Advocacy Brief on Roma Inclusion Policies

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LIST OF ABBREVIATIONS AND ACRONYMS

CAHROM	Committee of Experts on Roma Issues (Council of Europe)
CBP	10 Common Basic Principles on Roma Inclusion
CERD	Committee on the Elimination of Racial Discrimination
CLLD	Community-led Local Development
CSOs	Civil Society Organizations
EARDF	European Agricultural Fund for Rural Development
ECRI	European Commission against Racism and Intolerance
EPSCO	Employment, Social Policy, Health and Consumer Affairs Council
ERDF	European Regional Development Fund
ERPC	European Roma Policy Coalition
ESF	European Social Fund
ESI	European Structural and Investment Funds
EU	European Union
FRA	European Union Agency for Fundamental Rights
HRBA	Human Rights Based Approach
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IPA	Instrument for pre-Accession Assistance
MG-S-ROM	Committee of Experts on Roma and Travellers (Council of Europe)
NGO	Non-Governmental Organization
NRCP	National Roma Contact Points
NRIS	National Roma Integration Strategies
ODIHR	The OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
REF	Roma Education Fund
ROMACT	Joint initiative of the Council of Europe and the European Commission aimed at the promotion of Roma inclusion at local level
ROMED	Initiative of the Council of Europe supported by the European Commission aiming to train Roma mediators
SF	Structural Funds
SIP	Social Investment Package
UN	United Nations
UN-RDT	United nations Regional Directors Team for the Europe and Central Asia Region

EXECUTIVE SUMMARY

1. Today, the Roma[1] population constitutes one of the largest ethnic minorities in Europe (approximately 12 million). This minority is spread throughout the European continent but is highly concentrated in Central and Eastern Europe (see Annex II). The Roma are the most marginalised ethnic group in Europe, facing deep social problems related to low educational levels, high unemployment, inadequate housing, poor health, and wide-ranging discrimination, all of which are interrelated and create a vicious circle of social exclusion and limited access to rights.
2. In recent years, the Roma have become prominent on the political agenda; intergovernmental institutions together with some NGOs have pushed several Member States and European Institutions to raise the issue. Many UN Agencies have increased their work in this area; the Council of Europe, the OSCE and other institutions have undertaken several initiatives, such as the Decade for the Roma Inclusion. The European Commission and the European Council have established an EU Framework for National Roma Integration Strategies, creating a momentum for concrete, large-scale, long-term integrated action.[2] The Council Recommendation on Effective Roma Integration Measures in EU Member States[3], adopted in December 2013, breaks new ground, as it was the first specific legal instrument of the EU dealing with the Roma issue.
3. Despite this policy impetus across Europe, real progress in improving the living conditions and opportunities for Roma remains limited and results are mostly poor. Although in terms of policy planning progress is manifest, the situation has not improved for many Roma in practical terms. There are indications that over the last decade, many Roma have been experiencing deepening levels of inequality, a move from relative to absolute poverty and growing hostility by the majority population; this trend often has aggravated consequences particularly for women and children. Furthermore, up until now, the new Framework for National Roma Integration Strategies has failed to produce substantial results or implied substantive changes in the approach that shapes Roma inclusion policies.
4. Major causes for these mostly poor results have been identified by several actors and are mainly related to:
    a. Inefficient application of existing legal instruments – including UN and Council of Europe Human and Fundamental Rights Treaties –, especially the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Lisbon Treaty which stresses the EU founding values of respect for human dignity, equality and the respect for human rights, including the rights of persons belonging to minorities in accordance with the Human Rights instruments and the Charter of Fundamental Rights.
    b. Weakness of the governance process, which lacks adequate conditions for institutional cooperation, consequently resulting in weak capacity of the European Commission to foster commitment from the Member States.
    c. Lack of adequate monitoring and support from EU to national level and, similarly, from national to local level, especially with regards to the provision of information, development of knowledge and expertise, technical support and guidance in order to avoid frequent mistakes and learn from previous experiences.
    d. A top-down technocratic approach, limited capacity of countries in engaging key actors in the process – especially at local level – and the lack of adequate

consultation with and participation of the Roma at all phases of the policy process.

e. A poor allocation of economic resources and inefficient expenditure of EU Funds – mainly Structural and IPA Funds – which, in many cases, results in under-expenditure and/or in short-term projects that are incapable of obtaining any impact.

f. A lack of orientation to results due to the absence of tangible goals, specific targets, adequate resources, clear responsibilities, accurate indicators and reliable monitoring systems in National Roma Inclusion Strategies.

5. There is a need for a substantive change in Roma inclusion policies and in the practical approach in order to achieve sustainable results. Despite the complexity and multidimensionality of Roma inclusion, it is possible to do things in a different way and thereby achieve positive results, as some positive experiences have demonstrated:

   a. The question of human rights needs to be put in the centre of all Roma inclusion policies: the final aim of any public policy is to guarantee the realisation of human rights for all persons whereby this guarantee should include their wellbeing and social progress. Therefore, and in line with CERD General recommendation XXVII on discrimination against Roma[4], Roma policies and projects need to follow a Human Rights Based Approach (HRBA) and Roma participation must be at the centre of policies that should focus primarily on the local level and be more accountable, transparent, and results-oriented.

   b. The Common Basic Principles (CBP) on Roma Inclusion no. 2 and no. 4, *explicit but not exclusive targeting* and *aiming for mainstream*, should go hand in hand, guide all the policies and be appropriately developed in order to understand its practical implications. This approach implies focusing on Roma people without excluding others who live under similar socio-economic conditions and promoting the inclusion of the Roma into mainstream society; in this context, the gender dimension of Roma inclusion policies needs to be stressed.

   c. Structural and Investment Funds as well as other financial instruments for pre-accession should be expended more efficiently and be directed to the local level in order to achieve substantial results on the ground. The new programing period 2014-2020 represent an opportunity to make substantive improvements and allows a variety of options to foster Roma inclusion. Community-led local development initiatives are an appropriate mechanism to support the development of local communities and, at the same time, are in accordance with the HRBA (e.g. active engagement of the local level, integrated approaches, partnership, results orientation, participation of beneficiaries, etc.).

6. Main evidence-based "lessons learnt" from experiences drawn from Roma inclusion efforts in European countries are in line with relevant recommendations made by international human rights mechanisms, such as the CERD[5], the HRBA and the 10 CBP. Based on experiences from past successes and mistakes, there are general and specific recommendations that should guide future Roma inclusion policies in order to avoid classical mistakes and to achieve sustainable results. These dos and don'ts should inform Roma policy makers at all levels.

INTRODUCTION

Despite Roma inclusion having gained substantial importance at the European level over the last decade and despite increasing measures promoting such policies undertaken by international institutions, the European Union and different countries, effective results at the local level are still far from those desired. While policy measures have arguably advanced, little progress has been made in reducing social exclusion of the Roma population in many countries. Furthermore, in recent years, many European societies have been marked by the social effects of the economic crisis, which had a devastating effect on Roma inclusion; in many countries, even more Roma were driven further into social exclusion, which in turn fuelled more even hostility and often a more racist discourse.

The aim of this paper is to provide an advocacy tool for reorienting the current approach of Roma policies followed by many international, national and local institutions, including the European Union, in order to improve their effectiveness and achieve substantive results. The paper starts by briefly describing the most relevant policies and measures undertaken by international bodies and European Institutions to promote Roma inclusion, including their achievements and shortfalls; it proposes substantial changes in the current approach in order to accomplish better results; based on different experiences, it then suggests practical recommendations on what should and should not be done.

The paper calls on public and private institutions to follow a Human Rights Based Approach (HRBA), to fulfil their commitment to the ICERD, to follow the recommendations of the CERD and to further elaborate on the Common Basic Principles for Roma Inclusion (CBP); it stresses the need to follow an evidence-based and results-oriented approach and insist on the need to change the way in which the European Commission has been operating in this policy area to a more open, transparent and inclusive one that provides for full participation of (Roma and other) civil society in the design of its programmes, their implementation, monitoring and evaluation and in line with the HRBA.

For the preparation of this advocacy paper, the authors have based their recommendations and conclusions on their personal knowledge of the subject and studied experiences documented in reports. The main ideas and proposals presented in this paper have taken into account the opinion of people that are considered to have a good understanding of the subject, notably at the grass root level, which provided further insight. The paper also considers previous related works, such as *Articulating a Common Position of the United Nations System to Advance Roma Inclusion in Europe*[6] produced for the United Nations Regional Directors Team (UN-RDT) for the Europe and Central Asia region, and *What works for Roma inclusion in the EU: Policies and Model Approaches*[7] produced for the European Commission's Directorate-General for Justice and Fundamental Rights.

This paper is presented at a time when important changes are happening at the EU level: after European parliamentary elections and the designation of a new team of Commissioners for the next five years. Furthermore, the new EU budget (Structural and Investment Funds, but also Enlargement and External Aid) has been approved until 2020. It is therefore of crucial importance how the new Parliament and the Commission will understand and address Roma policies in the future and how funds will be invested in order to promote Roma inclusion. With this advocacy paper, the Regional Office for Europe of OHCHR intends to use this momentum in order to provide guidance on how the HRBA for Roma inclusion can help to improve such policies.

I. MANY POLICIES BUT FEW RESULTS: WHERE ARE THE GAPS?

In recent years, many international institutions as well as the Council of Europe and the European Union have paid special attention to the Roma issue by undertaking specific measures, programmes and plans. Generally speaking, the results of these efforts have been limited in terms of engaging with national and local authorities, involving the Roma community but also in terms of achieving substantial results on the ground.

In order to avoid cheap criticism, it is important to recognise that the competencies and capacities of most of these bodies have limited potential to intervene on the ground; furthermore, the circumstances and socioeconomic conditions where many Roma live are very difficult and that the economic crisis has had a negative impact on all social policies in the way that it affected the wellbeing of many people – not only Roma – due to budget cuts and a shift away from social policies. Nevertheless, the question remains whether things could be done differently.

This chapter describes some of the most relevant policies and measures that have been undertaken by these bodies and presents the reasons for why the results did not achieve the expected impact. The chapter also refers to the multiple factors for not achieving results, and to some of the gaps and shortfalls that should be overcome in the future – many of them are related to priorities, approaches and the capacity to effectively engage actors, notably the Roma community.

1. The actors, the policies and the results

1.1. Non EU-actors and their policies

The seriousness of Roma exclusion has led to the involvement of many intergovernmental organisations and other actors on the political stage. In some cases, their involvement in the Roma subject is recent; however, in others, these institutions have been dealing with Roma issues for a long time and, as a consequence, have acquired not only relevant knowledge and experience but also a good understanding of the subject. Most of the key actors in the European scenario have increased their activities concerning Roma in the recent years.

Most **United Nations bodies** based in Europe are engaged in actions at local and national level that are aimed at improving the social, economic and legal situation of Roma within their respective areas of specialisation.[8] UN agencies have carried out substantive work according to their respective mandates and areas of competence; especially pilot projects and experiences across Central and Eastern European countries have proven to be effective in resolving specific problems. The work undertaken in monitoring, the creation of partnerships, provision of technical support, awareness raising, data collection and research is well appreciated. However, notwithstanding the United Nations' important contributions in the past and increasing engagement in the present, more strategic and coordinated action is still missing.

The **Council of Europe** has been addressing Roma issues for forty years: starting with the Parliamentary Assembly in 1969, followed by the intervention of the Committee of Ministers in 1975 and continuing with the Congress of Regional and Local Powers in 1981.[9] The human rights perspective has been strengthened by two fundamental treaties, which concern minority languages and the protection of national minorities, as well as through the actions and positions of the Commissioner for Human Rights, the ECRI country-by-country reports and further policy recommendations.[10] Through its Roma and

Travellers Division and the Committee of Experts on Roma and Travellers (MG-S-ROM), which has recently been transformed into the Ad Hoc Committee of Experts on Roma Issues (CAHROM), the Council has developed a training of Roma leaders with the participation of Roma NGOs. This institution has appointed a Special Representative of the Secretary General for Roma issues, adopted a declaration[11] and, with the support of the European Commission, introduced training schemes for Roma mediators (ROMED)[12]. In 2012, the Congress of Local and Regional Authorities launched a European Alliance of Cities and Regions for Roma Inclusion with the aim of promoting and sharing ideas, experiences and actions in favour of the Roma population.[13] As a result, a new project that should support municipalities in their Roma inclusion policies was launched in cooperation with the European Commission (ROMACT)[14].

As part of its mandate to assist states in their efforts to promote the integration of Roma, **the OSCE Office for Democratic Institutions and Human Rights (ODIHR)** has been focusing its activities on technical assistance (to governments and civil society) related to the implementation of OSCE commitments, capacity-building for Roma organisations, awareness-raising, civic education, support for Roma refugees and internally displaced persons. Furthermore, it monitors the implementation of the OSCE's Action Plan on Improving the Situation of Roma and Sinti in the OSCE area, which was adopted in 2003.[15]

The Decade for Roma Inclusion (2005-2015) was promoted by the Open Society Foundations with the active engagement of the World Bank and the support of intergovernmental and civil society organisations. The Decade has strengthened cooperation between international organisations, governments and the social initiative by creating working mechanisms that bring development partners under a joint framework. In terms of reporting and implementation mechanisms, the Decade has been able to maintain and even enlarge the participation of governments from the eight founding members to twelve at present.[16] Nevertheless, there is a widespread feel that the Decade has produced very limited results in terms of implementing effective actions at the grassroots level and has failed to achieve meaningful results; furthermore, there are substantial doubts about its future.

There is a marked tendency for **civil society organisations and public authorities** to collaborate in policy development and to consolidate coordination instruments; this tendency has been supported by international organisations, including UN Agencies. The Roma Education Fund (REF), is an example of how launching joint targeted initiatives (in the REF's case, desegregation and access to educational services), can achieve substantial results.[17] Another example is the EURoma network, which is made up of representatives of twelve EU Member States and with the Technical Secretariat support of Fundación Secretariado Gitano. The network promotes the use of Structural Funds to enhance the effectiveness of policies targeting Roma people and to foster their social inclusion.[18] Additionally, the European Roma Policy Coalition (ERPC)[19] represents an initial progress in the tendency towards a more articulated and stronger civil society movement in favour of the Roma community; nevertheless, the initiative still has a weak representation and limited ability to effectively influence the political agenda.

All these organisations and initiatives are usually represented at events and international meetings that address Roma issues, such as, high-level visits, the Roma Platform, the previous Informal Contact Group, Roma Summits etc. Furthermore, the number of participating organisations in information-exchanges and consultations with EU institutions has been increasing. However, critical voices assert that this dialog should go

beyond mere meetings, as the impact of these events on national and local policies appears to be limited.

1.2. EU actors and their policies

In recent years, EU institutions called for more political relevance of Roma inclusion and pushed the issue on the European agenda. In addition to various European Parliament resolutions, Roma inclusion has been on the agenda of the Council several times; furthermore, the Commission has also taken a number of relevant measures to promote Roma inclusion: new initiatives and institutional mechanisms, such as the Integrated Platform for Roma Inclusion, were developed. The Platform was welcomed by the Council in 2008 and the 10 Common Basic Principles for Roma Inclusion, which intend to guide public policies and projects for Roma, were annexed to the Council Conclusions.[20]

Without doubt, the **European Parliament** has been the most active EU body as it insists on the need for European institutions to take a leading role in this area. In the last six years, it has increased its activities with new resolutions and reports, mainly driven by the need for a European Roma Strategy.[21] Since 2007, despite reluctance by several Member States to address the Roma issue and the difficulties associated with reaching a consensus, the **European Council** has been referring explicitly to the Roma on several occasions and in Conclusion documents, including specific EPSCO Conclusions.[22] Slowly, the Council has been recognising the specific situation faced by the Roma across the Union[23] and emphasised the need to exchange good practices[24], develop an integrated Roma Platform, develop Common Basic Principles of Roma Inclusion,[25] mainstream Roma issues across different EU policies and to make better use of the Structural Funds for Roma inclusion.

