

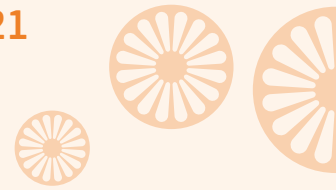


# 14<sup>th</sup> European Platform for Roma inclusion 20-21 September 2021

## CONSULTATION THEME 1

Assessing the National Roma Strategic Frameworks:  
Mainstreaming and Targeted Policies to Address Antigypsyism





## 1. Objective and process

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This discussion note aims to frame the thematic workshop ‘*Assessing the National Roma Strategic Frameworks: Mainstreaming and Targeted Policies to Address Antigypsyism*’. It is aimed to support the discussions at the European Platform for Roma Inclusion (EPRI), both in their technical and political sessions.<sup>1</sup> Based on a brief outline of recent developments and debates, its main purpose is to formulate questions for the debate in order to centre the debate on what matters most.

## 2. Context and critical issues

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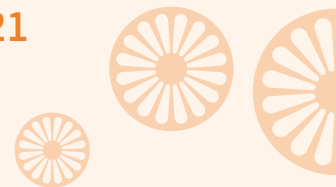
In October 2020, the European Commission launched the new EU Roma Strategic Framework for Equality, Inclusion and Participation (EURSF) (EC, 2020a, 2020f). Following and building upon the previous 2011-2020 framework (EC, 2018, 2019), it sets seven objectives: three horizontal ones (equality, inclusion, and participation) and four sectoral objectives in the areas of education, employment, housing, and health. This commitment has been reinforced with the political weight of a Council Recommendation adopted unanimously in March 2021 (Council of the EU, 2021). Also, the European Parliament issued a detailed [resolution](#) on combating negative attitudes towards people with Romani background (EP, 2020b). The EU Fundamental Rights Agency has elaborated a portfolio of indicators (FRA, 2020), informed by the work of the EU High-Level Group on non-discrimination, equality and diversity (EC et al., 2018; EU HLG, 2017, 2018). Likewise, the European Funds, in the new 2021-27 programming cycle of Structural and Investment Funds, consider explicitly the programming for inclusion of Roma (EURoma Network, 2020, 2021). Moreover, the EU New Generation Funds provide opportunities to invest in Roma inclusion.<sup>2</sup> Related to these frameworks, EU Member States now are defining National Roma Strategies aligned with the EURSF.

Antigypsyism, as a specific form of racism against Roma persons, has been taken up in the EU Roma Strategic Framework and the 2021 Council Recommendation.<sup>3</sup> This shifts the focus from ‘Roma integration’ to Roma equality, inclusion, and participation, and towards the role of mainstream society in this regard, while embedding a more direct and stronger dimension on addressing institutional and structural forms of racism. The new EU Roma Strategic Framework is the first direct contribution to the implementation of the EU Action Plan against racism 2020-2025, and part of President von der Leyen’s commitment to a Union of Equality.

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- 1/ The European Commission, DG Justice, convenes the Annual EU Platform for Roma Inclusion. End of September, the event will gather around 400 Roma rights activists, political representatives from the European Parliament, Commission staff, and public officials from Member States, amongst others. Due to the pandemic restrictions, this year, the Platform will be held in a hybrid format, combining some participants in a face-to-face setting with others taken part via online means. In the run-up to the event, the Commission had consulted with Roma rights organizations on the priorities for debate. Two themes were decided upon. [Fresno Consulting](#) has been commissioned to facilitate the process. An initial discussion note has been enhanced via written contributions and in an online consultation in the last days of August. To this consultation some 50 persons had been invited, representing Roma rights organizations as well as sector-specific European Civil Society platforms. The paper has been coordinated by José-Manuel Fresno and Stefan Meyer, based on the inputs of civil society and the Roma Unit in DG Justice. The views expressed in this briefing paper do not necessarily reflect the position of the European Commission.
  - 2/ NextGenerationEU funds comprise the Recovery and Resilience Facility (RRF) and some other funds such as ReACT-Europe. The RRF is closely linked to the European Semester. The [National Recovery And Resilience Plans](#) (RRPs) are the main reference documents on the Member States’ forward looking policy initiatives. In most countries, Roma inclusion does not feature prominently.
  - 3/ This shift from “Roma integration” towards antigypsyism of mainstream society happened after years of insistence from rights activists and experts (Alliance Against Antigypsyism, 2017; Carrera et al., 2017; Chopin et al., 2017; Conference on Antigypsyism, 2019; Lajčáková et al., 2020; Roma Civil Monitor & Ryder, 2020), conceptual work and evidence gathering from human right bodies (CoE, 2011, 2017; FRA, 2018), and debate in the Parliament (EP, 2017, 2019).

