



European Network Against Racism

Réseau européen contre le racisme

# General Policy Paper No. 7

## Roma Inclusion: A Progressive and Rights-Based Approach

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The European Network against Racism (ENAR) is a network of more than 700 NGOs working to combat racism in all EU Member States and acts as the voice of the anti-racist movement in Europe. ENAR is determined to fight racism, racial discrimination, xenophobia and related intolerance, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national and European initiatives.

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## Introduction

This seventh General Policy Paper by the European Network Against Racism (ENAR) is the product of ongoing concern and reflection regarding the development of progressive integration and social inclusion policies as a tool to combat racism. It comes shortly after the EU designed and adopted a European Framework for National Roma Integration Strategies, an important step in acknowledging politically the need to improve Roma inclusion initiatives and policies and to combat segregation.

It should be noted here that ENAR favours the use of the term ‘inclusion’ since it refers to the concept of an inclusive society which aims to achieve substantive equality for all. ENAR understands inclusion to refer to a wide range of policies, with the aim of giving Roma the possibility to effectively participate in all areas of society on an equal basis and with the view to also achieve equality in outcomes. Inclusion thus covers both civic rights and socio-economic rights.

The ENAR Network and its Members have been working on Roma issues for several years, and are now refining, through this General Policy Paper, ENAR’s approach to Roma inclusion on the basis of its new strategic goal: to “articulate and promote a progressive narrative that recognises the benefits of a racism-free Europe”. By stressing the importance of equality and diversity for a vibrant European society and economy, ENAR’s narrative should be implemented inter alia by promoting effective participation of ethnic and religious minorities in all spheres of society, including specifically employment, public administration, education, culture, and sport.<sup>1</sup>

As a preliminary remark, ENAR recognises that the Roma are not a homogeneous community; it is impossible to find one word which would successfully include all communities commonly associated with that name. In Romani language, the term Roma refers to a person and is the traditional appellation for some, mainly Romani speaking groups who have developed a historic presence in almost every European country. The EU institutions and other international organisations are using the term “Roma” as an umbrella term to include groups of people who share more or less similar cultural characteristics, such as the Roma, Sinti, Travellers, Manush, Jenische, Kaldaresh and Kalé.<sup>2</sup> These groups also share a history of persistent marginalisation in European societies. It is important to note that not all these communities in the world today recognise themselves as Roma and prefer to use alternative terminology and self-identifications, which should be acknowledged and respected. The word Roma is mainly used in the Eastern European context and refers to the Indian origin of Roma. Its use in relation to groups such as Irish Travellers, Resande (in Sweden), and Gens du Voyage other than Manouches and Yenish, who are indigenous minorities, is at least questionable. While no official data on ethnicity is available across the EU, it is estimated that the Roma compose 10 to 12 million people in the EU, making them the largest minority in that same territory.<sup>3</sup>

Roma are of Indian origin; their ancestors arrived from India around 1,000 years ago.<sup>4</sup> For centuries, they were evicted from country to country and were therefore doomed to flee violence and persecution in the hope of finding a more welcoming territory in which they could settle. The centuries of their persecution, including five centuries of slavery in Romania, reached a peak during

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<sup>1</sup> ENAR Strategic Plan 2011-2013.

<sup>2</sup> For ease in language, reference is made to Roma in this policy paper, but it may be used interchangeably with these other groups, depending on the particular case.

<sup>3</sup> European Union Agency for Fundamental Rights, The Fundamental Rights Position of Roma and Travellers in the European Union (factsheet), August 2010: [http://fra.europa.eu/fraWebsite/attachments/roma-travellers-factsheet\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/roma-travellers-factsheet_en.pdf).

<sup>4</sup> Not all groups included under the “Roma” denomination come from India. Irish Travellers, for instance, are an indigenous minority who has been part of Irish society for centuries.

the Second World War, during which the Roma in Europe faced extermination under the Nazis, simply because of their ethnic identity and because they did not fit 'the norm'. The Nazis killed between 500,000 and 1.5 million Roma. Even though the Roma endured the same atrocities as Jews, they had to fight a much longer time to become recognised as victims of 'Porajmos' (the Roma Holocaust). The genocide of Roma was not recognised because of the persistence, within the majority community, of stereotypes including the idea that Roma were not persecuted on ethnic grounds but due to their "anti-social behaviour". Consequently, racism against the Roma has not yet been acknowledged and proscribed to an extent similar to anti-Semitism. Indeed, the Roma remain to this day the most discriminated minority in Europe.<sup>5</sup>

## Analysis of the current situation

A large majority of Roma are EU citizens with rights derived from the Treaties and the Charter of Fundamental Rights.<sup>6</sup> However, Roma inclusion still presents significant difficulties for governments due to the complex combination of issues related to ethnicity, civil status and access to personal documents, participation and representation, socio-economic status and culture of the Roma and Traveller population. They also face challenges related to institutional discrimination and political and popular hostilities. Tackling the structural and systemic inequalities affecting the Roma requires a comprehensive and multidimensional approach.