In 2008, the events in Italy, which included outbreaks of public disorder, arson attacks on Roma camps, mass evictions and inflammatory rhetoric from politicians and mayors, prompted a belated realisation that the "Roma issue" could no longer be contained within the new Member States of Central and Eastern Europe. In 2010, the razing of camps in France and the deportation of mainly Romanian Roma back to their country of origin prompted an unprecedented and bitter dispute between the French government and the European Commission.

Recent years in particular have witnessed a qualitative leap in the development of initiatives by the **European Commission** aimed at Roma inclusion; these include two Communications from the European Commission on 7 April 2010 (*The Social and Economic Integration of the Roma in Europe*[26]) and on 5 April 2011 (*An EU Framework for National Roma Strategies up to 2020*[27]). The latter Communication was endorsed by the **EU Council of Ministers** and, despite its lack of a human rights-based approach, represents a milestone in the EU's (and to some extent in the broader continental) process of facing up to the challenges of Roma integration: it presents a long term scenario (up to 2020), which identifies goals and priorities in the four crucial areas (education, employment, healthcare, and housing); highlights the need to focus on disadvantaged micro-regions and segregated neighbourhoods; incorporates Roma Strategies in the broader framework of the Europe 2020 Strategy in a manner that is consistent with National Reform Programmes; establishes a clear link between policies and financial instruments; claims sufficient funding from national budgets complemented with EU funding and establishes a monitoring system that aims to report annually to the European Parliament and the Council on the basis of the Roma household survey pilot project, which is intended to be expanded EU-wide.[28]

The impetus on the EU side created a unique opportunity to advance Roma inclusion in Member States as well as in candidate countries; in fact, the EU integration goals are equally relevant for the enlargement countries and propose the review of their National Roma Integration Strategies and action plans. Three years after the Communication was approved, caution is needed when recognising its shortfalls and limits, given that most Member States have not followed the invitation of the Council. Moreover, the Communication is mainly focused on socioeconomic integration and assigns little relevance to key issues for Roma inclusion such as discrimination and the violation of human rights. Despite the positive intentions of the new framework, there are justified doubts about its efficiency due its limited capacity to engage civil society and Member States, the non-allocation of specific budgets (nor EU funds) and the lack of robust monitoring mechanisms.

On 9 December 2013, the **EU Council of Ministers unanimously adopted the Recommendation** proposed by the Commission to improve the economic and social situation of Roma living in the European Union. This "*Council Recommendation on effective Roma Integration Measures in the Member States"*[29] focuses on the main areas of education, employment, healthcare and housing and is the strongest EU instrument for Roma inclusion as it not only strengthens the EU Framework for National Roma Integration Strategies (NRIS) but also requires a higher degree of commitment and engagement from Member States to end exclusion and unequal treatment of Roma communities: *"Today's agreement is a strong signal that Member States are willing to tackle the challenging task of Roma integration head-on. […] The key tools for Roma integration are now in Member States' hands and it is important that words are followed with action. We will not hesitate to remind EU countries of their commitments and make sure that they deliver,*" said Vice-President Viviane Reding, the current EU's Justice Commissioner.[30]

The **European Union Agency for Fundamental Rights** (FRA) has strengthened its activities in the area of Roma by providing timely evidence-based advice on the situation of Roma in all EU Member States and by assisting the EU institutions in monitoring the implementation of the EU framework. In 2012, for example, it presented the study "*The situation of Roma in 11 EU Member States. Survey results at a glance"*[31] which was conducted in cooperation with UNDP. Furthermore, the FRA continues to monitor the progress made in the implementation of the NRIS for which it is currently developing robust data collection methods. Together with the Member States that have decided to engage in the process, the FRA has created a Roma Working Party on Roma Integration in order to support the efforts of the European Commission and Member States to establish and improve the tools and mechanisms for monitoring the implementation of the NRIS.

On 17 December 2013, the European Parliament and the European Council approved the new Common Provisions on Structural and Investment Funds[32]. These new provisions represent an important stage in the possibility of using EU Structural and Investment Funds for Roma inclusion as they include one specific investment priority focusing on the *integration of marginalised communities, such as the Roma,* in the framework of the objective 9 "*Promoting social inclusion and combating poverty*". Therefore, the allocation of Structural Funds (SF) to Roma inclusion is now not only a potential option but even priority. Furthermore, Roma interventions can now be supported in a combination of several funds (ESF, ERDF, EARDF) which are recommended not only under the objective of promoting social inclusion and combating poverty, but also under

the objective of promoting employment (objective 8) and investing in education (objective 10).

2. The practices at national and local level

2.1. National policies and institutional frameworks before 2011

The relevance of Roma policies at national level differs, depending on the size of the Roma population residing in the respective country, its governance structure, the level of commitment by governments and the way they approach the issue. There is considerable diversity in existing institutional frameworks, in the degree of policy discretion over Roma-related issues at national, regional and local levels, and in the available administrative instruments to facilitate the design and implementation of policies, action plans, and measures directly or indirectly aimed at Roma communities.

Before 2011, many EU Member States did not have specific policies to address Roma issues. By then, most of the EU-15 Member States had no significant strategic or policy framework for Roma inclusion, with the exception of Greece, Finland and Spain. Since then, some countries have introduced actions for Roma inclusion in the context of the National Action Plans for Social Inclusion (NAPs) but these are often project-based and do not take a comprehensive, systematic and sustained approach to Roma inclusion. In Germany, Italy and the UK, for example, most measures and instruments, which have been developed at regional or local levels, usually focus exclusively on one policy area and are mainly delivered through uncoordinated and discrete projects with variable funding. Other countries have a tradition of implementing targeted policies with Roma while lacking national Roma plans or strategies.[33]

By contrast, most new EU Member States, candidate and pre-candidate countries, including countries participating in the Decade for Roma Inclusion, have identified strategic documents dealing with Roma inclusion, which are mostly associated Action Plans that identify specific measures and instruments in the areas of education, employment, health and housing. Some countries prepared these strategies and policy documents during their pre-accession process while others prepared them in the context of their Decade membership.[34]

However, these strategies and Action Plans lack the allocation of adequate financial resources and demonstrate weaknesses in their implementation, monitoring and evaluation; moreover, the projects and actions are short term and lack an integrated focus. Another frequent criticism is that these plans are prepared at the national level and do not delineate practical measures on the ground. In fact, many of these plans end up providing for specific short-term projects without changing the structural conditions for mainstreaming Roma concerns across social policy or programmatic areas, which would ensure their inclusion in society. Furthermore, given the specific vulnerability of Roma women, the fact that most NPAs lack a gender perspective is an issue of concern.[35] There is an overall consensus among experts and international institutions that, in spite of various Roma plans and strategies, the situation is not improving for the Roma and it appears that many of these planning exercises are made for the purpose of reporting to international institutions (mainly to the EU in the adhesion process, which involves reviewing the Copenhagen criteria) but do not imply any real political commitment.

Institutional arrangements have implications for the effective design, delivery, monitoring and evaluation of policies. Many governments continue to address Roma inclusion through project-based measures rather than sustainable and integrated programmes. The limited allocation of core government budgetary resources (recently

affected by the global economic crisis), lack of political will and leadership, weak capacities for strategic planning and for applying inter-sectorial and multi-dimensional approaches as well as lack of awareness and skills to mobilise Roma communities in planning, implementation and monitoring of actions plans have been identified as some reasons for a non-systematic approach. Additionally, there are other persisting obstacles such as limited political participation of the Roma, the lack of data necessary for monitoring as well as endemic discrimination against Roma by public institutions and society.

Roma associations, Roma leaders and Roma communities play a crucial role in self-organisation as well as in awareness raising, social and political participation – a crucial point which has been neglected by most policy makers and institutions. There are numerous Roma associations throughout Europe that mostly act at the local level. Although these associations vary in their degree of development, participation, financial and human resource capacity as well as strategic vision, it can be affirmed that in general (yet, with a few exceptions), Roma organisations are institutionally weak and often lack platforms, resources and therefore also consistent and meaningful opportunities for engaging in policy making, implementation and monitoring. Furthermore, they often lack cooperation with other Roma associations or organisations working for Roma inclusion. There is a major concern about the way in which most institutions have developed Roma inclusion policies, that is, without active consultation and engagement of the Roma community. This observation is considered to be one of the main causes for mostly poor results.

2.2. National frameworks and institutional policies after 2011 – do they make the difference?

Following the European Commission Communication (COM 2011 173 final), Member States presented National Roma Integration Strategies to the European Commission at the end of 2011 and beginning of 2012. A detailed analysis of these strategies revealed that very little progress has been made in terms of giving impetus to Roma policies and Roma inclusion.[36] Major weaknesses relate to the lack of priorities in Roma Plans and Strategies by respective governments, the lack of precise objectives, specific measures and indicators, the absence of specific budgets and the inaccuracy of monitoring and evaluations systems. Moreover, the human rights perspective appears to be absent in most plans. Another critical issue is the clear identification of a department responsible for their implementation – its mandate, political power and means.

What is most striking is that, in their NRIS presented in 2011, nearly half of the Member States did not foresee the participation of any stakeholders in the monitoring and evaluation process. For instance, some countries did not include references to the participation of Roma representatives or civil society organisations (CSO) [*Cyprus, Czech Republic, Denmark, Estonia, France, Lithuania, Luxembourg, Malta, Netherlands, UK (Wales)*][37]. Although some strategies referred to the role of academia and university experts, CSOs working with Roma, Roma NGOs and Roma leaders, their participation was mostly based on voluntary decisions rather than on formal structures of civil dialogue. Some countries did not specify the mechanism of participation [*Bulgaria, Czech Republic, Germany, Greece, Hungary, Poland, Romania, Slovakia*]. In some cases, ad hoc systems and mechanisms for stakeholders' participation were established or planned to be established [*Austria, Belgium, Italy, Slovenia*]. In other cases, existing consultative bodies were planned to be engaged in the monitoring and implementation process [*Finland, Spain*]. In the case of Sweden, the strategy indicated a variety of methods that could be used to involve Roma representatives. Other countries included Roma civil

society organisations and representatives in the commissions, committees, platforms or forums that collaborate with the governmental department responsible of the implementation, monitoring and evaluation of the strategy [*Austria, Finland, Italy, Latvia, Portugal, and Slovenia*].

There is enough evidence to confirm that until now, EU Roma policies (i.e. the EU Framework for National Roma Integration Strategies) have not been working properly and that the implementation at national level lacks concrete results. Despite all EU countries (except Malta) having presented their own NRIS or set of measures, in most cases, their effective implementation is far from being achieved. Over the past years, many organisations and researches have written about the reasons for failures, mistakes and weak results leading to the lack of sustainability of the projects and the reasons for these shortcomings.[38]

At the **Colloquium in Rome**[39], organised by OHCHR with the support of the Government of Italy and UNICEF, some of the current challenges in the conception of the National policies and strategies were mentioned. It was noted that some strategies merely reiterated previously made commitments and in some cases simply presented a "recycled" form of a pre-existing document. Even some well-intentioned National Strategies that were characterised by an inclusive approach proposing new measures were found to be lacking depth.

The shortcomings of National Strategies were attributed at least in part to their hasty preparation and lack of use of other, independent sources of knowledge e.g. the experience of Roma (and other) civil society organisations, local (but less-well-known) examples of good practices and academic research. In the debate, the consultation of civil society, including Roma organisations, when designing National Strategies was highlighted as a key challenge in the policy process that would facilitate Roma involvement, empowerment and active citizenship. Although in some countries consultations took place, they failed to influence the final form of the National Strategies in any tangible way.

In this context, the importance of the scale of interventions was evoked and the need for comprehensive programmes addressing *all aspects* of Roma life was highlighted. Furthermore, it was confirmed that discontinuity of inclusive policies concerning Roma occurs mostly due to a lack of political engagement and continuous changes in governments (e.g. following elections).

The major areas of concern remain segregation (including de-segregation policies), access to mainstream housing, education, health and social services, as well as to mainstream jobs. Experience has demonstrated that isolated shantytowns or settlements without proper access to services are not only unlikely to provide for the achievement of full equality – even with investment – but will rather petrify segregation. However, regular urban neighbourhoods – even neglected ones – can be changed through investment (into jobs, community centres, cultural activities etc.) from "bad addresses" into "good addresses", which in turn will ensure that they will not be inhabited solely by Roma.

Another critical issue in the conception of National Strategies is related to the need to design, implement and evaluate Roma-related policies not only within a "Roma niche" but rather to make Roma benefit from mainstream, "normal" policies. Accountability of national, regional and local authorities for the whole complex of inclusive policies (as presented in the National Strategies) is also a matter of concern. The lack of a bottom-up approach, a common misunderstanding of "identity politics", which is often not-human-

rights-oriented, increasing discrimination and increasing anti-gypsyism are not taken into account in most strategies.

In its 2013 Communication *"Steps forward in implementing National Roma Integration Strategies"*[40], the European Commission stressed that the effective implementation of strategies is crucial for the credibility of political commitments and for grassroots change. The Communication further describes several structural pre-conditions for achieving this goal: 1/ involving regional and local authorities and working closely with civil society; 2/ allocating proportionate financial resources; 3/ monitoring and enabling policy adjustment; 4/ fighting discrimination convincingly; 5/ establishing national contact points for Roma integration. The Commission also stressed that the enlargement countries should continue to act on the operational conclusions, jointly agreed with the Commission at the 2011 national conferences and reviewed annually.

In 2014, the Commission produced the *Report on the implementation of the EU Framework for National Roma Integration Strategies*[41], which describes the key steps each country has undertaken since 2011. Although some specific projects and initiatives demonstrated positive results, the Commission clearly points out that, in general terms, there has not been much effective progress in any of the challenges identified in the EU Framework for the NRIS:

- In the area of education, although progress has been made (notably in access to early childhood education and care), much more needs to be done to reduce the educational disadvantages face by the Roma.
- In the area of employment, despite the success of some measures, no tangible widespread impact has yet been achieved on the ground. To close the employment gap between Roma and non-Roma, Member States will need to simultaneously target the supply and demand sides of the labour market.
- In the area of health, the Commission stressed that healthcare and basic social security coverage is not yet extended to all Roma.
- In the area of housing, small-scale projects offer useful policy lessons but need to be extended to bring about the expected results. To achieve tangible and sustainable progress in the housing sector, Member States need to address the above-identified bottlenecks more efficiently.
- As to fighting discrimination, there are weaknesses in almost all Member States when it comes to fighting discrimination effectively. This should not be considered as a stand-alone policy but should be mainstreamed into all policies. Additional attention should be paid to public communication that can promote the benefits of diversity and its acceptance in society. In addition, Member States will need to show clear political leadership and ensure that no racist manifestations are tolerated on their territories.
- As regards to finance mechanisms, the Commission stressed that lasting success is only achieved when investments in education are accompanied by investments in employment and housing, targeting explicitly but not exclusively Roma communities.
- In the area of institutional engagement embracing a multi-sector, multi-stakeholder and multi-fund approaches (which are made easier by the new generation of EU Structural and Investment Funds) are key to Roma inclusion. At the same time, it is still necessary to address local needs and build capacities of small NGOs through non-competitive funding.

- In order to promote and strengthen the engagement of the local level, opportunities for small local projects should be ensured. Global grants should be promoted, especially in those Member States with more limited administrative capacities. Furthermore, the Commission encourages local authorities and Roma representatives to work together on local inclusion strategies from the planning phase onwards.