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Now, as the concept of antigypsyism seems to be settled at the European level, the transposition in Member States' practice represents the prime challenge (EP & Korver, 2020). The second-generation National Roma Strategies need to specify how they ensure (1) equity by action for equal treatment and against discrimination both targeted and mainstreamed, as well as (2) social inclusion in general and in the four sectors (education, employment, housing, and health), together with (3) the participation of Roma, both women and men, in public, economic and political life, including the participation of children. Antigypsyism plays out in all of the three dimensions and needs specific action, correspondingly. It is paramount that this considers the structural, institutional, and historic racism against Roma. The national contexts, respectively, call for a common but differentiated approach. Thus the indicator framework distinguished between a common core set and optional outcomes adaptable to the respective context in the member state (EC, 2020e). Much of the advocacy effort that, in the past, often has played out at the level of EU institutions, now need to hold the national duty bearers to account.

The following sections enlist some of the issues that have come up at that level:<sup>4</sup>

### Mainstream policies

A principle task is how to inscribe the attention to Roma equality in mainstream public policies, including establishing adequate safeguards, namely in the social policies (Council of the EU, 2021; EC, 2020f; Fresno et al., 2019). In other words, Member States need to be clear about how they ensure that in the areas of health, education, employment, and housing both public services and private actors successively lower access barriers derived from anti-Roma discrimination and compensate for historic disadvantage. Anti-Roma racism, particularly institutional antigypsyism, needs to be acknowledged as a significant barrier to services and opportunities, and measures – oriented at the mainstream society, including the public administration – need to be taken (FRA, 2018).

Experts remind that much attention, particularly from Roma activists, had been focussed in the past on the National Roma Integration Strategies, while general sector policies and their performance remained largely unscrutinised (Stoyanov, 2020). Therefore, the European Commission has asked Member States to focus their new national strategic frameworks both on targeted and mainstream measures. This is an opportunity to make Roma policy and policy making matters feature more strongly in the national debate and decision-making processes, shifting the focus from Brussels to the respective country context (EP & Korver, 2020).

### Targeted action against antigypsyism

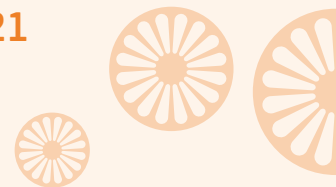
With the second generations strategies, Member States need to define how antigypsyism is reflected into national Roma strategic frameworks, national laws or policies and their alignment with the European Equality Directives of 2000<sup>5</sup> as well as with provisions against hate crimes, in line with the EU anti-racism action plan (EC, 2020c). Specific actions are needed and must be defined to achieve this goal. Prominently, national strategies are to consider institutional and cultural racism (EC, 2020d). According to the European Convention of Human Rights, this shall include remedy against right violation that has been committed by persons acting in an official capacity.

4/ The following list is derived from an online inquiry to Right Activists organizations, conversation with the Commission and the study of literature. It is meant to inform the discussion process in the Platform deliberations and formulate specific questions to be raised in the Platform meeting.

5/ The Racial Equality Directive (2000/43/EC) prohibits discrimination on the ground of racial or ethnic origin. The Employment Equality Directive (2000/78/EC) is limited to the field of employment and occupation but covers the grounds of religion or belief, disability, age and sexual orientation.

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Therefore, National Strategies need to devise specific action for a societal transformation to detect, report and eradicate practices based on ethnic ascriptions that withhold Roma from opportunities, services, social benefits, facilities etc. to which they are entitled as citizens. The national strategies against racism, driven by the European Anti-Racism Action Plan (EC, 2020c), need to make explicit how action against antigypsyism will be transposed into national legislation, enforcement and oversight. In that light, the limited extent to which the European Equality Directives from 2000 have led to effective protection of Roma by Member States' executives and judiciaries, needs to be re-examined (ERRC, 2020b).