In the past few years, there has been a resurgence of anti-Roma violence, and Roma are increasingly victims of racist attacks, serious human rights abuses and anti-Roma rhetoric by both state and non-state parties. There is a persistent and growing fear among the Roma throughout the EU that Member States cannot protect them and that consequently the solution is to flee their countries. The overwhelming anti-Romani sentiments and public actions by their fellow citizens, organized extremist groups and state actors are deeply alarming. Anti-Gypsyism/anti-Tsiganism/Romaphobia<sup>7</sup> is a specific and long established form of racism.

The European Union Minorities and Discrimination Survey (EU-MIDIS), published in 2009, reveals that on average "every second Roma respondent was discriminated against at least once in the previous 12 months" and Roma who felt discriminated against experienced on average 11 incidents of discrimination over a 12 months period. This is combined with high rates of being victim of personal crime (one in four respondents) and victims of racially motivated crime (one in five respondents). Additionally, findings show low reporting rates largely due to a lack of confidence that the victims could be helped.<sup>8</sup>

Apart from the human rights argument on the necessity to improve the situation of excluded Roma, their inclusion is a necessary investment and would provide numerous benefits, including financially.

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<sup>5</sup> See ENAR, Debunking myths and revealing truths about the Roma, November 2011, <http://cms.horus.be/files/99935/MediaArchive/publications/roma%20final%20pdf.pdf>.

<sup>6</sup> The collapse of Socialism and resurgence of sometimes violent nationalism prompted a new wave of Roma migration westwards, which has not yet subsided.

<sup>7</sup> Throughout history, the words "Gypsy", "Tsigane/Zigeuner", and similar other terms, have been used by the ordinary people of different countries and without any concern of accurateness to refer to various human groups of very different origins and who had nothing in common (a religious sect, some groups of Romani people, mobile communities, sedentary communities, groups of plunderers, ordinary vagrants etc...). These words, which cover no national and/or ethnic reality and which have taken a derogatory connotation in very many languages, are to be banished from the political vocabulary, except in historical and potential racist contexts, where they convey an intentionally derogatory meaning (A frame statute of the Romani people in the European Union, A document drafted by the Romani Activists' Network on Legal and Political Issues (RANELPI) Year 2000, revised 2008, [http://www.rroma-europa.eu/uk/sc\\_en.html](http://www.rroma-europa.eu/uk/sc_en.html)).

<sup>8</sup> European Union Agency for Fundamental Rights, EU-MIDIS Data in Focus Report, The Roma, 2009.

For instance, if the employment rate of Roma could be raised to that of the majority, the overall rate of employment would be increased by 5% to 10%, depending on the proportion of Roma population in the country. According to the World Bank,<sup>9</sup> increasing labour market participation is indispensable for facilitating economic growth, especially requiring the participation of those of an economically active age but who are unemployed. In many Member States, Roma represent a significant and growing proportion of the school age population and future workers. The Roma population is young: 35.7% are under 15 compared to 15.7% of the EU population overall. The average age is 25 among Roma, compared with 40 across the EU.<sup>10</sup> Roma therefore comprise a significant and permanently growing percentage of the necessary resources for increasing labour market participation and - according to modest estimations - potentially triggering a 4 to 6 % growth of national GDPs.<sup>11</sup> This is more than any European country spends on national security.<sup>12</sup>

On the other hand, the costs of social exclusion are high, including wasted education expenditures such as the cost of segregated and/or low standard schools that fail to provide quality education.<sup>13</sup> Perhaps more importantly, growing inequality has consequences that go far beyond economic considerations. Inequality causes shorter, unhealthier and unhappier lives for all; it increases the rate of teenage pregnancy, violence, obesity, imprisonment and addiction; it destroys relationships between individuals born in the same society but into different classes; and its function as a driver of consumption depletes the planet's resources.<sup>14</sup> Inequality fuels tensions that are particularly dangerous if they have an ethnic basis. Working to foster equality is therefore beneficial for the well-being of all, not only for people in situation of or at risk of social exclusion. Pushing for equal treatment in education, housing or health is likely to improve the overall quality of life, social cohesion, and enhance well-being and feelings of belonging in European societies.