3. Failures and major areas for improvement

3.1. Reasons for failure

Social inclusion of the Roma should be in line with European values, laws and principles in order to provide better life chances, improve access to facilities and public services, to ensure decent quality of life and basic human rights for all Roma. Furthermore, adequate social inclusion measures are the best means to prevent ethnic tensions from rising. The leading role of the EU requires coordination of approaches and initiatives to ensure that all efforts actually make substantial progress by aligning resources, avoiding duplications and contradictions and achieving results that benefit Roma people.

There are indications that over the last decade, many Roma have faced deepening inequality (largely due to the fact that they were not able to benefit from periods of economic growth in the early 2000s when other segments of the population improved their living standards), a move from relative to absolute poverty (partly due to welfare reforms carried out in a number of states, especially during recent years of the economic crisis), and growing hostility of majority populations (fuelled at least in part by increasing social exclusion and its side effects such as increased begging, delinquency or socially disruptive behaviour of persons who have been marginalised).[42]

As the Decade on Roma Inclusion (2005-2015) draws to an end, it seems that the results of the initiative are largely disappointing and most observers agree that there has been little progress or even further deterioration of the living situations of the Roma in most of the countries involved in the Decade. In this context, critics have also drawn parallels to previous lessons on ineffective spending of foreign aid and development policies, characterised by top-down planning approaches, lack of clarity of the methods used, lack of realism and insufficient knowledge of the situation on the ground as well as failure to properly consult the targeted beneficiaries. It seems that the lessons learnt from many of these mistakes, which have negatively impacted on foreign aid and development policies for decades, are now being ignored when implementing Roma inclusion policies within Europe.

As explained in the previous chapter, Roma inclusion requires a multidimensional approach; the reason for not achieving substantive results is related to many factors. There is not one single reason and the reasons are not the same in all the cases. Furthermore, it must be recognised that despite an increase in the number of literature and research in previous years, Roma policies often require a difficult policy choice. The area of Roma inclusion policies still lacks knowledge and evidence on factors leading to positive outcomes. A lot still needs to be done in terms of designing tools, monitoring progress and transferring models that have demonstrated to achieve substantial results.

Inappropriate approaches or inadequate conditions that lie at the bottom of many Roma policies often result in ineffective results. Some of the most commons ones include:

- Lack of comprehensive, systematic and sustainable approach and lack of integrated focus resulting in inadequate institutional conditions (coordination, multidimensional approach, synergies between the national and the local level etc.) for achieving substantive results.
- Lack of effective commitment from public authorities at national and at local level, and lack of political consensus, resulting in programs and plans that are not sustainable at the long term and focus rather on activities than on effective results.
- Poor institutional capacity of public administrations but also of Roma organisations, demonstrated in inadequate mechanisms of intervention, lack of leadership, allocation of insufficient resources or under-expenditure of available resources, notably EU Funds. In most of cases, Roma organisations are institutionally weak and often lack platforms, resources and therefore consistent and meaningful opportunities for engaging in policies. Furthermore, the governments do not understand and do not support the need for civil society monitoring and an independent voice.
- It is frequent to find policy measures inspired in technocratic top-down approaches, without effective Roma participation, determined by authoritarian decisions that do not understand the constructive role of different stakeholders but understand the Roma as a problem and lack the perspective of public duties and rights enforcement.

3.2. Critical areas for improvement

Inefficient application of the legal instruments

The decreasing importance of rights in current European societies is not only a worrying development with regards to violation of fundamental and human rights but also reflects the inefficient application of respective legal instruments that would guarantee these rights, especially with regards to the fulfilment of the ICERD. Discrimination of many Roma at the local level, demonstrated in segregation and the lack of access or unequal access to the services, continues to be a mayor area of concern. In the last years, an increase in anti-gypsism in Europe has been observed; hate speech, including incitation to commit violence against Roma is an evident problem frequent in many countries. Therefore, the enforcement of legal instruments – including recommendations of the CERD, in particular General recommendation XXVII which focuses on measures to prevent and eliminate discrimination against Roma – should drive the Roma agenda, and its policies and the legal instruments should be more effective in protecting the rights of the Roma people.

The Lisbon Treaty stresses the EU founding values of respect for human dignity, equality, the respect for human rights including the rights of persons belonging to minorities in accordance with the human right instruments.[43] The Lisbon Treaty has strengthened the commitment of the EU to social progress and social rights. Among the new social objectives of the EU are the wellbeing of its people, full employment and social progress, the fight against social exclusion and discrimination, the promotion of justice and the eradication of poverty.[44] Legal rights have arguably become more deeply enshrined in the EU and candidate countries, especially after the Maastricht and Amsterdam Treaties and the consequent approval of the Directive 2000/43.[45] Furthermore, the Lisbon Treaty provides more adequate conditions for the fulfilment of the Equality Directives.[46] Respect for the values underpinning the European project is a precondition for membership of the Union,[47] and the promotion of these values is one of the Union's primary objectives.[48]

On 7 December 2000, the European Parliament, the Council of Ministers and the European Commission solemnly proclaimed the Charter of Fundamental Rights of the

European Union as the output of an open, transparent and democratic procedure. For the first time in the history of the European Union, the Charter sets out the civil, political and economic and social rights of European citizens and all persons legally resident in the European Union. The rights guaranteed in the Charter are based on several legal sources. As stated in its Preamble, they include the rights deriving from the constitutional traditions and international obligations common to the Member States, the EU Treaty, the Community Treaties, the ECHR, the Social Charters adopted by the Community and by the Council of Europe, as well as rights recognized by the Court of Justice and the European Court of Human Rights. With the entry into force of the Treaty of Lisbon in 2009, the Charter has acquired the same legal value as the EU Treaties, thus becoming legally binding for all EU institutions, bodies and agencies as well as Member States – albeit only when "implementing Union law".

Despite the high standards of legal protection in the EU, many Roma continue to suffer discrimination; moreover, the aforementioned legal instruments have demonstrated little efficiency in combating racism and anti-gypsyism that has grown in many parts of Europe due to the economic crisis and the overall increase in racist political discourse. Many Roma today do not feel protected by their national laws nor by EU laws. Quite the contrary, in Europe today, more and more people make racist statements or act against the Roma with total impunity.

Despite extreme poverty, exclusion and discrimination that most Roma face, public opinion is very critical about measures aimed at Roma inclusion. Furthermore, surveys show that anti-Roma sentiment has been rising rapidly in recent years.[49] This is in part caused by a recrudescence of racist and xenophobic movements, fuelled in turn by the social effects of the economic crisis, by Roma self-marginalisation but also by the lack of effective results of programmes targeting Roma. As public opinion is increasingly characterised by negative opinions against Roma, it is unrealistic to expect a growth of political commitment in favour of Roma inclusion. In fact, in some cases the growing pressure of extremist political parties is producing a negative atmosphere towards Roma and policies aimed at Roma; all these trends also influence the relaxed implementation of legal instruments when it concerns the protection of rights of the Roma.

Inadequate government process

There is a general weakness of all governance processes related to Roma policies and Roma integration. Effective Roma policies require adequate engagement of all actors operating at the different levels. The capacity of the European Commission to engage national governments in the process has been rather limited; therefore, the mechanisms of coordination and support need to be strengthened.

- The involvement of the civil society as well as regional and local authorities is needed in the design, implementation and monitoring of the strategies in order to ensure a targeted approach in line with the Common Basic Principles on Roma Inclusion; this involvement cannot be reduced to occasional consultation but has to be transformed in effective partnership with the due capacity and support.
- The enlargement component of the Framework came with an explicit commitment to help the aspirant countries at the regional and national levels to enhance their efforts on Roma inclusion in three ways: improving the delivery of support under the Instrument on Pre-Accession Assistance (IPA); strengthening the involvement of civil society; and closely monitoring the progress made by each country. Mechanisms to deliver on this commitment are still missing.

- It is important that the European Platform for Roma Inclusion fully plays its central functions according to its mandate: exchange of good practices and experiences between Member States in the field of Roma inclusion; provision of analytical support; and encouragement of cooperation between all interested parties on all Roma-related issues.
- There is a need to achieve better coordination among organisations, based on their specialisation in order to avoid duplications, bring focus to the agenda and move from sharing information to monitoring and support at the country level.
- At the national level, there is a need to support governments in reviewing the efficiency and the shortfalls of government agencies and ministries in order to improve horizontal, vertical and multi-stakeholder coordination as well as administrative mechanisms. These measures should improve the policy framework for cooperation by influencing broader policies, which can only be achieved by bringing local authorities on board.
- Inappropriate governance is also reflected in the segmentation of Roma policies. Despite the fact that Roma Plans and Strategies intend to follow an integrated approach, most of the projects and measures are sectorial and lack multidimensionality. This poor interconnection takes place both at national and local levels where most Roma projects go in parallel with mainstream policies. The perverse effect of this approach is that, unless actions lead to normalisation, they reinforce segregation.

Limited capacity support from EU institutions

Managing Roma-focused projects is not only about economic support but requires skilled personnel and professional capacity with intercultural competences, knowledge of Roma culture and specificities related to social exclusion. Some government officials tend to argue that they permanently receive *general recipes* from European institutions on what they should do but very little support while doing it. Moreover, there is a risk that these institutions provide governments with recommendations that are determined by their own areas of interest, which do not take into account local specificities. Supportive conditions may not only contribute to improving the functioning of projects but also provide the necessary fuel for achieving results.

- Despite recently observed improvements in knowhow and experience that has been gained by stakeholders, many people working in this field have not had the opportunity to be properly trained for their work. In recent years, some specialised civil society organisations and other institutions have been contributing to the provision of training, tools, research, and expertise in this area.[50]
- The capacity of Roma leaders and Roma NGOs appears to be diverse: while there is an increasing impetus of Roma NGOs led by educated Roma, many traditional Roma NGOs are insufficiently active and are in need of a leadership overhaul. Some methods of Roma empowerment are erroneous and often result in a misunderstanding of roles or support an ethnic and closed approach, which in the long run backfires on the Roma community as a whole.

Negative public opinion trends and lack of/limited capacity of many actors, including governments and local authorities, should be taken into account by European institutions if effective Roma strategies and plans need to be accepted by public opinion. This requires that European Institutions not only *tell Member States what to do* but also *provide support in doing so.* This support must be more intensive and can take different forms such as:

- Improving access to information through research, data collection, support to national statistical agencies.
- Providing capacity building to local governments and private civil society organisations.
- Developing knowhow and expertise, transferring it through training and the design of working tools.
- Providing technical advice and guidance.
- Creating conditions for institutional cooperation.
- Providing evidence on what is working and on what is adequate
- Undertaking advocacy and supporting civil society's participating in monitoring Roma inclusion policies as well as their independent voice.
- Increasing Roma participation, engagement, commitment and training of leaders.
- Establishing incentive mechanisms and conditionality whenever possible.

Poor engagement of key actors at the local level, including the Roma, in the policy process

The central challenge for the coming years is for Roma inclusion policies to reach the local level. One of the main risks is to continue to do planning exercises at national and EU levels without any involvement of the local dimension.

Local level involvement requires not only appropriate means of coordination but also full participation at all stages of the policy process: planning, implementation, monitoring and evaluation. Local authorities encounter real troubles in delivering results. This is often due to either pressure from large segments of the citizenry against Roma policies, lack of means or lack of knowledge.

For the effectiveness of policies it is very important that national and international organisations as well as the specialised institutions support the local level by providing capacity-building, facilitating access to European funding, involving local authorities in the policy planning process and providing training, mutual learning programmes and peer discussions.

The Council Conclusions invited the Commission and 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".[51]

- In light of the failure of Member States to precisely identify in their NRIS how they intend to empower and involve Roma, the Commission should request that states formulate this component of their strategies more explicitly. Moreover, the Commission should cooperate with governments and municipalities to give form and substance to the notion of Roma participation.
- The Commission should establish clear mechanisms to engage Roma expertise and provide regular opportunities to ensure that Roma contribute directly to the policy debate at the European level.
- It should encourage the National Contact Points to formally incorporate regional Roma expertise into their structures and ensure that such experts are fully involved in the design, implementation, monitoring and evaluation phases.[52]

Inefficient allocation of economic resources

Roma inclusion requires money, especially when tackling housing and infrastructure; but is not only a matter of money but also about how money is invested or why it is often under-expended. At the moment, the economic crisis is forcing states to undertake fiscal adjustments and it is therefore important to highlight that not all available funds are being invested; furthermore, the way they are invested is far from being efficient. The most obvious case is that of Structural Funds expenditure. As the Commission reported, the level of expenditure, especially by new Member States, is very small; moreover, at this moment it is impossible to know how much money from the Structural or from IPA Funds has been invested in projects directly or indirectly benefitting Roma people.[53]

The conclusions of the Roma Task Force as well as the latest EURoma report[54] have demonstrated significant weaknesses in the use of Structural Funds aimed at Roma inclusion. Inefficient managing models and coordination mechanisms, along with several bottlenecks (lack of administrative capacity, difficulties for co-funding, short-term projects, little involvement of local actors, autocratic approaches, lack of Roma participation etc.) render the implementation difficult. Furthermore, as mentioned above, the level of expenditure is very low, especially in countries with large Roma populations; in fact, the problem is not the lack of funds but rather access to funds and absorption capacity of states.

Beyond the issue of accounting for funds that were spent, there is a need to ascertain what has been achieved, and what amounts to good, bad and downright useless practices. It would be highly recommendable for the EU to commission a wide-ranging external review of EU funds that have been used for Roma inclusion and the effective results that have been achieved. In many countries, the record to date is dismal, the capacity to absorb and manage EU funds is weak, and the impact on Roma communities remains neglected. In most cases, money that could be invested over the long-term (seven years and more) is allocated predominantly to short-term, unsustainable projects.[55]

The new Structural and Investment Funds as well as Enlargement Funds for the period 2014-2020 highlight the need for effectiveness and for a more focused approach. The strengthening of the use of the ERDF in the programming period 2014-2020 for integrated projects, such as housing, could be an excellent opportunity for infrastructural developments (including public services), especially in segregated settlements and neighbourhoods. Nevertheless, effective implementation in the future will not be possible if there is no substantial change in the approach followed until the moment.

Lack of orientation to deliver results

Expert opinions consistently insist that, in many cases, plans and strategies are little more than paper-pushing exercises, without any practical consequence in the governing system and no application at the local level. As demonstrated, designing national plans and strategies does not guarantee effective measures or proper implementation. In fact, it appears that Roma inclusion policies are currently legitimised by the mere existence of relevant programmes without paying any attention to the results achieved.

- In the coming years, the focus should be on implementation and on delivering results. Establishing tangible goals, specific targets, adequate resources, clear responsibilities, accurate indicators, monitoring systems and balanced relations between costs and benefits should be the ingredients for a better delivery. In order to bridge the gap between policies and practices, projects need to be accountable and results-oriented.
- EU Roma policies need to gather momentum and coherence in the framework of the Europe 2020 Strategy and the EU Framework for National Roma Integration

Strategies. In order to demonstrate results, it is also recommendable for the FRA to strengthen its work with governments and to assist them to produce disaggregated data with a view to setting baseline indicators and measurable targets which are essential for the much-vaunted “robust monitoring system”.

II. MAKING SUBSTANTIVE CHANGES: HOW CAN WE DO IT DIFFERENTLY?

This chapter reflects on the policy changes that are needed (at the European level) in order to successfully achieve Roma inclusion;

The following three elements can provide an important impetus for the needed change in policies and practices:

- The first element is based on the need to put the question of human rights at the centre of all Roma inclusion policies. This means choosing an approach that aims for the realisation of human rights – both from the rights-holders' and from the duty-bearers' perspective – which should be the ultimate goal of Roma inclusion policies (i.e. HRBA).
- The second element is the application of the 10 Common Basic Principles (CBP) on Roma Inclusion, especially no. 2 and 4. The CBP were adopted as guiding elements for Roma inclusion in order to provide a framework for the successful design and implementation of action; however, the full potential of the principles have hardly ever been applied in practice.[56]
- The third element is the adequate use of the Structural and Investment Funds or other financial instruments for pre-accession, together with sufficient levels of co-funding, and allocating them to the local level in order to achieve substantial results on the ground.