### Equal access to justice

According to Roma rights activists, access to justice and equal treatment by law enforcement shall be part of quality standards for public service (ERRC, 2020a). Specifically looking towards forced evictions and treatment by law enforcement, this is not yet the case. Systematic rights abuse grounded in institutional racism by over-policing and abuse of force is an issue that needs to enter both the national strategies and continuous rights monitoring (ERRC & RPF, 2021).

Roma rights monitoring by National Equality Bodies needs to take this on their screen (Equinet, 2020b). The new framework, as well as the EU anti-racism plan (EC, 2020c), has devised a specific role for these institutions, which should play out in the dimensions of equity and participation, but also in inclusion (Equinet, 2020a).

### The Rights of the Roma Children

Roma children, both girls and boys, suffer from the effects of discrimination and exclusion. Educational segregation is an outright violation of child rights and a main driver for entrenched poverty (ERRC, 2021b; Roma Civil Monitor, 2018). Harmful traditional practices, such as early marriage, violate the rights of girls. In some Member States, removal of custody from Roma parents is not applied as measure of last recourse and a disproportionate number of Roma children still end up in institutionalised state care (ERRC, 2021a), some of which might even be funded with European funds (Crowther et al., 2017). Furthermore, the risk to become a victim of violence seems to be greater for Roma children (Bernat, 2015). Also, universal, immediate access to birth registration needs to be guaranteed as per SDG-target 16,9, as Roma children are disproportionately impacted by the lack of access to birth registration or certification.

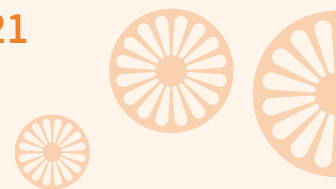
Recently, the European Union has presented its Strategy on the Rights of the Child and the related Child Guarantee (EC, 2020b) where the importance of Roma inclusion is explicitly mentioned. Currently, the child guarantee is being tested (UNICEF, 2020). It will be rolled out as part of the European funding and linked to the Child Rights Strategy. This opens the space for child welfare and child protection, alongside SDG targets 4 (education), 5 (gender equality), 16.2 (violence against children), and 16.9 (birth registration). The concept of antigypsyism could, thus, speak to standard procedures of universal rights monitoring as defined by the UN Convention of the Right of the Child (Byrne & Szira, 2018; ERRC et al., 2019).

### EU mobile Roma, migrant Roma, and statelessness

In the conception phase of the new framework, the issue of EU mobile Roma and migrant Roma was prominent (EC, 2020a). In the framework itself, the issue has taken a rather low key and is delegated to further development to Member States (EC, 2020f). Any strategy to tackle Antigypsyism needs to capture the diversity of Roma. This includes EU mobile and migrant Roma, which seems to be particularly relevant in Northern and Southern Member States.

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Likewise, statelessness has been addressed explicitly in the past framework. The issue remains a matter of substantial concern as it consistently leads to significant rights deprivation (Bairska Svetlina, 2021; Beriša & Phiren Amenca, 2021; ENS, 2020; ERRC, 2017). Antigypsyism and the lack of legal identity among Roma are intrinsically linked. Roma remain disproportionately at risk either directly through discriminatory denial of citizenship or indirectly by discriminating against Roma in obtaining legal identity, civil registration, and/or proof of citizenship procedures, policies, or practice (ENS, 2020, 2021).

### Gender, Diversity, Intersectionality

Combatting antigypsyism needs to consider multiple discrimination and intersecting discrimination (CoE, 2020). Within some Roma communities, patriarchal norms are common. The concept of intersectionality is crucial to understanding the complexity and the contradictory nature of some issues in the field of Roma equality, inclusion, and participation (Fresno et al., 2020).

