equality, Social and Economic Justice, and Combating Antigypsyism”

The EU Strategic Framework should be established on an anti-racism approach to effectively prevent, combat, and eliminate racial discrimination and tackle violations of fundamental rights, exclusions, inequalities, as well as the lack of empowerment. The fight against antigypsyism shall complement but not replace the inclusion approach. This approach requires the EU and all Member states to [recognise antigypsyism \(with a Working Definition\)](#) as a specific form of racism and adopt specific and established legislations and policy measures to combat any form of antigypsyism, including structural at local, national and European level as well as to [ensure access to justice for Roma](#). In addition, it should be a de facto horizontal priority in the fields of education, employment, health, housing, basic services, and poverty. Preventive and proactive measures are needed to alter public perceptions, prevalent misrepresentations, and misinformation about Roma and to develop positive counter-narratives. Such measures shall especially be developed in the fields of education, media, [art, culture](#), and history.

The Roadmap and the future Strategic Framework should ensure coherence and complementarity regarding anti-racism policies and initiatives. Specific objectives related to anti-racism policies should be explicitly defined. Thus, the Roma Strategic Framework could contribute to the enhancement of anti-racism policies and, vice versa, the policies to fight against structural racism. For instance, the National Action Plans against Racism should support the effective implementation of the Roma Strategic Framework, the Race Equality Directive (RED), and the Framework Decision on combating racism and xenophobia.

We recommend that the new EU Strategic Framework includes explicit Guidelines for Member states and Enlargement Countries for combating antigypsyism, ensuring social and economic rights, and enhancing empowerment and participation. The Guidance shall set out a comprehensive approach to counter antigypsyism by addressing institutional settings and public policies, institutional practices, public discourse, anti-discrimination and educational bodies, monitoring and data collection systems, access to justice, legal tools to sanction antigypsyism, preventive measures, and a dedicated focus on empowerment, participation, and leadership of Roma. Measures and indicators should also particularly target majority society. Both reactive and preventive approaches should be applied through, for instance, “Truth, Recognition, Justice and Reconciliation Processes/Commissions” and positive counter-narratives in art, culture, history, and media. Such approaches could also be established through public campaigning, awareness-raising, and education targeting majority society and institutions. (See additional policy papers: [Alliance against Antigypsyism](#), [ERAC](#), [ERRC](#), or [REF](#))

The Commission’s Roadmap should extend the scope of the new strategic framework to remedy the shortcomings and partial ineffective implementations and violations of the Race Equality Directive (RED) by Member states and ensure better understanding and implementation of the RED at national level. Further, the Commission should monitor and promote the effective implementation of the RED and, as the “Guardian of the Treaties”, rigorously pursue infringement procedures against Member states for structural violations of the treaties. The three ongoing infringement monitoring processes on Roma should ensure timely and effective justice for Roma children who continue to face discrimination at school to date. In addition, the EC should look beyond education and address structural discrimination in housing within its Member states, particularly Bulgaria, France, Ireland, Italy, and Romania.

3. Improved governance, policy mainstreaming, and effective implementation

The new Strategic Framework must include **established common objectives** (with headline targets) at EU level with **minimum standards**, which can be translated into **national targets** by Member states (similar to Europe 2020). Country specificities are relevant insofar as they aim to achieve more than the minimum standards.

The Strategic Framework should require the mandatory adoption of national Roma strategies by all Member states, along with corresponding budget allocations for each action. This needs to be accompanied by a **comprehensive joint assessment framework**, with corresponding common indicators for each target, supported by FRA (and Eurostat) definitions. Additionally, indicators under the Social Scoreboard of the Social Pillar and the SDGs should be disaggregated to include data on key groups, such as the Roma, to ensure that none is left behind.

Progress toward the targets must be monitored at EU level according to the joint methodology, where **Member states submit progress reports** that are assessed at EU level, ideally within the framework of the European Semester, so that underperforming indicators can represent **policy triggers that bring about Country-Specific Recommendations**. The full involvement of stakeholders, such as the Roma and their civil society organisations, must occur in a systematic manner.

The implementation of the new Roma Strategy must be fully integrated in the **European Semester** and must work in **synergy with other key economic and social processes** such as the European Green Deal, European Pillar of Social Rights, Sustainable Development Goals, EU Gender Equality Strategy, Just Transition Mechanism, and New European Agenda for Culture. The Roadmap and the new EU Roma Strategy as well as the governance system/structures should emphasise **mainstream Roma equality, inclusion, and combating antigypsyism in all relevant mainstream policies and through all EU policies, and legal and financial instruments**. Moreover, they should guide Member states on how to operationalise this mainstreaming approach through complementarity and cohesion.

To ensure coherence and a level playing field across all Member states, **Enlargement Countries, Eastern Partnership countries, and those under neighborhood policy should be included on equal footing in policy debates**. Also, their progress toward better Roma inclusion and combating antigypsyism should be tracked as part of accession talks and EU benchmarks.