1. Following a Human Rights Based Approach: from the Roma problem to Roma rights

The final aim of any public policy should be to guarantee the realisation of human rights for all persons whereby this guarantee should include their wellbeing and social progress. The situation of the Roma is widely recognised as representing one of the most serious human rights challenges across the European region; this situation is aggravated for some groups in the Roma community, notably for women and children. Human rights are universal legal guarantees, protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges governments (principally) and other duty-bearers to do certain things and prevents them from doing others.[57]

Today, policy makers at local and national level conceive Roma policies from the perspective of the so-called *"the Roma problem"*, meaning that Roma are perceived as a problem and therefore Roma policies should aim at solving it; in fact, for the majority of non-Roma citizens, the Roma are considered a problem. As a consequence of this perception, public policies often aim to avoid this problem, which often results in policies and measures that violate human rights, up to the violation of the principle of their universality, which should guarantee the realisation of rights for everyone. The result of this approach is the increasing hostility against the Roma fuelled by the political discourse blaming the Roma and sometimes even using them as scapegoat in order to distract from political failure.

Many other policies exclusively focus on *"Roma integration"*, meaning primarily that public institutions and others need to teach the Roma how they should be integrated and how they should act in society. In view of these inappropriate perceptions, active

participation needs to be understood as an essential pre-requisite for success. Without denying that integration is necessary, these types of policies lack the necessary sensitiveness for making Roma the protagonists of their "integration" process and, as a consequence, the protagonists of their lives.

Such approaches are not in line with the ICERD and clearly lack a HRBA, which would apply the principle that Roma are rights holders, recognising the understanding that their inclusion is a right. Moreover, CERD General recommendations XXVII insists on the need to put the persons, in this case the Roma, at the centre of the process and focuses on their capacity to take a decision and to be in the condition to take their future into their own hands. The recommendation further highlights the critical areas of Roma integration, namely the protection against racial violence, education, improving living conditions and the importance of the media as well as participation in public life. A human-rights-based perspective therefore implies substantial changes in current policies and their implementation in the following areas:

Putting Roma participation in the centre of the policies

Despite an increased participation of Roma in policies aiming at their inclusion, creating conditions for an effective participation continues to be a challenge and represents one of the main reasons for policy failure. Although public institutions hold the responsibilities for public policies, the Roma – including Roma women – must be actively engaged from a policy development stage onwards. The effectiveness of policies is enhanced through the involvement of Roma people at every stage of the process. The aim of any Roma inclusion programme should be to put Roma into the position of making choices freely and considering their own future and lives. That is why participation is the basis of the decision making process and a requirement for active citizenship. The following four factors represent the main challenges for improving participation:

- **Strengthening capacities** is a challenge often faced by both sides: that of the rights-holders, who should make their claims, and that of the duty-bearers, who should meet their obligations. If capacities are not created there is a risk that rights holders (i.e. Roma) are put in the position of taking decisions or making choices, which are not real choices at all.
- Finding adequate ways to **involve the diversity of actors of the Roma community**: In the Roma community, there are different participation needs. It is therefore important to take into account the diversity of actors like leaders, mediators, representatives of the Roma organisations and the most vulnerable members of the Romani communities (e.g. women, children, persons with disabilities etc.). This should guarantee that nobody is left out or marginalised, and that particularly the most vulnerable actors are empowered; participation should always take into account the gender perspective.
- **Guaranteeing continuity**: Participation is a permanent process and a way to engage the community. This means that participation must be developed along the entire cycle of any project, programme or policy – in the planning, implementation, monitoring and evaluation phase. Systems, structures and channels of participation must be formalised and cannot depend on personal decisions of the persons responsible for policies and their willingness to open up to participation.
- **Creating appropriate conditions, structures mechanisms**: The allocation of adequate budgets that facilitate appropriate participation, the formation of alliances and mutual trust is essential in order to integrate different interests and

views that should shape Roma inclusion policies and in order to avoid the reduction of participation to mere consultations.

Active participation needs to be understood as an essential pre-requisite for successful Roma policies and it is therefore essential to put the issue of the participation at the heart of future policies. Until now, EU Communications and Recommendations have made few references to participation and the NRIS have given little importance to this issue. Furthermore, monitoring of future Roma inclusion strategies – including FRA monitoring – needs to focus on Roma participation.

Without denying the usefulness of the current forms of consultation by European institutions with the Roma (e.g. Roma Platform, etc.), it is important to undertake further steps that:

- Facilitate Roma participation and the Roma interlocution with the different EU institutions, not only with the European Commission;
- Establish different forms of consultation covering the diversity of Roma sensitiveness, countries and backgrounds, and consider the gender perspective;
- Clarify the purpose of participation, which is more than a consultation and requires that EU institutions report on how the results of these consultation are taken into account;
- Engage the National Roma Contact Points (NRCP) in the consultations in order to create bridges with the national level and to guarantee that consultations are also held at the national level.

Improving accountability and transparency

A human-rights-based approach requires an analysis of the capacities needed for rights-holders, especially the most disadvantaged, in order for them to claim their rights effectively. Accessible, transparent and effective mechanisms of accountability are needed at central and local levels. As presented previously, one of the major weaknesses of the NRIS is that most of the strategies do not establish appropriate targets and, as a consequence, the monitoring and evaluation system is rather unclear. The European Commission asked the Member States for an annual report on their activities and presented the progress and challenges in two Communications and a Staff Working document[58], which demonstrated that the overall process is still very weak.

Without any accountability, there is a risk of creating the general perception that in Europe, many economic resources are invested in Roma with no results. That is why the entire process needs to become more accountable. In order to make this possible, the critical steps are:

- Present a clearer picture of the activities conducted in each country within the framework of the NRIS and identify what is making the difference in terms of results.
- Report on how EU funds are invested in Roma policies, on the extent to which Roma are beneficiaries from the Structural and Investment Funds as well as IPA Funds, and on the actual achievements in order to avoid the general impression that too much money is invested without any substantial results.
- Agree with Member States not only on the identification of indicators based on objectives (that mostly demonstrate the challenges they face) but also on process indicators.
- Report on how proposals, recommendations and opinions of the Roma and other stakeholders are incorporated into the policy process.

Developing an adequate system of governance

Governance is related to the way Roma policies are coincided with the governing systems in place in order to reach the key actors. Common mistakes in the design of Roma policies are top-down and technocratic approaches. Until now, EU policies, have demonstrated difficulties in reaching the local level, resulting in little knowledge, appropriation and implementation of the NRIS from the local level.

As experience demonstrated, obtaining qualitative changes in Roma integration appears to be very difficult on the ground and requires specialisation, accurate knowledge and, above all, experience. The technocratic approach – often characterised by telling "from abroad" what to do without coordinating strategies with local actors or working together on their achievement – is an evident weakness.

The overall system of governance of Roma policies should not be based on telling others (i.e. governments) what to do or reminding them of their responsibilities but rather on working together and creating the conditions and providing the necessary support for learning how to work together. Therefore, future governance systems need to improve their main principles in a way that would allow Roma to fully realise their rights; the principles of good governance should be followed in an accurate way:

- **Openness** implies that the communication of policies to beneficiaries is more active, clear and simple and that decisions are communicated in the most understandable way (e.g. most Roma do not know about the existence of NRIS or what they are about). Roma must know what their rights are, what the means at their disposal are, and how they can access them.
- **Participation**: Roma must intervene in the entire cycle of the policy process, as this is the only way to create trust in institutions and achieve tangible results. Participation must come both form the civil initiative (i.e. civil society) and from the Roma themselves.
- **Responsibility** not only refers to the division of labour and the question of whose responsibility Roma inclusion is, but rather to the joint compromise in the decision-making process. Joint compromise is also one of the major weaknesses of the NRIS, which is mainly due to the difficulty to effectively engage the national level and the lack of participation of the local one.
- **Efficiency**: This principle relates to the achievement of results, based on the objectives foreseen, and to the balance between the proposed objectives and the capacity of institutions to achieve them. Roma strategies and policies often lack this balance between suitability of institutions and proportionality of measures, which consequently results in non-achievable objectives.
- **Consistency** relates to the adequacy of policies, actions and means. When looking at Roma strategies and policies, there is often a lack of consistency between the proposed objectives, the means for achieving these objectives and the competencies/responsibilities of the actors.

Fostering policies and supporting programmes focused on a results-based approach

Roma policies tend to focus primarily on actions (inputs and outputs) rather than on results (outcomes and impacts). For instance, there is little information on the achievement of these strategies in terms of impacts, i.e. effective results.

A results-based approach would imply supporting and transferring models of intervention, which have demonstrated to be effective, and identifying their keys to success. As all the interventions require due adjustment to the respective local situation,

it would be inadequate to assume that any model is literally transferable from one place to another. However, the important element that needs to be looked at from successful examples is the transferability of their approach.

One frequent mistake of European Roma policies is the common trend to collect so-called good practices, which are often simply existing practices and/or short-term projects that have not demonstrated any tangible result. Progressing towards a results-based approach requires:[59]

- Using adequate systems of data collection and information systems in order to be in the condition to identify the results of the policies and projects;
- Defining good practices in a more serious manner by focusing on the keys to success, the potential transferability and its conditions;
- Developing tools and establishing systems of support in order to help institutions to undertake policies oriented towards results;
- Allocating means and resources and supporting those projects that intend to work in a systematic manner, based on previous lessons;
- Identifying keys to success and frequent common mistakes that institutions and other actors should keep in mind when planning or implementing Roma policies.

2. Grounding in the Common Basic Principles no. 2 and 4

In June 2009, the Council of Ministers of Social Affair invited Member States and the Commission to take into account the Common Basic Principles (CBP) when planning and implementing plans policies and actions for Roma inclusion[60] (see also Annex 1). The CBP are interrelated and have internal consistency. They were designed based on past and existing experiences with Roma policies and consulted with experts and civil society. Despite their usefulness in orientating policies at the national and local level, it appears that they hardly been taken into account.

The two most referred CBPs are also the most difficult ones to apply in practice; they are principle no. 2 "explicit but not exclusive targeting" and principle no. 4 "aiming for the mainstream". Experience has demonstrated that these principles are often misinterpreted while they are in fact complementary and need to be followed in a consistent manner. The exact wording of these two principles reads as follows:

Principle no. 2: Explicit but not exclusive targeting

Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on Roma people as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.

Principle no. 4: Aiming for the mainstream

All inclusion policies aim to insert the Roma in the mainstream of society (mainstream educational institutions, mainstream jobs, and mainstream housing). Where partially or entirely segregated education or housing still exists, Roma inclusion policies must aim to overcome this legacy. The development of artificial and separate "Roma" labour markets is to be avoided.

Interpretation of the principles

What does "explicit but not exclusive" mean?

When the Roma are excluded or have a special need, their disadvantages need to be compensated in order to guarantee their rights and provide them with equal opportunities. This approach implies focusing on Roma people without excluding others who live under similar socio-economic conditions. In practical terms, this can be developed by:

- Targeting projects and policies focused on Roma but open to and inclusive with other people (e.g. vulnerable groups, people living in deprived areas etc.)
- Developing specific projects in areas that are populated by the Roma and other ethnic minorities or marginalised members of society (e.g. poor neighbourhoods etc.).

In this context, the gender dimension Roma inclusion policies needs to be stressed. As described in principle no. 5, Roma inclusion policy initiatives have to take account of the needs and circumstances of Roma women. In line with the principle of *explicit but not exclusive targeting*, this means that particular attention has to be paid to the multiple discrimination and problems of Roma women while targeting the problems faced by all women (living in similar circumstances and/or experiences multiple discrimination).

What does "aiming for the mainstream" mean?

Promoting the inclusion of the Roma in mainstream society should be the immediate aim of all policies. In fact, the only justification for specific policies is the fact that there may be specific disadvantages. The mainstream approach has two consequences in practical terms:

- When developing a specific project, it must lead to the inclusion of the Roma instead of to their segregation. This means that specific intermediary services have to be planned, which connect Roma with mainstream services until they have equal access and equal enjoyment of mainstream services.
- Mainstream services need to be adjusted to the diversity of the needs of their beneficiaries, including the Roma, which means taking into account their characteristics and putting in place mechanisms that facilitate the access and the enjoyment of mainstream services.

In this context, again, the gender dimension plays an essential role as access to health care and child support, but also protection from domestic violence, which highlights the importance of providing them access to these mainstream services (see also CBP no. 5).

Debates, misunderstandings and risks

Principles no. 2 and no. 4 have important implications at the level of social protection systems and social policy reforms. Roma, just like the rest of the citizenry, must be addressed by welfare systems according to their needs. To this aim, the key question is the extent to which public services (education systems, health systems, housing policies, incomes and benefits etc.) are inclusive of the Roma and able to compensate their disadvantages rather than fostering their exclusion.

Simplification vs. segregation

In its framework of the Europe 2020 Strategy, the European Commission stressed the need for substantial reform in social protection systems and social policies by orienting them to social investments[61]. The Social Investment Package (SIP) insists on the need for effective social policy reforms and on the simplification of services in order to gain efficiency. The need for efficient social policies is related to the simplified access to

services, including the one-stop-shop approach. This implies avoiding duplications, eliminating services that work in parallel between different administrations, enhancing coordination, reducing administrative complexity and facilitating an easy take-up. The SIP insists on the need for simplified and better targeted social policies in order to provide adequate and sustainable social protection systems.

Applying SIP orientations to Roma inclusion will require for social services to:

- Follow an equality approach in the provision of services, understanding that equality also implies being culturally sensitive, adapted, and flexible to respond to particular needs;
- Remove barriers (economic, social and cultural barriers, physical distance, rules and practices) that impede access by the Roma community;
- Be primarily oriented to the needs and practical results, rather than to regulations.
- Connect specific services for Roma (if existent) with mainstream services in order to avoid parallel systems.

The risk that mainstream policies would exclude Roma

All social policies should aim to include the Roma in the mainstream of society (see CBP no. 4; e.g. mainstream educational institutions, mainstream jobs, mainstream health services, mainstream housing) and therefore, Roma inclusion policies have to be integrated in mainstream policies (CBP no. 1). These principles need to be understood in conjunction with other principles such as explicit but not exclusive targeting (CBP no. 2). Yet, effective access to mainstreamed services means rendering these services in a flexible manner, to a sufficient extent and adapted to Roma needs in order to avoid discrimination. This would imply different approaches according to specific situations and depending on different areas of action.

Taking the area of education as an example, it is widely understood that special schools or Roma schools are neither desirable nor recommendable; therefore, mainstreaming Roma in the school system will always imply the adaptation of public education services. However, the level of adjustment and degree of required flexibility differs according to the circumstances of each situation and forms of exclusion. For example, in an urban or suburban context, this may imply establishing dispersion criteria for Roma students or the provision of compensatory services; Roma living isolated from urban areas may require transportation services; Roma migrants may require language training and Roma travellers flexible norms for accessing education. Specific strategies of adapting general services are also be needed in other areas of intervention such as in facilitating access to health services (e.g. different needs according to groups), access to employment services (e.g. different degrees of qualification and skills, labour market situations etc.) and access to public housing (e.g. income levels, criteria for access etc.).

In summary, it can be stated that effective access to mainstream services require their adaptation to Roma needs and that a lack of adequate adaptation will only further limit the access for Roma to mainstream services[62].