## EU level legislative and policy developments

At the EU level, several important legislative developments have contributed to the establishment of a framework for protection against racism and discrimination for EU citizens, that should in theory benefit Roma, including the 2000 Equality Directives, the Framework Decision on combating certain forms and expressions of racism and xenophobia, the Lisbon Treaty and the Charter of Fundamental Rights. Roma related issues have been mainstreamed to a certain extent in EU economic and social policies, and support for Roma has been provided by the EU structural funds. Furthermore, ten Common Basic Principles for Roma Inclusion were developed and annexed to the Council Conclusions in June 2009 highlighting the need for non-discriminatory policies, an intercultural approach and active participation of the Roma.<sup>15</sup>

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<sup>9</sup> DE LAAT, Joost ed. 2010 *Economic costs of Roma exclusion*. World Bank, available at: [http://siteresources.worldbank.org/EXTROMA/Resources/Economic\\_Costs\\_Roma\\_Exclusion\\_Note\\_Final.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf)

<sup>10</sup> European Commission DG Education Life Long Learning call „Promotion the Integration of Roma in and through Education”, [http://eacea.ec.europa.eu/llp/funding/2011/call\\_roma\\_2011\\_en.php](http://eacea.ec.europa.eu/llp/funding/2011/call_roma_2011_en.php)

<sup>11</sup> DE LAAT, Joost ed. 2010 *Economic costs of Roma exclusion*. World Bank, available at: [http://siteresources.worldbank.org/EXTROMA/Resources/Economic\\_Costs\\_Roma\\_Exclusion\\_Note\\_Final.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf)

<sup>12</sup> Livia Járóka, Working Document on Report on the EU strategy on Roma inclusion Committee on Civil Liberties, Justice and Home Affairs.

<sup>13</sup> MARCINČIN A. and MARCINČINOVÁ L. *The Cost of Non-Inclusion - The key to integration is respect for diversity*. Open Society Foundation, Bratislava, available at:

[http://www.romadecade.org/files/ftp/Publications/2\\_cost\\_of\\_non\\_inclusion.pdf](http://www.romadecade.org/files/ftp/Publications/2_cost_of_non_inclusion.pdf)

<sup>14</sup> The Spirit Level: Why More Equal Societies Almost Always Do Better' [Richard G. Wilkinson](#) and Kate Pickett, Allen Lane, 2009.

<sup>15</sup> The 10 Common basic principles are: 1 Constructive, pragmatic and non-discriminatory policies; 2 Explicit but not exclusive targeting; 3 Intercultural approach; 4 Aiming for the mainstream; 5 Awareness of the gender dimension; 6 Transfer of evidence-based policies; 7 Use of European Union instruments; 8 Involvement of regional and local authorities; 9 Involvement of civil society; 10 Active participation of the Roma.

However, the EU has so far failed to play its role as guardian of the EU treaties to effectively protect the Roma against violations of their rights, and has lacked a strategic comprehensive approach to Roma inclusion. No real progress has been noticed in the situation of Roma communities. The approach taken by the European Commission of solely relying on the EU legislation and on the fact that victims have to complain in court to move forward is not sufficient.<sup>16</sup> Roma citizens are often unaware of their rights, have no easy access to justice and face entrenched structural and institutional racism in the judiciary. Events in France in the summer of 2010 raised attention to the need for a comprehensive strategy at EU-level to address anti-Gypsyism/anti-Tsiganism/Romaphobia and the deep poverty and social exclusion faced by the Roma. Policy makers across Europe realized the significance of pursuing this issue, particularly since such a step had been long recommended by the European Parliament and civil society, including ENAR as well. The latest European Parliament Resolution of 8 March 2011 on this issue, adopted prior to the release of the European Framework for National Roma Integration Strategies, called on the Commission to link social inclusion priorities to a clear set of objectives including:

- the protection of citizens against discrimination in all fields of life;
- the promotion of social dialogue between Roma and non-Roma to combat racism and xenophobia; and
- acting as the guardian of the treaties, so as to ensure full implementation of relevant legislation and appropriate sanctions against racially motivated crime.<sup>17</sup>

The Framework proposed by the European Commission is far from fulfilling the recommendations of the European Parliament: it fails to specify measures to combat discrimination, intimidation, anti-Gypsyism/anti-Tsiganism/Romaphobia, hate speech and/or violence against Roma. The European Commission's approach has a strong economic and social focus, requesting all Member States to develop and implement dedicated long-term strategies to promote Roma integration in four key areas: access to education, healthcare, employment, and housing and essential services. It also seeks to allocate sufficient targeted resources to achieve progress. However, the Framework falls far short of fully tackling the challenges of Roma exclusion, which are intimately linked to widespread hostility and discrimination against the Roma people. This approach was somewhat balanced by the Council of the European Union, which states that it is empowered to take appropriate action to combat discrimination and invites the Commission to "pursue rigorous monitoring of the implementation of Council Directive 2000/43/EC".<sup>18</sup> Overall, the adoption of the Framework is a significant step forward and has the potential to make a difference by 2020 if efforts at all levels are upheld.

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## ENAR's approach to Roma inclusion

The approach to Roma inclusion policies need to be based on a "whole society vision, guaranteeing 'security, equality and prosperity for all' by maximising the potential of all, towards developing confident and strong communities, integrated and cohesive societies, as well as a stable and prosperous Europe".<sup>19</sup> This should be firmly grounded in a human rights-based approach ensuring

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<sup>16</sup> Even this role is not fully fulfilled; for instance, the Commission regrettably did not launch infringement procedures against France and other countries, which deported Roma EU citizens.