Theoretically as well as in practice, one of the most promising routes seems to reconstruct the gender identities and self-perceived and ascribed characteristics. For example, studying the Roma LGBTQI movement allows for de-essentialising of binary categories and the shift towards a concept of multiple identities (Fremlová & McGarry, 2015; Jovanović & Csilla, 2015; Kóczé et al., 2018). In that respect, the feminist and LGBTQI rights movement seems to be able to contribute far beyond the defence of their own immediate rights towards conceiving notions and ultimately policies that transgress the petrified contraposition between Roma and Non-Roma and can inform smart public policies.

### Environmental discrimination

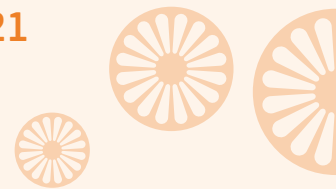
Environmental discrimination as a specific manifestation of antigypsyism has been recognized in the new framework. Environmental injustices comprise issues such as a lack of access to potable water, waste disposal and collection services including the protection from toxic residues, access to affordable energy, heating and cooking, connection to renewable energy sources, sanitation services, as well as safe and clean public spaces for recreational activities (Heidegger et al., 2020).

The European Green Deal (EP, 2020a) commits to leaving no one behind. Therefore, it is to consider the dimension of environmental justice and non-discrimination. This has a specific significance for action against antigypsyism which needs to be explicit in the National strategies, as well as sector strategies such as waste management, drinking water and energy.

### Indicators and evidence-based policy

The challenges of generating rigorous statistical data on the welfare of Roma and discrimination against Roma have been discussed at length (ICF & Milieu, 2018). The Communication announces the aspiration for the new framework to be quantifiable (EC, 2020a). The FRA has taken on the challenge and has been developing a portfolio of indicators (FRA, 2020) involving national Roma contact points, national statistical offices and the Commission which will enable reporting on measures set out in the proposed Council Recommendation.

In the future, the technical rigour of measuring discrimination might meet the political activism of Roma to defend their rights. Up to now, these spaces have seldomly overlapped which hints at the need from both sides to find a common language. In that regard, complaints have been raised that the first-generation Roma strategies (NRIS) have seldom been evaluated to a level that would comply with professional rigour, nor have Roma Rights organizations been included in the conception of evaluations or validation of findings in most countries.



### 3. Questions for debate

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In the light of the above, the following questions could be discussed at the Platform. All the questions centre primarily on the respective action on member state level, where the real impact is made, and acknowledge that the Commission Communication and the Council Recommendation provide a strategic framework, while the effective policy, strategy and action plan need to be defined at member state level.

1. How is mainstreaming defined and monitored in the new strategic framework at the national level? How are general sector policies – health, education, housing, and employment, as well as others such as access to justice, child protection and environment – scrutinised under the perspective of Antigypsyism?
2. What specific target actions are developed at the national and local level for addressing Antigypsyism effectively? Is Antigypsyism, including institutional racism, recognized in the National Strategies and are instruments, processes and institutions defined for effective remedy, recourse, redress, and restitution?
3. How can Structural funds in Member States better contribute to Roma equality, inclusion, and participation? Does the same apply to funds in the enlargement countries?<sup>6</sup>

### 4. Literature

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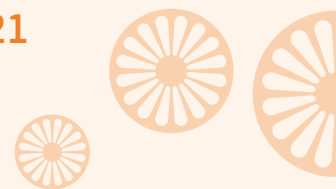
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6/ The 'enlargement countries', in this respect particularly in the Western Balkans and Turkey, receive EU supports reforms, including financial and technical assistance, via the 'Instrument for Pre-accession Assistance' (IPA).

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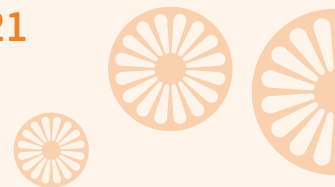
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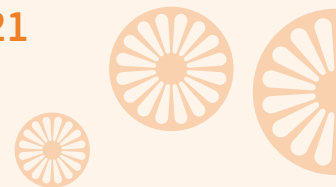
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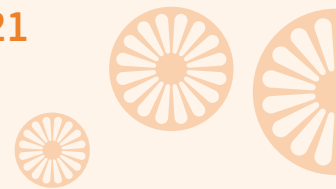
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## CONSULTATION THEME 1

### Assessing the National Roma Strategic Frameworks: Mainstreaming and Targeted Policies to Address Antigypsyism



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