The risk that specific policies would segregate Roma

The principle of explicit but not exclusive targeting implies focusing on Roma people as a target group but not excluding other people who share similar socio-economic circumstances. In fact, existing experience demonstrates that services focusing on Roma can be very valuable for other people in similar circumstances.[63] Nevertheless, specific services must always aim for the normalisation of equal access to mainstream services.

Explicit Roma services developed in parallel to mainstream services entail the risk for the former of constituting second-class services for Roma people, while general services fail to undertake the necessary changes to adapt to the needs of all citizens. Specific Roma services must be connected with and function complementarily to general services, while aiming to facilitate Roma access to general services. However, the extent to which adapted services will lead to normalisation and the possibilities for them to be complementary to global services will require different approaches, depending on the context, type of situation and group. In the area of health, for example, a health mediation service in an urban Roma neighbourhood may act as a transition service aimed at facilitating Roma access to mainstream public health services (e.g. Navarra in Spain), while medico-social centres for Roma in remote settlements (e.g. Greece) will take longer but may achieve Roma access to mainstream health services by remaining connected to the nearest urban medical centre and, whenever possible, by including transport services for patients.[64]

Critical issues to be reported in Roma strategies and policies

Principle no. 1 states that *Roma inclusion policies are integrated with mainstream policies, particularly in the fields of education, employment, social affairs, housing, health and security. The aim of these policies is to provide the Roma with effective access to equal opportunities in Member State societies.* This principle is closely related to principle no. 2 and principle no. 4 and leads to two essential questions which should be at the heart of Roma policies and strategies:

- To what extent are the specific services aiming at Roma inclusion explicitly but not exclusively and to what extent do they lead to "normalisation", meaning that they facilitate the access for Roma to mainstream services? If there is no progress in this regard, it can be presumed that these services are going work in parallel and that there is a risk of aggravating segregation.
- To what extent are mainstream services that aim at Roma inclusion adapted in a flexible and accurate manner? Are they taking into account the needs of their beneficiaries and do they facilitate their access to these services? If there is no progress in this regard, it can be presumed that mainstream services do not fulfil their duty and that they are going aggravate the need for providing explicit services.

The answers to these questions should be reported in terms of process indicators that can contribute to the change of current policies; particularly in the four key areas of the NRIS (i.e. education, employment, housing and healthcare).

3. Making better use of the EU funds

3.1. A new positive framework

Previous failures

In April 2010, the Commission[65] called on the Member States to ensure that existing EU financial instruments (especially Structural Funds and the European Agricultural Fund for Rural Development) were accessible to Roma. The Council Recommendation endorsed this approach in December 2013.[66]

However, most Member States currently do not yet make sufficient use of available EU funds to address the needs of the Roma. In the period 2007-2013, only a small amount of

the entire Structural Funds was allocated to measures targeted at tackling the situation of disadvantaged Roma communities. As mentioned earlier, frequent short falls in the implementation of the European Funds are insufficient connection between policies and funds, inertia and lack of forward vision, heavy administrative burden and narrow interpretation and little engagement of key actors in the process. Task Force and the latest EURoma report demonstrated a significant weakness in the use of Structural Funds aimed at Roma inclusion. Based on experiences from the previous programming period (2007-2013), the main challenges for an effective use of EU funds for Roma inclusion are:

- Desegregation: EU funds were used to support measures that should contribute to Roma integration but in fact they often maintained segregation.
- Adequate funding: EU funds were used to support measures far too small to have a significant impact on the problems to be addressed.
- Expenditure: Despite the needs, many countries experienced under-expenditure of EU funds, mainly due to a lack of co-funding, weak financial capacity to advance money and limited administrative capacity; under-expenditure is also aggravated by administrative rules, sometimes established by the European institutions, and other by the Member States.
- Sustainability: EU funds were used to support one-off projects without aiming for sustainability of the projects or mainstreaming of the activities.
- Effectiveness: EU funds were used to support measures addressing symptoms (consequences) of Roma exclusion but failed to deal with the causes.
- Participation of Roma CSOs and community: EU funds were used to support measures designed without the participation and involvement of Roma CSOs or the Roma community and therefore did not adapted to the real needs of the community.

Positive framework in the new programing period

EU funds (in particular the European Structural and Investments Funds (ESI) as well as the Instrument for Pre-Accession Assistance (IPA)) are a powerful tool to promote Roma inclusion and to support the implementation of national Roma policies. For instance, the main elements that could foster a HRBA (e.g. active engagement of the local level, integrated approaches, partnership, results orientation, participation of beneficiaries etc.) are among the key components of EU funds in the new programing period 2014-2020. The new funds therefore provide an opportunity to make substantial improvements, as they are set a stronger framework of regulation that allow a variety of options to design and implement Roma inclusion measures. For instance, the Common Provisions[67] include three key elements that can contribute to a better use of ESI funds for Roma inclusion from a HRBA perspective:

On the one hand, the **horizontal principle of partnership and multi-level governance** (Article 5), reinforced by the Code of Conduct adopted by the European Commission[68], establishes that Member States have to develop partnership agreements with key stakeholders, which include relevant bodies representing civil society and non-governmental organisations, among others.

➲ Therefore, this is an opportunity for municipalities, Roma organisations and representatives to be more actively involved in the entire cycle of ESI funds (i.e. design, implementation, monitoring and evaluation).

Secondly, **the horizontal principle of non-discrimination and the promotion of equality between men and women** and (Article 7) establishes that Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex,

racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes.

- ➲ Therefore, Member states need to ensure that ESI Funds are programmed taking into account an inclusive approach and guaranteeing that they benefit society as a whole but in particular those vulnerable groups that could potentially be discriminated against.

Lastly, the Common Provisions include one specific **ex ante conditionality, directly related to Roma inclusion policies**, namely the existence of a National Roma Inclusion Strategic Policy Framework that

(i) sets achievable national goals for Roma integration to bridge the gap with the general population. These targets should address the four EU Roma integration goals relating to access to education, employment, healthcare and housing;

(ii) identifies, where relevant, those disadvantaged micro-regions or segregated neighbourhoods, where communities are most deprived, using already available socio-economic and territorial indicators (e.g. very low educational level, long-term unemployment, etc.);

(iii) includes strong monitoring methods to evaluate the impact of Roma integration actions and a review mechanism for the adaptation of the strategy;

(iv) is designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities.

- ➲ This conditionality is directly linked to the ESF investment priority "marginalised communities such as the Roma" under the Thematic Objective 9 "Promoting social inclusion, combating poverty and any discrimination" and is therefore an opportunity for Member States to fund the actions foreseen in their strategies. In addition, the Common Provisions allow for the possibility to provide support (e.g. technical or financial) to relevant stakeholders for submitting project applications and for implementing and managing the selected projects.

Furthermore, the aforementioned European Code of Conduct obliges Member States to identify the relevant partners in the preparation of Partnership Agreements and ensure their participation in the implementation of Operational Programmes. The regulation gives particular importance to competent regional, local, urban and other public authorities, including regional authorities, national representatives of local authorities and local authorities representing the largest cities and urban areas. Among the partners that should be involved are *other organisations or groups, which are significantly affected or likely to be significantly affected by the implementation of the ESI Funds, in particular groups considered to be at risk of discrimination and social exclusion*.

The Code of Conduct states that Member States shall involve relevant partners in the preparation of programmes, including for the following tasks:

- the analysis and identification of needs;
- the definition or selection of priorities and related specific objectives;
- the allocation of funding;
- the definition of programmes' specific indicators;
- the composition of the monitoring committee

Applying explicit but not exclusive targeting and aiming for the mainstream with EU Funds

In the programming period 2014-2020, the ESI Funds are in line with the CBP no. 2 and CBP no. 4; for instance:

- One specific ESI investment priority is dedicated to the integration of marginalised communities such as the Roma, under the Thematic Objective 9 "Promoting social inclusion, combating poverty and any discrimination" which may be supported by the ESF and the ERDF.[69]
- ESI funds foresee policies and actions in different areas where Roma issues have to be mainstreamed, such as under Thematic Objective 9 "Promoting social inclusion and combating poverty", Thematic Objective 8 "Promoting sustainable and quality employment and supporting labour mobility" and Thematic Objective 10 "Investing in education, training and vocational training for skills and life-long learning".

In practical terms and at local level, this means that Member States could ensure a better use of ESI Funds by taking an integrated approach when programming, managing and evaluating the impact the funds. For instance, Member States could use ESI Funds to support Roma inclusion (through an explicit or mainstream approach) in the fields set out in the Council Recommendation:

Field	Type of measures recommended[70]
Education **(Thematic Objective 10)**	• Eliminate school segregation and misuse of special needs education • Enforce full compulsory education and promote vocational training • Increase enrolment in early childhood education and care • Improve teacher training and school mediation • Raise parents' awareness of the importance of education
Employment **(Thematic Objective 8)**	• Provide tailored job search assistance and employment services • Support transitional public work schemes combined with education as well as social enterprises employing excluded people or providing them with specific services • Support a first work experience and on-the-job training • Eliminate the barriers, including discrimination, to (re)enter the labour market, especially for women • Provide stronger support for self-employment and entrepreneurship
Healthcare **(Thematic objective 9)**	• Extend health and basic social security coverage and services (also via addressing registration with local authorities) • Improve the access for Roma, alongside other vulnerable groups, to basic, emergency and specialised services • Launch awareness raising campaigns on regular medical checks, pre- and postnatal care, family planning and immunisation • Ensure that preventive health measures reach out to vulnerable people including Roma, in particular women and children • Improve living conditions with focus on segregated settlements
Housing **(Thematic Objective 9)**	• Promote desegregation • Facilitate local integrated housing approaches with special attention to public utility and social service infrastructures • Improve the availability, affordability and quality of social housing and halting sites with access to affordable services as part of an integrated approach

The above list is not exclusive, as Member States can also undertake integrated measures with Roma or in geographical areas where Roma live, following the CBP no.2 and 4 when implementing ESI Funds in the framework of other Thematic Objectives (e.g. strengthening research, technological development and innovation (objective n. 1), enhancing access to, and use and quality of, ICT (objective n. 2), promoting climate change adaptation, risk prevention and management (objective n. 5)).

3.2. The Community-led local development initiative (CLLD): an opportunity for Roma inclusion at local level

The second part of this Advocacy Brief stressed that many policies aiming to achieve Roma inclusion lack a HRBA and effective Roma participation. Furthermore, many policies and plans lack an effective implementation at local level. The CLLD represents an implementation model for ESI Funds, which provides ideal conditions for more effective Roma inclusion policies at the local level, starting with the active engagement of the Roma.

What is it?

CLLD is a method for involving local stakeholders, especially civil society and local economic actors, in a local project. It focuses on the design and implementation of integrated local strategies to help urban or rural areas to transition to a more sustainable future. This may be a particularly appropriate tool for giving prominence to local communities and help them to take concrete steps towards forms of social and economic development that are smarter, more sustainable and more inclusive, in line with the Europe 2020 strategy.

This method may include many of the ingredients that are needed for fostering the participation of the Roma and transforming the usually bureaucratic top-down approaches into initiatives that start by strengthening the capacities of the local communities.[71] The Common Provisions state that

1. A community-led local development strategy shall contain at least the following elements:

> *(a) the definition of the area and population covered by the strategy;*
>
> *(b) an analysis of the development needs and potential of the area, including an analysis of strengths, weaknesses, opportunities and threats;*
>
> *(c) a description of the strategy and its objectives, a description of the integrated and innovative features of the strategy and a hierarchy of objectives, including measurable targets for outputs or results. In relation to results, targets may be expressed in quantitative or qualitative terms. The strategy shall be consistent with the relevant programmes of all the ESI Funds concerned that are involved;*
>
> *(d) a description of the community involvement process in the development of the strategy;*
>
> *(e) an action plan demonstrating how objectives are translated into actions;*
>
> *(f) a description of the management and monitoring arrangements of the strategy, demonstrating the capacity of the local action group to implement the strategy and a description of specific arrangements for evaluation;*

(g) the financial plan for the strategy, including the planned allocation from each of the ESI Funds concerned.

6. The population of the area referred to in point (a) of paragraph 1 shall be not less than 10 000 and not more than 150 000 inhabitants. However, in duly justified cases and on the basis of a proposal by a Member State the Commission may adopt or amend those population limits in its decision under Article 15(2) or (3) to approve or amend respectively the Partnership Agreement in the case of that Member State, in order to take account of sparsely or densely populated areas or in order to ensure the territorial coherence of areas covered by the community-led local development strategies.

Why are they adequate?

Operational Programmes of the new programming period 2014-2020 may provide for the use of CLLD, especially in city neighbourhoods (esp. ESF) and rural areas (esp. EAFRD). This mechanism is ideal for implementing local actions that promote Roma inclusion under national and regional ESF programmes. ESF funds may also be supplemented by other funds (e.g. ERDF, EAFRD).

Member States now have the opportunity to invest EU Funds aiming at the integration of the Roma by using the CLLD focusing on urban or rural areas with a high Roma concentration. Moreover, the CLLD provides ideal conditions for the application of a HRBA while at the same time following the CBP no. 2 *explicit but not exclusive targeting* and no. 4 *aiming for the mainstream*. By developing CLLD in this manner, some of the critical failures from the past could be overcome and ESI Funds could be expended in a more effective way. For instance, the CLLD could contribute to:

- Shift from the logic of the project to the logic of the policies, i.e. from short-term activities to the long-term activities and by following a results-based approach rather than focusing on inputs and outputs.
- Undertake initiatives from the local approach by strengthening local capacities, fostering Roma participation and engagement of communities.
- Engage the key local actors in the process (Roma and non-Roma) that act for the benefit of the whole community.
- Develop the principles of *explicit but not exclusive targeting and aiming for the mainstream* in a consistent manner by combining both approaches in the same area.
- Follow an integrated approach that supports the physical and economic regeneration of deprived urban and rural communities by investing in social infrastructures and developing actions in the areas of education, healthcare and employment.

The advantages of the CLLD for the beneficiaries are:

- Local actors have a better awareness of the available resources, the challenges and available means for overcoming these challenges
- Local resources are better mobilised and all potentialities of the community are identified
- Local actors get more involved in the projects as they became an active part in the decision making projects

How to develop a CLLD

CLLD can be applied for different forms of interventions, depending on the circumstances, which is why they may be supported by one or several funds. They may

follow different approaches while at the same time respecting CBP no. 2 and 4. In this regard, CLLD may:

- Focus on a single area in a city, e.g. a deprived neighbourhood
- Identify multiple areas in a city, e.g. several deprived neighbourhoods in the same city
- Be developed in an entire small city
- Focus on a specific thematic issue (e.g. youth, access to the labour marked, children) or on a specific group (i.e. Roma, migrants, etc.):
- Focus on improving rural areas linkages (e.g. sub-urban areas)

It is recommendable to:	It is not recommendable to:
• Create conditions for trust between local actors and with the due support • Create adequate conditions for active participation and involvement of citizens • Develop long-term projects, investing adequate time and means in their preparation • Apply an integrated approach, i.e., develop actions in different areas • Support projects through different funds (e.g. ESF-ERDF-EARDF)	• Develop CLLD without participation of local actors • Develop CLLD without giving prominence to local communities • Neglect to identify the area or areas of intervention and expected results • Develop short-term projects (which do not allow for participation)

3.3. Other forms of strengthening local capacities with the ESI

The ESI Funds foresee other mechanisms of implementation that are adequate for supporting Roma integration from the local perspective:

Sustainable urban development

The ERDF regulations state that the fund supports sustainable urban development through strategies that set out integrated actions to tackle the economic, environmental, climate, demographic and social challenges affecting urban areas. These strategies should be implemented through integrated territorial investment, a specific Operational Programme, or a specific priority axis.