<sup>17</sup> Report on the EU Strategy on Roma Inclusion (2010/2276(INI)) Committee on Civil liberties, Justice and Home Affairs, <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0043&language=EN>.

<sup>18</sup> Council of the European Union (2011), *Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020*, paragraph 30.

<sup>19</sup> ENAR Strategic Plan 2011-2013.

anti-racism and anti-discrimination through a common set of rights for all. It requires the active participation of Roma to go beyond rhetoric and make equal treatment, social inclusion and participation of Roma a reality.

Consequently this paper elaborates four key areas and the principles that should underline the necessary actions for Roma inclusion:

1. A positive political discourse must be promoted
2. Respect and effective exercise of fundamental rights must be the basis of Roma inclusion policies
3. Active citizenship is essential to Roma inclusion and civic participation must be enhanced
4. Effective policy making and implementation must be ensured at all levels

## 1. A positive political discourse must be promoted

Currently, there is a lack of a “positive visibility” of Roma within society. Roma are often perceived as strangers, demonised and dehumanised at a time when the EU needs a vision in which diversity is an asset for our common future. It is therefore urgent to challenge the underlying perceptions and assumptions surrounding Roma populations, which are increasingly enhanced by the negative and racist discourses of politicians, policy makers and the mass media. Over the last years the political discourse mainly focused on phenomena such as begging and prostitution, false asylum seekers, “illegal immigrants”, conveying the impression that Roma are linked with crime. The Council of the European Union recognises this situation and invited the Commission and Member States ‘to foster positive changes in attitudes towards Roma by improving public awareness of Roma culture and identity and combating stereotypes, xenophobia and racism’.<sup>20</sup>

An approach framed by the respect for human rights and recognition of the positive nature of diversity in Europe needs to be developed and upheld.

### **ENAR calls on the European Union and national governments to:**

- Promote their essential values, conceptions, and principles when addressing Roma related issues
  - A zero tolerance policy must be applied for stigmatising comments and terminology likely to incite xenophobia, racism, anti-Gypsyism/anti-Tsiganism/Romaphobia or other forms of discrimination towards Roma by public authorities at all levels;
  - An approach that is consistent with European core values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities must be promoted;
  - Policies and practices related to Roma inclusion must contribute to the vision of a Europe without racism, of a society which accepts diversity and the principle of equality between people;
  - The political debate about Roma must include the Roma themselves and be an integral part of the debate about the future of European societies as a whole;
  - Roma must be considered and treated as citizens, with full recognition of their distinct identities and cultures.

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<sup>20</sup> Council of the European Union (2011), *Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020*, paragraph 40.

- Use positive terminology in the political discourse when addressing Roma related issues
  - Public authorities must promote a fair image of Roma;
  - The economic, social and cultural contribution Roma could have to European society must be recognised and mainstreamed within the general population;
  - The focus should be on presenting Roma inclusion as an opportunity with a constructive approach;
  - The exercise of their right to free movement by Roma citizens should be valued as a key contribution to the European project, as with any other European citizen;
  - An honest debate should take place about the prejudices and widespread concerns that the general public have in regard to Roma; the rights of minorities cannot be successfully defended when the concerns of majorities are neglected;
  - Measures and policies to encourage more positive media reporting about Roma must be adopted, since the media have a key role in promoting a positive image of Roma. The importance of including people from an ethnically diverse background in media staff should be promoted;
  - School curricula must take into consideration the presence of Roma and their contribution to culture and society, and contribute to overcoming stereotypes and promoting inclusion;
  - An immediate end to segregation in education must ensue;
  - The active inclusion of Roma must be promoted at all levels of society as a powerful tool to combat stereotypes and racism and value voluntary work done by Roma.
  
- Make use of data, invest in research, and challenge stereotypes
  - Qualitative and quantitative research should be produced with a focus on the added value of equal treatment of Roma for the whole of society ;
  - Real-life success stories of Roma people and strengthening human rights approaches to social inclusion policies should be widely shared;
  - Progress must be made in collecting disaggregated data to monitor the situation of Roma on a strictly anonymous, voluntary and self-defining basis and in compliance with rules on the protection of personal data, in order to provide more insight to inclusion policies and to challenge stereotypes;
  - Roma should be involved throughout the research process (e.g. as researchers, assistant researchers or data collectors) to ensure greater disclosure and to overcome mistrust towards public institutions;
  - The lack of disaggregated data must not be used as an excuse for inaction.

## **2. Respect and effective exercise of fundamental rights must be the basis of Roma inclusion policies**

The EU must respect the rights of all persons living and working in its territory and effectively implement the Treaty of Lisbon and the now binding Charter of Fundamental Rights. It must ensure that the Charter means something to all EU citizens in practice, and particularly Article 21, which states that:

“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”

Protecting Roma populations from discrimination is a particularly burning issue, as research from the European Union Agency for Fundamental Rights reveals.<sup>21</sup> This implies supporting empowerment and awareness raising schemes, offering to Roma individuals and community organisations tools to know and effectively claim their rights. Indeed, unequal treatment of Roma populations was often not viewed, particularly in the “new” Member States, as discrimination but rather as the consequence of the “way Roma choose to live”. As a result, Roma were often not considered as “deserving of protection” against discrimination. Roma are frequently discriminated against by state institutions, schools, hospitals, and public administration in general.