4. An increased investment of the EU and Member states

The Roadmap stipulates that “this initiative will ensure coherence between EU policy support, legal and funding instruments mobilised and aligned towards Roma equality and inclusion, such as for example the European Semester and the EU Funds.” To this end, European institutions must ensure that policy priorities of the EU Strategic Framework for Roma Equality, Social and Economic Justice, and Combating Antigypsyism are conditional to the programming and implementation of the next EU budget cycle (Multiannual Financial Framework 2021-2027), which is currently under negotiation

- In this context, InvestEU and its dedicated Social Investments and Skills Window represent a great opportunity to invest in support of Roma communities’ **socio-economic inclusion** by creating jobs and establishing **economic infrastructure through financial instruments**, including the combination of technical assistance with loans and guarantee instruments.
- For the enlargement regions, the Western Balkans Investment Framework should also focus

more on supporting social inclusion actions for vulnerable communities such as Roma.

- The European Semester and the Economic Reform Programmes processes, for the EU Member states and Enlargement region, should monitor the new EU Strategic Framework and its implementation on a country by country basis. Partnership agreements with Member states and operational programs must explicitly include Roma communities as one of the investment priorities.
- Outreach and empowerment are essential, and therefore, the next cycle of funding must ensure that priorities include funds to underpin **outreach** and **capacity building** with a view of enabling Roma communities to access investments opportunities provided by ESIF and central-level programmes (InvestEU).
- As a result, the new EU Strategic Framework should be **fully integrated and monitored through the European Semester**.

Funding should also allow for specific measures to fight antigypsyism and Roma empowerment and participation in arts, culture, media, as well as in all public and political life. The key role of civil society is well recognised, and thus, funding should result in a sustainable and efficient operation of civil society organisations to monitor the action of governments accountable and ensure fundamental rights of Romani citizens across Europe.

We call upon the European Commission, Member states, and Enlargement Countries to adjust the existing mainstream financial mechanisms to make them flexible for the integrated use of funds in Roma communities by enabling access to information, outreach, capacity building, and delivery of technical assistance and guarantees during the funding application process and to combat antigypsyism.

FRAMING THE (THEMATIC) PRIORITIES FOR THE EU STRATEGIC FRAMEWORK

We welcome the proposal of the Commission and suggest the following framing of the main priorities:

Priority (1): Deal with antigypsyism and discrimination targeting Roma people.

Priority (2): Promote effective Roma empowerment and participation in art, culture, history and media, as well as in public and political life.

Priority (3): Increase completion rate of Roma to 90% in primary and 50% in secondary with regard to quality, inclusive mainstream education to reach.

Priority (4): Increase effective Roma participation to 75% in paid quality and sustainable employment.

Priority (5): Increase effective Roma access to quality healthcare services and ensure that 95% of the population have universal health insurance coverage.

Priority (6): Increase effective Roma access to quality housing and essential services by provision of permanent, decent, affordable, and desegregated housing for Roma currently living in informal settlements that cannot be legalised for justified reasons.

Priority (7): Effectively reduce Roma poverty and social exclusion

FRAMING THE CROSS-CUTTING PRIORITIES FOR THE EU STRATEGIC FRAMEWORK

We welcome the mainstreaming approach of the Commission but further suggest expanding the list of cross-cutting priorities to ensure that all (intersecting) realities of Roma communities are well reflected in the future EU Strategic Framework.

- Environmental injustice/racism;
- Gender mainstreaming and intersectional and multiple discrimination with a focus on key priority groups: children, young people, women, LGBTQI+ persons, disabled persons, and elderly people;
- Intra-EU mobility and migration; and
- Diversity of Roma (Sinti, Manoush, Kale, and so on).

C. IMPROVED REGULATION

We welcome the European Commission's Roadmap for an "Initiative setting out the EU post-2020 Roma equality and inclusion policy" and open consultation process. The Roadmap lays out the context and rationale as well as the overall aims and direction of the policy initiative and outlines the consultation process and evidence base. Consequently, the Roadmap enhances the upcoming policy-making process with transparency and organisation.

We underline that the Roadmap should turn Roma participation into a binding common quality standard for the future European Strategic Framework and national strategies. Roma and civil society organisations should be fully involved in the design, implementation, and monitoring of the Framework. The integration of financial and structural mechanisms should be ensured to guarantee equal and quality participation.

As a civil society, we expect that additional consultation opportunities would be established between the current launch of the Roadmap and the finalisation of the EC Communication for the post-2020 EU Strategic Framework. In particular, we expect a preparatory process and working structure (such as creating working groups or holding consultation meetings) to be established to facilitate the civil society participation regarding the announced event of the European Commission and the German EU Presidency in October 2020. We welcome the consultation process that was already launched by the Commission and FRA regarding the indicators' framework.

Improved Roma participation in the policy-making process on the European and national level

In line with Article 11 of the Treaty of the European Union (TEU), the post 2020 EU Strategic Framework should include minimum standards on the implementation of the right to participation to ensure full and effective involvement of Roma at national and grassroots levels and all stages of the EU Framework and NRIS design, implementation, monitoring, and evaluation. Where relevant, rules supporting CSOs' active participation in human rights are already in place at national level, and authorities should ensure that these are implemented in practice. This involves the provision of available adequate human and financial resources in view of enabling proper participation processes, such as validating Roma participation as a condition under funding regulations and providing

public servants with training and sufficient time to engage such organisations. EU institutions and national governments should treat Roma, Sinti, Travellers and other groups facing antigypsyism as equal partners in all stages of the policy cycle, including agenda setting and policy formation. They should also support self-organisation and other forms of empowerment, such as promoting leadership and recruiting Roma, including women, for high-level positions in public administrations.