In its Partnership Agreement, each Member State should establish the principles for the selection of urban areas where integrated actions for sustainable urban development are to be implemented and an indicative allocation for those actions. In each country, at least 5% of ERDF resources allocated to the "Investment for growth and jobs goal" should be allocated to integrated actions for sustainable urban development where cities, sub-regional or local bodies responsible for managing and/or implementing these strategies.

Sustainable urban development strategies are based on a territorial approach and can cover specific areas including neighbourhoods or areas were Roma are living. They must be inclusive and address the problems and needs of all inhabitants of the area by taking into account the needs of marginalised communities, such as the Roma. They can enhance institutional capacity of actors at the local level and strengthen the participation of the Roma by developing explicit but not exclusive action or involving Roma in mainstream projects.

Integrated rehousing operations

Integrated rehousing operations are interventions that combine rehousing activities with further actions (e.g. in the fields of education, health, employment) that facilitate the inclusion of socially excluded communities. This type of operation is highly recommendable for rehousing interventions of marginalised communities as its integrated approach is the key to reducing or limiting the risk of segregation. Under the Thematic Objective 9, the ERDF regulation includes an investment priority that focuses on promoting social inclusion, combating poverty and any discrimination; this includes the provision of support for physical, economic and social regeneration of deprived communities in urban and rural areas.

Integrated housing operations can be developed for situations with Roma communities living in segregated urban and suburban neighbourhoods, as is the case in many Central and Eastern European Countries by following the principle of explicit but not exclusive targeting. When developing this type of operation, any kind of segregation should be avoided. This operations should always include active Roma participation as a pre-condition for achieving results and combine rehousing interventions with actions that further promote the inclusion of marginalised communities in the areas of education, employment, healthcare, etc.

Global Grants

Global Grants are mechanism in which a Member State or Managing Authority may entrust the management and implementation of a part of an Operational Programme to one or more intermediate bodies, including local authorities, regional development bodies or non-governmental organisations. This passing on of management responsibilities allows to better reach target groups, which could be Roma population. Global grants may foster the capacity of local actors and create conditions for active Roma participation. They may include:

- Small grants for capacity building of civil society and Roma organisations
- A dedicated amount of money for undertaking specific actions supporting the inclusion of the Roma in different areas
- Grants allocated to several partners for fostering cooperation, as for example, supporting the partnership between Roma CSOs and public authorities, increasing capacity building, developing joint projects between different partners.

III. LEARNING FROM SUCCESSES AND MISTAKES: PRACTICAL RECOMENDATIONS

In recent years, the growing number of researches, debates and information exchanges on positive experiences in Roma inclusion strategies and policies have generated a consensus among researchers, policymakers and activists on a corpus of principles and approaches that should be followed in the future.[72]

Main evidence-based "lessons learnt" from available Roma inclusion experiences in European states and beyond are in line with relevant recommendations made by international human rights bodies, in particular the CERD General recommendation XXVII, and the HRBA. They are also in accordance with the 10 CBP, which were conceptualised on the basis of previous experiences. Needless to say that the heterogeneity of living conditions and habitats of the Roma implies a differentiation of priorities as social and economic inclusion processes are conditioned by socio-economic circumstances and depend in large part on the context in which Roma live.

Without in any way being exhaustive, the following section presents a summary of the key lessons learnt and practical recommendations on what "to do" and what "not to do" when initiating Roma inclusion policies.[73] Given the vast diversity of circumstances and situations that Roma live in Europe, below section 3 of this part of the Advocacy Brief provides detailed policy recommendations for some of the most common realities faced by many Roma.

1. General recommendations and key messages

Most keys for successful Roma inclusion policies are related to:

- ☑ **Planning and doing for the long term:** Taking sufficient time for planning and planning for the medium and long term; building on existing experiences that guarantee continuity and sustainability.
- ☑ **Following an integrated approach:** Combining actions that address the multiple dimensions of problems faced by Roma. Establishing good coordination and synergy between the actions in different areas (e.g. education employment etc.).
- ☑ **Leadership and institutional capacity**: Defining mandates and responsibilities (with room for shared responsibilities). Improving know-how and specialisation of local staff and raising political and public awareness about prejudice and discrimination.
- ☑ **Active involvement of Roma**: Involving Roma from the planning phase onwards (incl. implementation, monitoring and evaluation); engaging with civil society organisations, especially Roma organisations. Developing capacity-building actions for all involved actors.
- ☑ **Political consensus:** Fostering the political consensus at the different policy levels in order to guarantee actions for the long term and avoid recurring changes.
- ☑ **Public opinion support:** Raise awareness, create positive public opinion and act in a way that the entire community (Roma and non-Roma) engages in the process.
- ☑ **Administrative horizontal and vertical coordination**: Create close cooperation between the national and local level as well as between the different departments in order to strengthen forces and avoid duplications. Create global action schemes and interconnected services.

- ☑ **Partnership and cooperation**: Mobilising all existing resources (human, institutional, economic) and engage all bodies. Involving key actors in the process. Understanding the indispensable role of civil society organisations in the design, implementation and evaluation of Roma policies.
- ☑ **Application of legal instruments:** convincing, justifying and legitimising all actions related to Roma inclusion with appropriate legal instruments, including international human rights law (Convention on the Elimination of Racial Discrimination, Convention on the Rights of the Child, and recommendations of relevant international human rights mechanisms – Treaty Bodies, Special Procedures Mandate Holders) as well as the EU Charter of Fundamental Rights..
- ☑ **Rights protection and civic training:** The full protection and enjoyment of rights must be the final objective. Roma, just like all other citizens, are subject to duties and obligations, but fulfilling obligations cannot be considered as a prerequisite for the granting of human rights.
- ☑ **Mobilising resources:** Human and economic resources need to be mobilised for Roma projects by creating synergies between existing and available resources. Making use of European funds and aim for continuity and stability.
- ☑ **Local ownership:** Creating local ownership and supporting the local level to take the lead. Fostering local capacities and aiming for the commitment at the local level.
- ☑ **Adequate information and working systems:** Gathering regular data, developing specific working tools and working methods, improving know-how and specialisation, monitoring and evaluating regularly, working in a results-oriented way.

Most reasons for failing Roma inclusion policies are related to:

- ☒ **Planning and doing at the short term:** Projects planned and developed with little time that do not create the basis for achieving results and lack sustainability.
- ☒ **Lack of an integrated approach:** Focusing on specific actions or areas working without coordination and synergy between the actions in different areas (e.g. education, employment etc.).
- ☒ **Lack of leadership and poor institutional capacity**: Projects led by institutions that do not have the mandate, knowledge or capacity.
- ☒ **Lack of involvement of the Roma**: Considering the Roma only as beneficiaries, working for the Roma rather than with the Roma, working with little participation and consultation from civil society.
- ☒ **Absence of political consensus:** Policies and programmes that are not supported and agreed at all political levels tend to fail. This absence of political consensus is often conditioned by political changes and/or linked to various vested interests and power relationships.
- ☒ **Lack of public opinion support:** Acting without regard for public opinion and a lack of awareness-raising efforts lead to the negative perception by non-Roma citizens who see themselves as being the ones who stand to lose with the policy, instead of understanding the mutual benefits.
- ☒ **Without horizontal and vertical coordination**: Without the necessary engagement and synergy of the different levels of administration and with a lack of coordination between the services.
- ☒ **Lacking partnership and cooperation**: With little capability to mobilise different existing resources and to engage the key actors, including civil society, in the process.

☒ **Orientation to duties and obligation without guaranteeing rights**: Focusing only on the fulfilment of obligations without granting rights and without adequate support for the Roma to access rights.
☒ **Insufficient resources:** Lack of economic resources and lack of creation of synergies between existing available resources.
☒ **Without local engagement:** Led and implemented in a top-down manner without sufficient consensus at the local level, not fostering the capacity or ownership of the local administrations.
☒ **Developed with poor quality:** Without adequate systems of information, in absence of working tools and working methods, with poor specialisation, lacking evaluation and activity-oriented instead of results-oriented.

2. Specific recommendations for the policy approach and for the implementation of projects

Key messages for municipalities and locally elected representatives working in Roma inclusion

When a local public institution needs to address the challenges of Roma living in situation of exclusion, they may act by taking the following steps:

1. Make Roma inclusion a political priority on the local agenda in order take it seriously and to demonstrate political will;
2. Define a policy strategy for the inclusion of Roma, based on efficiency and start by making a diagnosis for better understanding the situation;
3. Identify clear priorities and targets in order to orient all actions to obtain results;
4. Involve and empower Roma at all stages of Roma integration initiatives by following the human rights principles;
5. Learn from experiences and connect with other villages/municipalities/cities in order to avoid repeating mistakes and take advantage of their knowledge.

Why should locally elected representatives address Roma needs?

- Because fighting Roma exclusion is the right thing to do: promoting Roma inclusion policies comply with international standards and foster the protection of human rights.
- Because the social image and perception of the city/municipality/village will improve if all persons of the community are fully integrated (e.g. cities that do not have settlement problems are perceived as safer and more stable by the population; populations in cities with high levels of segregation usually experience extreme stigmatisation).
- Because maintaining segregation and exclusion is more expensive: there is a large body of evidence verifying that cities that invest in the promotion of inclusion of marginalised communities not only save expenditures in the long-run but also receive economic returns by means of increased social and human capital (e.g. not solving the problem of segregated Roma settlements implies large expenditures for solving social problems affecting the entire community while the problems remain; transition measures usually imply more expenditure and delay the solution of the problems)
- Because the reduction of segregation improves social relations of the entire community: while segregation can only lead to discrimination and conflict, integration is the key to a harmonious society.

- Because it is to the benefit of all citizens: everyone wants to live in a safe, stable and harmonious society that provides opportunities for all. By improving the Roma situation, the entire city/all neighbours will benefit. Addressing Roma needs should be done in a way that everyone benefits.
- Because there are resources available for Roma inclusion. The Structural and Investments funds as well as IPA funds are one of the best opportunities to invest in Roma projects at the local level.

3. What should Roma inclusion policies focus on according to the different living circumstances of Roma?[74]

If Roma are living in urban and suburban neighbourhoods, Roma inclusion policies need

1. To complete the full integration of these Roma groups, including the active involvement of the Roma community in the dynamics of the neighbourhood;
2. To guarantee that Roma benefit from public services to the same extent as other citizens by supporting this process with adequate accompaniment;
3. To take adequate measures to prevent ethnic concentration in the neighbourhoods and to support greater diversity;
4. To provide adequate support and investments to these neighbourhoods in order to avoid for them to become segregated neighbourhoods and/or excluded areas within the city.

What can be done?	What should not be done?
☑ Adequate and rational distribution of Roma families (when there is a new neighbourhood, housing promotion or rehousing plan) always following the criteria of geographical distribution to avoid Roma concentration in a street or in a block of flats. ☑ Permanent plans of maintenance and improvement of the neighbourhood, including public spaces and infrastructure as well as common areas of buildings if they are flats (facades, entrances, community areas, gardens) together with monitoring measures ☑ Adequate support programmes for the social integration of the Roma following the principles 'explicit but not exclusive targeting' and 'aiming for the mainstream' with the purpose of pursuing the process of integration, focused on the access and full enjoyment of the services, employment, and social participation. ☑ Investment plans aiming at urban regeneration to improve the situation	☒ When planning a new neighbourhood or new subsidised housing, authorities tend to house all Roma in the same block or on the same street, which, in the medium term, will not result in effective integration but rather in vertical segregation. ☒ Taking new groups of Roma to the neighbourhood by following the well-intentioned idea that Roma all want to and will live better together; there is a significant risk that such policies will eventually result in the formation of Roma ghettoes in the medium term. ☒ Building low quality social houses and low quality services. Such an approach will require permanent refurbishment and will eventually result more expensive; it is also likely to negatively affect the self-esteem of inhabitants. ☒ Lacking permanent investment and maintenance plans in the neighbourhood, as it is cheaper than

of the neighbourhood (especially when the trend is towards deterioration) following an integrated approach (urban, economic, human resources and social development) and fostering active participation. ☑ Permanent plans aimed at fostering a climate of peaceful coexistence and social cohesion in the neighbourhood by involving all the actors and strengthening civil society initiatives. This requires the active coordination of all public services including neighbourhood organisations, the business sector and security forces (community policing).	preventing deterioration, which would require higher expenditures. ☒ Lack of adequate monitoring and control systems in relation to the use of public spaces and public utilities, leading to deterioration of the habitat, emergence of groups taking control of public areas, deterioration and inappropriate use of buildings and flats (deterioration of facades and common areas, illegal activities). ☒ Lacking permanent adequate social support programmes that would aim at the inclusion of Roma into mainstream services (esp. education, employment, healthcare, social participation, etc.).

If Roma are living in segregated urban or suburban neighbourhoods, Roma inclusion policies need

1. To overcome the increasing trend towards segregation of these areas by achieving systemic and mutually beneficial interaction that includes Roma in the urban dynamics.
2. To revert the increasing trend towards ethnic concentration.
3. To revert the trend towards a deterioration of existing infrastructures and services in the neighbourhood.
4. To create positive conditions in the area in order to attract services and initial business activities, including basic commercial development.
5. To make the improvement of these areas a top policy priority for the city (in the interest of the city and not only in the interest of the Roma).

What can be done?	**What should not be done?**
☑ Elimination of settlements or neighbourhoods by rehousing their inhabitants to other areas of the city/town in public or private houses/flats. ☑ Development of urban plans to connect the neighbourhood where Roma are living to surrounding areas. ☑ Development of specific urban renewal, investments and sanitation plans in the neighbourhood, including urban environment and renovation of houses/flats/blocks. ☑ De-concentration of neighbourhood by rehousing parts of its inhabitants to other areas of the city and by	☒ Leaving the neighbourhood to its own dynamics without any public intervention, monitoring and support. This option usually leads to increasing deterioration, growing internal and external problems of order, safety, cohesion, and reduces the quality of life and opportunities of Roma. ☒ Actions oriented to increasing segregation or control. These kinds of actions usually consist in reducing services (cutting the supply of basic services such as water, electricity, etc.), establishing urban boundaries (e.g. walls, systematic access control systems to the neighbourhood). While

What can be done?	What should not be done?
improving the remaining houses/flats (rehabilitation and renovation, infrastructural improvements, increasing the living space of houses/flats). ☑ Provision of facilities for small investors (tax deductions, subsidies, free spaces and other kinds of incentives for the establishment of businesses) in Roma neighbourhoods. ☑ Intensive provision of public services and social intervention plans, including social equipment and investments (e.g. social intervention in education, housing, vocational training etc.) as well as social accompaniment programmes that may strengthen the positive dynamics for change. ☑ Structuring participation by supporting Roma community self-organisation and creating channels of external dialogue with local powers.	stigmatising Roma populations and worsening social problems, these approaches have dangerous historical precedents and undermine human dignity.[75] ☒ Carrying out forced evictions, adopting laws or rules that lead Roma to a situation of illegality and despair, reductions in social income and welfare without the provision of alternatives. Besides raising questions about the conformity of such practices with respective legal constitutions and about the duty of (local) governments to protect their citizens, an approach that curtails rights and restricts public support will contribute to worsening social problems, including delinquency and insecurity. ☒ Policies simply focusing on the removal or transfer of Roma to other areas. Removing Roma from one area with the intention to build a road, expand the city, create a new commercial area, park or service area and transferring their inhabitants to another settlement merely 'externalises' and delays solutions related to Roma inclusion, and curtails opportunities to resolve existing problems. ☒ Conducting temporary rehousing actions without changing the internal dynamics of the community often leads to rapid infrastructural deterioration. Transitory resettlements must provide clear improvements, be combined with social interventions and have a deadline to find a permanent solution. In fact, with the exception of some existing positive experiences, most rehousing projects have transferred the problem from one place to another and proven to be inadequate in terms of resulting costs. ☒ Ethnic (re-)concentration by moving more Roma (or other excluded groups) into the area, thereby aggravating

What can be done?	What should not be done?
	existing problems of marginalisation and exclusion. The creation of systemic policy-driven ghettoes has demonstrated to be the most effective way to fuel social conflicts. ☒ Paying money to inhabitants in order to make them to leave in case of urban enlargement plans. While following this strategy, locally elected officials solve their urban problems by transferring them from city to city; yet, Roma families spend the money very quickly without finding alternative housing. ☒ Well-intentioned responses that have proven to have perverse effects include: o Intending to respond to the housing problems without substantially increasing social and community work. o Housing policies leading to segregation because of a misunderstanding of cultural idiosyncrasies: resettlement from an urban area because it is assumed that Roma prefer to be independent, or because they need enough space for scrap metal or their animals. ☒ Installing and providing specific and segregated (usually second-class) services (e.g. schools for Roma, medical centres for Roma, employment for Roma etc.). This approach does not contribute to Roma integration and is only acceptable when there is no other alternative. ☒ Fuelling negative political discourses, publicly blaming the Roma for their situation and implicitly or explicitly supporting prejudices and stereotypes. These attitudes contribute to increasing segregation and Roma discrimination. ☒ Eluding public responsibilities related to order and security (without intervention against the negative

What can be done?	What should not be done?
	internal dynamics of the area) or leaving this responsibility solely to the Roma (or inhabitants of the area) in the process of self-organisation. Public safety and order is the responsibility of public authorities. This responsibility cannot be eluded or transferred to the Roma because it facilitates the emergence of mafias and abuses.