Respect for fundamental rights is not only an obligation of the EU and its Member States by law; it is also a prerequisite for successful inclusion policies and for achieving equality. Respect for fundamental rights creates more cohesive and stable societies.

#### **ENAR calls on the European Union to:**

- Ensure the respect and fulfilment of fundamental rights
  - The EU institutions must respond strongly and swiftly to infringements of minority rights by all Member States with no exception. Infringements in the area of anti-discrimination and fundamental rights should be treated in the same way as infringements in the economic field;
  - The EU institutions should react against any manifestations of racism, requesting Member States to react swiftly whenever the rights of Roma are under attack;
  - Anti-Gypsyism/anti-Tsiganism/Romaphobia must be recognized as a specific form of racism. Anti-Roma racism should be recognised an inherent part of the European cultural heritage that resulted in repeated persecution of Roma, culminating in the genocide during Nazism. Awareness should be raised about the Roma Holocaust (Porajmos) and debate and reflection generated on linking Roma persecution during Nazism and their ongoing discrimination;
  - The European Parliament should address the situation of Roma in the EU in its annual human rights report, and the European Commission should do the same in its annual report on the implementation of the Charter of Fundamental Rights of the European Union;
  - The EU should sign the Council of Europe Framework Convention for the Protection of National Minorities and encourage Member States who haven't done so yet to ratify it;
  - The EU institutions should encourage Member states to recognize Roma as an official minority.
  
- Ensure anti-discrimination for all
  - The European Community should sign the International Convention on the elimination of all forms of racial discrimination, as all Member States have already ratified it, just as it has done for the UN Convention on the rights of people with disabilities;
  - Multiple discrimination and exclusion must be addressed by including specific measures for Roma women, children, people with disabilities, HIV positive people, migrants, LGBT people, older people, etc.
  - The EU institutions must make sure that the national equality bodies created in order to promote equality and fight against discrimination function properly, are independent from political interference, are endowed with the mandate to investigate potential discrimination,

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<sup>21</sup> 'The impact of the Racial Equality Directive - Views of trade unions and employers in the European Union (Strengthening the fundamental rights architecture in the EU IV)': [http://www.fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/2010/pub\\_racial\\_equal\\_directive\\_en.htm](http://www.fra.europa.eu/fraWebsite/research/publications/publications_per_year/2010/pub_racial_equal_directive_en.htm)



and are accessible to those who are most likely to become victims of racism and discrimination;

- The European Commission should publish an annual survey on the work of national equality bodies and promote good practices;
- The exceptions on nationality and legal status should be removed from the EU anti-discrimination directives to ensure that (de facto) stateless<sup>22</sup> and undocumented Roma are efficiently protected.

#### **ENAR calls on the Member States to:**

##### ➤ Ensure the respect and fulfilment of fundamental rights

- Racism, hate speech and racist violence against Roma must be tackled and sentenced, racist attacks should be investigated promptly and the perpetrators of these attacks brought to justice;
- The EU Framework Decision against Racism and Xenophobia must be fully implemented;
- Action must be taken to protect the physical integrity and safety of Roma;
- Roma communities' and individuals' right to adequate housing must be guaranteed:
  - o Forced evictions without adequate notice or prior consultation and without being offered any alternative accommodation must be stopped to respect international human rights obligations,<sup>23</sup>
  - o Member States should provide sufficient sites for "Travellers" that are appropriate for living; Travellers should be consulted in the development and conception of these sites and self-management encouraged,
  - o Any measures aimed at hindering "Travellers" from using campings should be banned;
- All residents should have access to essential social rights and public services including education and healthcare, irrespective of legal status;
- The problem of lack of documentation and of (de facto) statelessness must be addressed where relevant. Every child must have a right to a nationality: the lack of a birth certificate, identity card or other legal document prevents many Roma from acquiring citizenship, a residence permit, or access to essential social rights;
- Human rights violations both against Roma communities and individuals must be addressed, with special attention given to protecting Roma women and children.

##### ➤ Ensure anti-discrimination for all

- Equality bodies should be able to work effectively and victims of discrimination should have the possibility to seek legal redress;
- Discriminatory policing and ethnic profiling that target Roma must be stopped;
- Sensitivity to cultural difference must not be used as an excuse for different treatment;
- An immediate end to segregation in education, in health services and housing must ensue. Capacity building on de-segregation should be organised at local level and court rulings on de-segregation must be enforced;
- Effective actions against discrimination in the field of employment should be taken;
- National Strategies on Roma Integration should include strong anti-discrimination and awareness-raising measures to tackle prejudice, discrimination and anti-Gypsyism/anti-Tsiganism/Romaphobia as a precondition for inclusion;
- NGOs working in the field of human rights and anti-discrimination should receive adequate support.