If Roma are living in segregated rural settlements, Roma inclusion policies need

1. To prevent the growth in the number of rural settlements as well as their internal expansion.
2. To provide conditions for the legalisation of settlements.
3. To create conditions for the emergence of economic opportunities, including the stimulation of self-initiatives.
4. To avoid the negative potential effects of social benefit misuse while ensuring their sustainability through the stimulation of activation and personal commitment.
5. To provide basic infrastructure and services in the settlements in order to ensure dignified living conditions.
6. To facilitate desired external migration (if inhabitants wish to migrate) and to provide appropriate opportunities for urban migration within the country.

What can be done?	What should not be done?
☑ Elimination of the settlements, by resettling and avoiding the concentration of their inhabitants in the surrounding villages or urban centres. ☑ Building of new neighbourhoods in better conditions, planned as expansions of villages and neighbourhoods in urban areas (through social housing or other alternatives). ☑ Approving general laws (or taking the corresponding measures) that allow for the legalisation of de facto settlements (occupied housing or land) in grey legal or illegal situations. ☑ Refurbishing existing settlements, including the improvement of transport infrastructure, access to basic services and housing while	☒ To maintain rural settlements in a legal limbo or to approve laws that force or promote the eviction of Roma, without providing alternatives. Besides being against human rights standards, this approach does not lead to a solution, but rather delays it. ☒ The refusal by municipalities to provide public services because the settlements are 'irregular', despite the fact that residents may have been living there for decades. This option denies human rights. ☒ Leaving the neighbourhood to its own dynamics without any public intervention, monitoring and support. This option usually leads to increasing deterioration, growing internal and external problems of order, safety, cohesion, and reduces the quality of life and opportunities of Roma.

What can be done?	What should not be done?
regularising current situations (census, ownership etc.). ☑ Supporting initiatives that favour the family economy and can create basic means of subsistence. This measure may be complemented by existing and new incomes (e.g. micro credits, provision of land for vegetable gardens, orchards, animal breeding). ☑ Combining the current social benefit systems (incomes) with activation measures based on the protection-insertion logic. ☑ Developing and facilitating explicit temporary, cyclical, circular or definite migration plans (within the country and abroad).	☒ Ethnic (re-)concentration by moving more Roma (or other excluded groups) into the area, thereby aggravating existing problems of marginalisation and exclusion. ☒ Eluding public responsibilities related to order and security (without intervention against the negative internal dynamics of the area) or leaving this responsibility solely to the Roma (or inhabitants of the area) in the process of self-organisation. Public safety and order is the responsibility of public authorities.

If Roma migrate or Roma EU nationals move within the EU-15 Member States, Roma inclusion policies need

1. To guarantee the full application of laws in the case of Roma EU citizens and their family members, including EU standards and in particular the full application of the Free Movement and Anti-Discrimination Directives.[76]
2. To prevent forms of migration that are illegal and to fulfil the prohibition of acts inciting racist or xenophobic violence or hatred.[77]
3. To promote a better public understanding of the phenomenon of Roma migration, including awareness-raising measures, and to neutralise and revert the growing hostility of host populations towards Roma migrants in Europe.
4. To define and design adequate systems of integration for Roma EU nationals, usually originating from Eastern and Central European countries, and Roma migrants according to their circumstances and needs.
5. To avoid general situations of extreme marginalisation, including the lack of adequate protection of children, by facilitating access to public services.
6. To provide adequate support for the labour integration of Roma EU nationals, usually originating from Eastern and Central European countries, according to the transitional regimes on access to the labour market.[78]
7. To improve cooperation and coordination and to develop joint projects, including an analysis and monitoring of origin and destination countries.

What can be done?	What should not be done?
☑ From the beginning onwards, avoiding group concentrations and the emergence of improvised camps through the provision of short-term	☒ Demolition of Roma camps without providing any housing alternative. ☒ Forced evictions, individual or family expulsions of Roma EU nationals without following the due procedure

What can be done?	What should not be done?
housing alternatives adapted to the needs of Roma ☑ Creating a network of specific and adapted terrains for the temporary reception of Roma migrants or bridge housing, to provide accommodation and other social support for Roma families in areas where they migrate to most frequently, provided that these terrains offer a clear way out into non-segregated housing. ☑ In the case of third-country Roma immigrants, following the same rules, practices and mechanisms (with due adjustments) established in relation to the welcoming and integration of third country immigrants: mainstreaming Roma migrants in migration policies. ☑ Guaranteeing access to basic services (education, health, and social services) while facilitating the registration, support and monitoring processes. Paying special attention to children rights and children needs. ☑ Developing joint projects, between countries/regions of origin and countries/regions of destination, in order to support migration according to required standards (regular, according to labour market demand and needs, with due support programmes etc.).	or providing due guarantees (which is forbidden by law according to the 2004 Freedom of Movement Directive). The expulsion of EU citizens from the territory of a Member State is only possible under certain conditions laid down in the Free Movement Directive. Collective expulsions of Roma who are not EU citizens or family members of EU citizens are against human rights. ☒ Placement of Roma communities into permanent or semi-permanent segregated "camps" or "villages" with security features, with emphasis on control, but with poor access to jobs, education and social services. ☒ Absence of monitoring mechanisms to have permanent information on the situation of these groups in order to identify their needs and to provide adequate public interventions. ☒ Activating negative political discourses that blame Roma and make them responsible for or identify them with insecurity, the degradation of services, illegal activities or human trafficking.

If there are Roma travellers or semi-mobile Roma, inclusion policies need

1. To provide adequate conditions for those Roma who have and want to retain a mobile way of life (the official organisation of temporary halting sites and/or accommodation) that make it possible for them to pursue their lifestyle.
2. To fully recognise the traveller lifestyle through the recognition of the mobile home as legal housing and, as a consequence, to make adequate changes of laws and practices that today imply disadvantages in terms of the recognition of rights (e.g. registration, access to services, etc.).
3. To adapt public services (education, health, employment services) according to travellers and nomads' needs in order to allow Roma travellers to access them under the same conditions as the rest of the citizenry, paying special attention to the provision of primary and secondary education.

What can be done?	What should not be done?
☑ Enactment and implementation of specific legislation to facilitate and guarantee the traveller lifestyle. This specific legislation may include, among others, the recognition of caravans and mobile homes as a form of housing, basic rights attached to the registration of mobile homes as housing, specific infrastructure, adaptation of public and social services such as access to education, healthcare and income systems. ☑ Provision of an adequate network of winter camps and temporary settlement grounds in urban areas. These should not be oriented towards the logic of minimal conditions for the stay but to the logic of sufficient and adequate equipment and services.	☒ Absence of specific legislation on nomadism and travelling in countries where Roma/Travedllers have these lifestyles, restrictive legislation or lack of enforcement at the local level. ☒ Policies of minimum services: aiming for the lowest possible number of camps, featuring minimal equipment and infrastructure, which are conceived only as transitory spaces. ☒ Systematic rejection or resistance by putting legal and administrative obstacles to the provision of services to travellers when they arrive to or camp in cities (e.g. child enrolment in schools, social and other municipal services etc.).

4. Priorities by specific areas of interventions

In the field of employment

Priority actions are: provide tailored job search assistance and employment services; support transitional public work schemes combined with education as well as social enterprises employing Roma or providing them with specific services; support in the transition from compulsory school to the job market; support at first work experience and on-the-job training; eliminate the barriers, including discrimination to (re)enter the labour market, especially for women; provide support for self-employment and entrepreneurship; involve Roma youth in the Youth Employment Initiative; support measures to transform informal or undeclared work into regular employment.

Frequent mistakes are: undertaking measures that create segregated ethnic labor market niches, ethnic employments, etc.; facilitate grants, microcredits, or microfinancing withouth any acompaying measures; focus on facilitating shelf-employment or small bussines initiatives without the due support; penalise undeclared work without studying measures to transfer it into regular employment; not aligning policies of social benefits with policies of active inclusion or cutting income benefits, giving as a reason that social benefits may be a barrier for accessing the labour market (arguing that Roma do not want to work)

In the field of education

Priority actions are: eliminate school segregation and misuse of special needs education; enforce full compulsory education and promote vocational training; desegregation,

integrating Roma students into mainstream educational systems by establishing early childhood educational programmes and providing food, clothing, and transportation subsidies to make it easier for poor students to attend school; increase enrolment in early childhood education and care; improve teacher training and school mediation; raise parents' awareness of the importance of education; support transition from primary to secondary education; facilitate the access to tertiary education; increase access to non-compulsory education and adult education; enhance the capacity and skills of teachers as key actors in bringing change.

Frequent mistakes are: continue with policies of special schools or special classes where most of the students are Roma; allow high concentration of the Roma students in the same school or in the same class when it would be possible to spread them; not take measures to compensante early drop-out; prohibit Roma migrant children or EU nationals moving within the EU (15) Member States to attend schooling.

In the field of housing

Priority actions are: promote desegregation; facilitate local integrated housing approaches with special attention to public utility and social service infrastructures; improve the availability, affordability and quality of social housing and halting sites with access to affordable services as part of an integrated approach; develop comprehensive and inclusive housing interventions: link rehabilitation or re-housing measures with social inclusion measures; envisage measures to prevent the deterioration of neighbourhoods where the relocated population has been provided with accommodation; eliminate shanty-towns, de-concentrate and rehouse Roma families to normalised housing spread across urban areas; provide job training and programmes related to construction work (participation of Roma in the building or renovation of their own houses and in infrastructural development in their areas, e.g. water supply, sewage, access roads, public buildings, to improve the habitat) may increase qualifications and opportunities for Roma participation in formal labour markets if these actions are developed with the due support.

Frequent mistakes are: *Please also see previous chapter II.3.*

In the field of health care

Priority areas are: extend health and basic social security coverage and services (also through registration with local authorities); improve the access for Roma, alongside other vulnerable groups, to basic, emergency and specialised services; launch awareness raising campaigns on regular medical checks, pre- and postnatal care, family planning and immunisation; ensure that preventive health measures reach the Roma, in particular women and children; improve living conditions with a focus on segregated settlements.

Frequent mistakes are: not facilitate access to health care services when the person lacks necessary documents (e.g. migrants or EU nationals moving within the EU (15) Member States); not guarantee free access to basic healthcare needs, resulting in the aggravation of illnesses; not provide specific preventive or corrective action when there is a serious health risk for people (e.g. vaccinations, pregnancy control, etc.)

5. The dos and don’ts of using EU Funds for Roma inclusion policies

DO

☑ Better target ESI Funds to contribute more effectively to the implementation of the National Roma Integration Strategies.

- ☑ Complement the European Social Fund by further financing from the ERDF, notably for investing in housing infrastructure, as well as support of physical and economic regeneration of deprived urban and rural communities.
- ☑ Invest ESI Funds in social policy reform, like the desegregation of educational facilities, the shift to community-based care and integrated housing policies.
- ☑ Involve representatives of the National Roma Contact Points in the preparation, monitoring and evaluation of the Partnerships Agreements as well as in the Operational Programs.
- ☑ Follow the principles of *explicit but not exclusive targeting* and *aiming for the mainstream* when developing programmes aiming at Roma inclusion, especially in ESF and ERDF funded programmes (ESI Investment priority "marginalised communities such as the Roma").
- ☑ Involve the Roma, Roma organisations and the Roma civil society in the entire cycle of the ESI and IPA Funds (planning, implementation, monitoring and evaluation).
- ☑ Make use of the Community-led local development initiative as well as other forms of implementation leading to the fostering of active participation of communities, including the Roma, at local level.
- ☑ A multi-dimensional integrated approach, combining actions from various ESI Funds, is particularly relevant for the Roma community, whose effective integration requires investments in employment, education, healthcare, housing and social integration.
- ☑ Integrated housing policies: housing operations that follow an integrated approach and eliminate segregation.
- ☑ Follow a territorial and micro-territorial approach in order to shift to community-based care and integrated housing policies.
- ☑ Use poverty maps when designing and implementing integrated strategies to support the most disadvantaged areas and groups such as the Roma.

DON'T

- ☑ Support services that do not lead to the integration of the Roma and become parallel services, further contributing to discrimination.
- ☑ Allocate EU funds to programmes and measures that aim for Roma inclusion but *de facto* contribute to segregation.
- ☑ Use EU funds to support measures that address the consequences of Roma exclusion but fail to deal with the causes, resulting in poor effectiveness and unsustainable results (e.g. measures far too small to have a significant impact on the problems to be addressed; housing operations without support measures in the areas of education, employment, access to services, etc.).
- ☑ Develop top-down projects with little involvement of the Roma or little capacity-building to foster their responsibilities.

ANNEXES

ANNEX 1: Common basic principles for Roma inclusion

Principle no. 1: Constructive, pragmatic and non-discriminatory policies

Policies aiming at the inclusion of Roma people respect and realise the core values of the European Union, which include human rights and dignity, non-discrimination and equality of opportunity as well as economic development. Roma inclusion policies are integrated with mainstream policies, particularly in the fields of education, employment, social affairs, housing, health and security. The aim of these policies is to provide the Roma with effective access to equal opportunities in Member State societies.

Principle no. 2: Explicit but not exclusive targeting

Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on Roma people as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.

Principle no. 3: Inter-cultural approach

There is a need for an inter-cultural approach which involves Roma people together with people from different ethnic backgrounds. Essential for effective communication and policy, inter-cultural learning and skills deserve to be promoted alongside combating prejudices and stereotypes.

Principle no. 4: Aiming for the mainstream

All inclusion policies aim to insert the Roma in the mainstream of society (mainstream educational institutions, mainstream jobs, and mainstream housing). Where partially or entirely segregated education or housing still exist, Roma inclusion policies must aim to overcome this legacy. The development of artificial and separate "Roma" labour markets is to be avoided.

Principle no. 5: Awareness of the gender dimension

Roma inclusion policy initiatives need to take account of the needs and circumstances of Roma women. They address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.