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<sup>22</sup> Resulting from state disintegration in the Czech Republic, Slovakia, Slovenia, former Yugoslavia.

<sup>23</sup> For instance the European Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

➤ Respect the links between anti-discrimination and social inclusion

- Inclusion must not be used as a means to restrict human rights of a minority and must not exclude or discriminate on any ground, whether on the basis of race, nationality, social or any other status;
- Greater awareness should be raised on the Common Basic Principles on Roma Inclusion; the principles should be operationalised and used as guiding principles for designing policies;
- Guidance for inclusion policies should be sought from the Recommendations on Roma and Travellers adopted by the Committee of Ministers of the Council of Europe;
- Measures that have synergetic effects, improving the quality of life of Roma as well as the relationship with non-Roma must be implemented;
- Policies and programmes should focus on individuals, tackling both the situation of Roma living in poverty and those out of poverty who experience racism, discrimination and exclusion;
- Positive action should be promoted by Member States and local authorities to foster Roma inclusion in employment, education, health and housing, as well as their political participation;
- Roma mediators should be trained and employed as an intermediate measure to build confidence between institutions and Roma,<sup>24</sup>
- Inclusion policies should encompass the different segments of Roma communities ensuring that the most marginalised groups (women, youth, persons with disabilities, elderly and others) are included.

**ENAR calls on the European Union and Member States to find human rights driven solutions to Roma migration:**

➤ Ensure freedom of movement for all within the EU

- All citizens should have access to personal documents and travel documents;
- The EU and its Member States should guarantee the rights of each individual. No one should be forced to leave his or her country;
- The European Commission should make sure that Roma can exercise their right to freedom of movement under the same conditions as any other citizens. Any policies which aim to prevent Roma from travelling or migrating should be banned;
- In light of the serious restrictions imposed by Member States on Roma's internal migration within the EU, curtailing their right to free movement, the right to asylum in the EU should also be secured for EU citizens who find themselves in situations of human rights violations and persecution;
- Member States not only should effectively transpose Directive 2004/38 but when possible at national level expand the competencies of this legislation. Indeed, it is already proven that it has significant gaps which makes the implementation of the directive ineffective, and even, in some cases, clearly violates some basic rights of Roma and other EU citizens using their right to free movement;
- An immediate end to forced expulsions must ensue by ensuring the respect of the Treaties of the EU, the Charter of Fundamental Rights and the EU Directive on Free Movement;

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<sup>24</sup> This should not, however, result in Roma constantly being referred to these mediators to address their problems. In any case, this measure does not substitute employing Roma in positions of responsibility. The mediators would ideally work in pairs (one Roma/ one non-Roma). Roma mediators are known to be efficient because they are close to their communities, but they can also have conflicts with member of those communities.

- Member States should immediately abolish transitional measures, which prevent Romanian and Bulgarian citizens from fully benefiting from freedom of movement in the EU and having access to the labour market.
- Protect the fundamental rights of Roma third country nationals
  - The integration of third country nationals should be facilitated, including access to citizenship;
  - EU Member States should refrain from deporting Roma from third countries, especially those who have been living in the EU for a long period of time;
  - The EU should stop signing readmission agreements with third countries, since these readmission agreements particularly affect Roma and members of other discriminated ethnic minorities who are overrepresented among those who are deported under these agreements;
  - The EU should take a strong stance on human and minority rights in its neighbourhood policy and accession negotiations. The safeguard of these rights should no longer be considered as secondary to other priorities. In order to be credible in its approach, the EU should aim to be exemplary in these areas.

### **3. Active citizenship is essential to Roma inclusion and civic participation must be enhanced**

The EU should be an inclusive democracy and should develop ways for everyone to fully participate. It should create a true European public space that is vital for the European integration process and serves society as a whole, while also stimulating community and individual development.

The concept of active citizenship is vague in most parts of the EU and has never been clearly linked to anti-discrimination and equality. Because of discrimination, racism and general everyday negative attitudes, a significant number of Roma are 'de facto' not or do not see or consider themselves as equal citizens and, unfortunately, there are still many who do not act as active citizens. In addition, the majority opinion tends to view Roma as not worthy of being treated as citizens. Other challenges include a history of oppression of Roma people, leading to an absence of reactions in the face of discrimination and violence, and a disconnection between communities and the political elite (both their own and that of the majority). This disconnection is largely due to the social exclusion of the Roma community, which promotes the emergence of self-acclaimed leaders who are not necessarily seeking to voice the concerns of their Roma constituencies or leaders who are appointed by and/or depending on the goodwill of the majority population and its political elite.

The Council Conclusions of May 2011 invite 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' (paragraph 41).

#### **ENAR urges the European Institutions and the Member States to:**

- Ensure voters' and citizens' empowerment
  - Voters' registration must be supported where relevant and voters informed of the importance of their vote;

- Skills-building programmes, information, education, awareness raising and funding must seek to empower Roma to understand and embrace the concept of citizenship, including awareness on the rights and responsibilities intrinsic with citizenship;
  - People should be given confidence that their vote can make a difference.
  - The establishment of formal and informal civic structures that help Roma feel confident must be facilitated:<sup>25</sup>
    - o to develop and make decisions about policy choices;
    - o to voice own concerns, act collectively where appropriate, develop pressure and hold public officials accountable;
    - o to articulate concerns in relation to the interests of overall territorial community, to advance towards a whole society vision, which is the starting point of changing the negative image majority citizens have of Roma;
  - Political parties and representatives must refrain from using anti-Gypsyism as a means to attract voters.
  - Political parties must do more outreach activities to challenge widespread mistrust, include Roma among their active members and actively give Roma access to elected positions;
  - Capacity building and direct investment must be prioritised to bolster the civic sector related to Roma;
  - A long-term and strong investment in the self-organization of Roma at grassroots level should be made to make the Roma voice heard and challenge institutional and societal discrimination, with a specific attention to women and young people;
  - Corruption, fraud and the problem of buying votes must be addressed where relevant to enhance control and democratic monitoring at local level.
- Provide adequate structures for participation and the Roma voice
- The direct involvement of Roma in decision-making and policy development and implementation on issues that have an impact on Roma must be ensured at local, national and EU levels as well as in the NGO/civil society sector as a key success factor;
  - Participation must take the form of a meaningful and continuous dialogue between Roma people and organisations, civil society, local authorities, Member States, relevant international organisations and European institutions;
  - A European guide of good practice for Roma participation should be developed, highlighting successful methodologies to involve Roma in decision making and policy at different levels and in different contexts;
  - Fora that grant Roma formal involvement but do not provide for any meaningful influence on policy processes must be avoided.<sup>26</sup> The multiplication of parallel structures with unclear composition and competence should be avoided;
  - Policy makers should cooperate with and listen to watchdog Roma, human rights and anti-racist organisations to ensure that legislation and policy do not lead to unlawful discrimination against Roma;
  - Policy making and implementation processes on Roma policies must be open, transparent and accountable;
  - Active participation of civil society and specifically of Roma must be promoted, including raising awareness of the processes and the added value of active citizenship;

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<sup>25</sup> These structures would not necessarily be specific to Roma, they could be NGOs or other civic organisations targeted at the whole population. A process to evaluate the action of these civic structures would be put in place to ensure they promote a progressive narrative on equality and diversity.

<sup>26</sup> For instance, the European Commission should ensure that the European Roma Platform can be used as a tool for Roma representatives and representatives of civil society to input on policies.

- The European institutions and national and local administrations should reflect the diversity of the EU population. This will also require actions to strengthen human resources within Roma communities and to encourage Roma to embrace a career with public administration.

### **ENAR urges civil society organisations, Roma citizens and community representatives**

- Mobilise to stand up for Roma rights and for policy change
  - Political participation of Roma in local, national and European elections must be encouraged;
  - Citizens' direct mobilisation must be enhanced;
  - NGOs which are advocating Roma rights should ensure Roma are included in their decision making structures;
  - Empowerment and grassroots mobilization of Roma as equal and active citizens should be strengthened through inclusion and capacity building, with a particular focus on women and young people as actors of change.
- Encourage alliances among Roma and non-Roma civil society
  - Cooperation among different Roma groups, without neglecting internal differences, must be promoted, inter alia by supporting regional meetings of Roma NGOs to facilitate dialogue and cooperation;
  - Civil society must truly involve Roma citizens in their actions;
  - A dialogue between Roma and non-Roma on how to achieve better inclusion must be engaged;
  - Special attention should be given to strengthening alliances and mutual trust and respect between young Roma and non-Roma, as on the one hand civic engagement and volunteering have a very strong potential to combat racism and stigmatization, and on the other there is a great danger of growing extremism among young people;
  - Roma and non-Roma organisations should join forces in campaigning for equality and developing joint projects based on mutual respect and shared interest;
  - Partnerships between Roma communities, civil society and local and regional authorities must be improved;
  - Good practices of cooperation at local and national level must be identified and promoted.

## **4. Effective policy making and implementation must be ensured at all levels**

So far, Roma inclusion strategies have produced limited results across Europe in terms of actually improving the situation of Roma, in part due to a lack of multi-sector and integrated approaches. Political and bureaucratic inertia need to be challenged. Narrow national interests should not prevent the EU from establishing effective policy making mechanisms. Policy and decision makers must adopt a holistic and coherent approach to other relevant policy areas for successful Roma inclusion strategies, with appropriate coordination and implementation mechanisms. The conditions required for successful evidence-based national policy making and implementation as concerns Roma inclusion are elaborated below.

### **ENAR calls on the European Union to:**

- Ensure efficient policy making
  - Policy coherence and mainstreaming with regard to EU Roma policy needs to be ensured vis-à-vis other relevant EU policies such as employment and social policy, the Europe 2020 Strategy and fundamental rights as an essential pre-requisite for effective policy making; Synergies and coherence between the different initiatives in place (Decade for Roma Inclusion, EU Platform for Roma inclusion, etc) must be ensured and duplication avoided;

- Clear linkages must be made between policy, programmes and projects, using lessons learned from projects to shape policies;
- Mainstreaming must be combined with specific targeting:
  - o Mainstreaming Roma in all relevant Open Methods of Coordination and other relevant existing mechanisms, including the structural funds;
  - o Targeted policies and interventions for short and medium term improvement;
- Common indicators must be collectively defined and used to measure the situation of minorities, including Roma; these indicators should include better community cohesion and better life chances;
- Links with the EU enlargement process must be ensured; in particular Western Balkans countries must be bound by the 10 Common Basic Principles on Roma Inclusion and integrated in the European Framework;
- Gender sensitive and age-sensitive policy making must be promoted;
- A regular and appropriate evaluation process should be put in place to measure the impact of policies on Roma.

➤ Ensure efficient policy implementation

- Effective control mechanisms should be implemented to monitor national and local Roma inclusion policies and appropriate sanctions must apply in cases of failure of implementation;
- Conditionality in the allocation of funding must be implemented, including institutional guarantees for the enforcement of the principle of non-discrimination and equality, the elimination of segregation, assurance of equal access of Roma to public services, decreasing gap between minority and majority;
- Window dressing programmes must be avoided, the EU must ensure that the projects it supports are making a real difference to people's lives and are in line with the Charter of Fundamental Rights;<sup>27</sup>
- A reliable ongoing multiannual budget should be dedicated to Roma inclusion, as it is essential for policy-based social inclusion initiatives;
- Projects must be sustainable, with a longer time coverage and enough flexibility so that bureaucracy does not put an end to promising local projects; lessons must be drawn from failed projects to learn which practices do not work while continuing to share best practices;
- The creation of parallel structures for Roma should be avoided; a lasting improvement of the situation requires structural changes in mainstream structures (at the level of ministries, schools, etc.);
- Accessibility of the different European facilities for funding must be ensured for grassroots organisations, including simplified and accelerated procedures;<sup>28</sup> funds should be earmarked for NGOs so that they do not need to compete with government institutions, international organisations and consultancy companies over resources.
- The EU should provide for strengthened coordination between EU funding streams to promote Roma inclusion – namely the Regional Development Fund, the Social Fund, the Rural Development Fund, fundamental rights and citizenship programmes and other relevant EU funding programmes.

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<sup>27</sup> The European Commission must stop feeding the so-called “Gypsy industry”, i.e. projects using the poverty and marginalisation of Roma to justify the allocation of funds.

<sup>28</sup> There is a need to earmark money for Roma civil society organisations and provide help to these organisations in the application process.

## ENAR calls on Member States to:

### ➤ Ensure efficient policy making

- Policy and decision makers must adopt a holistic and coherent approach to Roma inclusion and recognise that the respect of human rights, tolerance, anti-discrimination and access to rights are prerequisites for successful strategies;
- Coordination mechanisms must be established between horizontal and vertical actors at national level with clear lines of responsibilities and accountability, in particular regarding the role and mandate of a national point of contact for Roma inclusion;
- Member States and local authorities should set national and local targets for Roma inclusion in employment, education, health and housing with a particular focus on improving the situation of Roma women.<sup>29</sup>
- Favourable conditions for Roma civil society organisations must be created; including an effective and democratic dialogue with NGOs and transparent policies.

### ➤ Ensure efficient policy implementation

- Awareness must be systematically raised of policy processes and of Roma rights, to ensure that the whole population and in particular the most marginalised people are aware of the National Strategies and of the opportunities they offer to them;
- Monitoring and reporting mechanisms must be put in place based as much as possible on data disaggregated by ethnicity and gender and if necessary, a strategy to enhance disaggregated data collection must be urgently included;
- At the local level, addressing the lack of capacity to implement policies and access EU funding should go hand in hand with tackling direct and indirect discrimination in administrations.

## Conclusion

If the EU and its Member States are to be successful in curbing Roma exclusion and preparing all their citizens for a more inclusive and diverse Europe of the future, a change in approach to Roma inclusion is required at all levels. ENAR strongly believes that all the parties involved should rise to the challenges of promoting a progressive narrative on equality and diversity, while ensuring the respect and fulfilment of Roma fundamental rights, and encouraging their active citizenship.

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<sup>29</sup> The European Parliament resolution on the Situation of Romani women in the European Union adopted in 2006 highlighted that Romani women continue to face the greatest level of discrimination throughout Europe and urged public authorities in the EU to ensure Romani women and girls equal access to education and health care, including an end to segregation in schools and hospitals, see: European Parliament, Resolution on the Situation of Romani Women in the European Union: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0244+0+DOC+XML+V0//EN&language=EN>