Principle no. 6: Transfer of evidence-based policies

It is essential that Member States learn from their own experiences of developing Roma inclusion initiatives and share their experiences with other Member States. It is recognized that the development, implementation and monitoring of Roma inclusion policies requires a good base of regularly collected socio-economic data. Where relevant, the examples and experiences of social inclusion policies concerning other vulnerable groups, both from inside and from outside the EU, are also taken into account.

Principle no 7: Use of Community instruments

In the development and implementation of their policies aiming at Roma inclusion, it is crucial that the Member States make full use of Community instruments, including legal instruments (Race Equality Directive, Framework. Decision on Racism and Xenophobia), financial instruments (European Social Fund, European Regional Development Fund,

European Agricultural Fund for Rural Development, Instrument for Pre-Accession Assistance) and coordination instruments (Open Methods of Coordination). Member States must ensure that use of financial instruments accords with these Common Basic Principles, and make use of the expertise within the European Commission, in respect of the evaluation of policies and projects. Peer review and the transfer of good practices are also facilitated on the expert level by EURoma (European Network on Social Inclusion and Roma under the Structural Funds).

Principle no. 8: Involvement of regional and local authorities

Member States need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities. These authorities play a key role in the practical implementation of policies.

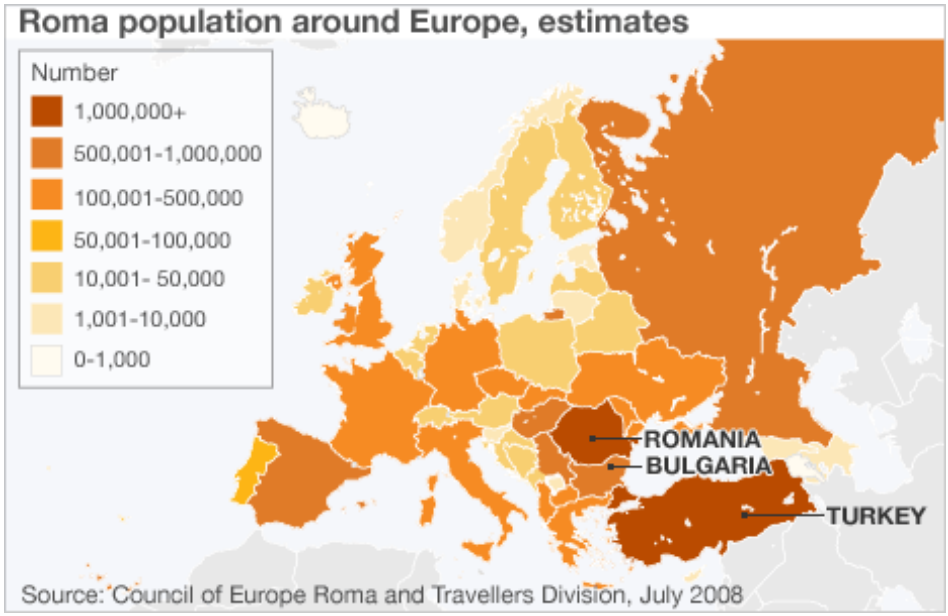
Principle no. 9: Involvement of civil society

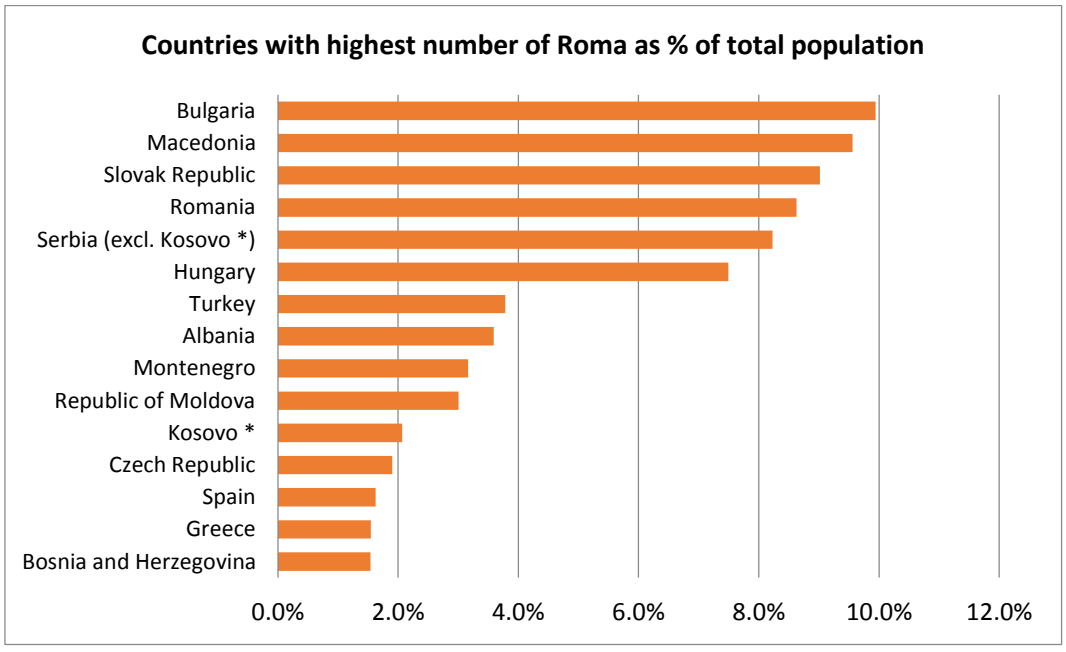
Member States also need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organisations, social partners and academics/researchers. The involvement of civil society is recognised as vital both for the mobilisation of expertise and the dissemination of knowledge required to develop public debate and accountability throughout the policy process.

Principle no. 10: Active participation of the Roma

The effectiveness of policies is enhanced with the involvement of Roma people at every stage of the process. Roma involvement must take place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the design, implementation and evaluation of policy initiatives. It is of vital importance that inclusion policies are based on openness and transparency and tackle difficult or taboo subjects in an appropriate and effective manner. Support for the full participation of Roma people in public life, stimulation of their active citizenship and development of their human resources are also essential.

ANNEX II. Distribution of Roma Population in Europe





Roma population in Europe

Country	Total population (World Bank 2010)	Official number (self-declared)	Census year	Average estimate (CoE used figure)	Average estimate as a % of total population
Turkey	72.752.325	4.656	1945	**2.750.000**	**3,78%**
Romania	21.442.012	619.007	2011	**1.850.000**	**8,63%**
Russian Federation	141.750.000	205.007	2010	**825.000**	**0,58%**
Bulgaria	7.543.325	325.343	2011	**750.000**	**9,94%**
Hungary	10.008.703	190.046	2001	**750.000**	**7,49%**
Spain	46.081.574	No data available		**750.000**	**1,63%**
*Serbia (excl. Kosovo *)*	7.292.574	108.193	2002	**600.000**	**8,23%**
Slovak Republic	5.433.456	89.920	2001	**490.000**	**9,02%**
France	64.876.618	No data available		**400.000**	**0,62%**
Ukraine	45.870.700	47.917	2001	**260.000**	**0,57%**
United Kingdom	62.218.761	No data available		**225.000**	**0,36%**
Czech Republic	10.525.090	11.718	2001	**200.000**	**1,90%**
"The former Yugoslav	2.060.563	53.879	2002	**197.000**	**9,56%**
Greece	11.319.048	No data available		**175.000**	**1,55%**
Italy	60.483.521	No data available		**150.000**	**0,25%**
Albania	3.204.284	1.261	2001	**115.000**	**3,59%**
Republic of Moldova	3.562.062	12.271	2004	**107.100**	**3,01%**
Germany	81.702.329	No data available		**105.000**	**0,13%**
Bosnia and Herzegovina	3.760.149	8.864	1991	**58.000**	**1,54%**
Portugal	10.642.841	No data available		**52.000**	**0,49%**
Sweden	9.379.116	No data available		**50.000**	**0,53%**
Belarus	9.490.500	9.927	1999	**47.500**	**0,50%**
the Netherlands	16.612.213	No data available		**40.000**	**0,24%**
Ireland	4.481.430	22.435	2006	**37.500**	**0,84%**
*Kosovo **	1.815.000	45.745	1991	**37.500**	**2,07%**
Austria	8.384.745	6.273	2001	**35.000**	**0,42%**
Croatia	4.424.161	9.463	2001	**35.000**	**0,79%**
Poland	38.187.488	12.731	2002	**32.500**	**0,09%**
Belgium	10.879.159	No data available		**30.000**	**0,28%**
Switzerland	7.825.243	No data available		**30.000**	**0,38%**
Montenegro	631.490	8.305	2011	**20.000**	**3,17%**
Latvia	2.242.916	8.517	2011	**12.500**	**0,56%**
Finland	5.363.624	No data available		**11.000**	**0,21%**
Norway	4.885.240	No data available		**10.100**	**0,21%**
Slovenia	2.052.821	3.246	2002	**8.500**	**0,41%**
Lithuania	3.320.656	2.571	2001	**3.000**	**0,09%**
Denmark	5.544.139	No data available		**2.500**	**0,05%**
Armenia	3.092.072	50	2004	**2.000**	**0,06%**
Azerbaijan	9.047.932	No data available		**2.000**	**0,02%**
Georgia	4.452.800	1.200	1989	**2.000**	**0,04%**
Cyprus	1.103.647	502	1960	**1.250**	**0,11%**
Estonia	1.339.646	584	2009	**1.050**	**0,08%**
Luxembourg	505.831	No data available		**300**	**0,06%**
Malta	412.961	No data available		**0**	**0,00%**
Iceland	317.398	No data available		**0**	**0,00%**
Andorra	84.864	No data available		**0**	**0,00%**
Liechtenstein	36.032	No data available		**0**	**0,00%**
Monaco	35.407	No data available		**0**	**0,00%**
San Marino	31.534	No data available		**0**	**0,00%**
Total in Europe	**828.510.000**	**1.809.631**		**11.260.300**	**1,36%**
Council of Europe (47)	**817.204.500**	**1.753.959**		**11.175.300**	**1,37%**
European Union (27)	**502.087.670**	**1.292.893**		**6.162.100**	**1,18%**

Source: Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues

Note: Updated on 2 July 2012. Most estimates include both local Roma + Roma-related groups (Sinti, Travellers, etc.) & Roma migrants.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

ANNEX III: Footnotes and References

[1] The general term "Roma" is used to refer to a number of different groups (Roma, Sinti, Kale, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Travellers, Dom, Lom, etc.) identified as such by the Council of Europe, by representatives of the aforementioned Roma groups in Europe and various international organisations (OSCE-ODIHR, European Commission, UNHCHR and others). Supporting documentation available at: http://www.coe.int/t/dg3/romatravellers/default_en.asp

[2] European Commission (2011) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. An EU Framework for National Roma Integration Strategies up to 2020*. COM(2011) 173 final. Brussels, 5 April. Available at: http://ec.europa.eu/commission_2010-2014/reding/pdf/news/1_en_act_part1_v11.en.pdf

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

[3] Council recommendation on effective Roma integration measures in the Member States (2013). Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf

[4] Committee on the Elimination of Racial Discrimination (2000) *Fifty-seventh session (2000), General recommendation XXVII on discrimination against Roma*. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

[5] ibid.

[6] Fresno, J.M. (2011), *Articulating a Common Position of the United Nations System to Advance Roma Inclusion in Europe.* Final Draft, 28 November 2011.

[7] European Commission, DG Justice (2012), *What works for Roma inclusion in the EU. Policies and model approaches.* Available at: http://ec.europa.eu/justice/discrimination/files/whatworksfor_romainclusion_en.pdf

[8] Nowadays, among the agencies of the United Nations system active in Europe, the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Commission for Europe (UNECE), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Population Fund (UNFPA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN) and the World Health Organisation (WHO).

[9] Liégeois, Jean-Pierre (2010). *Le Conseil de L'Europe et les Roms: 40 ans d'action* (Strasbourg: Council of Europe).

[10] European Commission against Racism and Intolerance (ECRI) website: http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp

[11] Council of Europe (2010), *The Strasbourg Declaration on Roma. Council of Europe High Level Meeting on Roma.* Strasbourg, 20 October 2010. CM(2010)133 final. Available at: www.coe.int/t/dc/files/source/2010_cm_roma_final_en.doc

[12] For more information on ROMED see website: http://romed.coe-romact.org/

[13] Available at: http://www.coe.int/t/congress/Sessions/20110922-Roma-Summit/default_en.asp

[14] For more information on ROMACT see: http://coe-romact.org/

[15] For more information see: http://www.osce.org/odihr/17554

[16]For more information on the Roma Decade, see: http://www.romadecade.org/

[17] For more information on REF and its initiatives see: http://www.romaeducationfund.hu/

[18] For more information on EURoma network see http://www.euromanet.eu/about/index.html

[19] The ERPC is an informal gathering of ten NGOs operating at the European level on issues of anti-discrimination, human rights, social inclusion, and Roma and Travellers' rights. Four of them are linked to the Decade, including two Soros-financed NGOs, the Open Society Foundations and the Roma Education Fund (REF) and two founding members of the Decade, the European Roma Information Office (ERIO) and the European Roma Rights Centre (ERRC). In addition, it is constituted by Amnesty International, the European Network Against Racism (ENAR), the Fundación Secretariado Gitano (FSG), the Minority Rights Group International, the European Roma Grassroots Organisations (ERGO network) and the Policy Centre for Roma and Minorities. For more information, see: http://romapolicy.eu/

[20] Council of the European Union (2009) *Council Conclusions on Inclusion of the Roma.* 2947th Employment, Social Policy, Health and Consumer Affairs. Luxembourg, 8 June. Available at: http://www.euromanet.eu/upload/21/69/EU_Council_conclusions_on_Roma_inclusion_-_June_2009.pdf
[21] See among other documents European Parliament (2010) European Parliament resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union. P7_TA(2010)0312. 9 September. Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0312+0+DOC+XML+V0//EN
[22] European Council (2007) *Presidency Conclusions of the European Council.* 14 December 2007. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf
[23] European Council (2007) *Presidency Conclusions of the European Council.* 14 December 2007. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf
[24] European Council (2008) *Council Conclusions on inclusion of the Roma. 2914th General Affairs Council meeting.* Brussels, 8 December 2008. 16862/08 (Press 359). Available at: http://www.eu-un.europa.eu/articles/en/article_8359_en.htm
and http://register.consilium.europa.eu/pdf/en/08/st15/st15976-re01.en08.pdf
[25] Council of the European Union (2009) *Council Conclusions on Inclusion of the Roma. 2947th Employment, Social Policy, Health and Consumer Affairs Council meeting.* Luxembourg, 8 June 2009. Available at: http://www.euromanet.eu/upload/21/69/EU_Council_conclusions_on_Roma_inclusion_-_June_2009.pdf
[26] European Commission (2010) *The Social and economic integration of the Roma in Europe*. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. COM/2010/0133 final. 7 April. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0133:EN:NOT
[27] European Commission (2011), *An EU Framework for National Roma Strategies up to 2020.* COM(2011) 173 final. Available at: http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf
[28] UNDP Survey, co-financed by DG REGIO and developed in cooperation with DG REGIO, the FRA, the WB and OSI included 11 Member States: Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania, Slovakia, France, Italy, Spain and Portugal. Findings available at: http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf
[29] Council of the European Union (2013), *Council recommendation on effective Roma integration measures in the member states.* Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf
[30] European Commission (2013), Press release on 9 December 2013: *First ever EU legal instrument for Roma inclusion adopted.* Available at: http://europa.eu/rapid/press-release_IP-13-1226_en.htm
[31] FRA, UNDP, European Commission (2012), *The Situation of Roma in 11 EU Member States* (Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania, Slovakia, France, Italy, Spain and Portugal). Survey results at a glance. Available at: http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf
[32] Regulation (EU) No 1303/2013, Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1303&from=EN
[33] European Parliament Directorate General for Internal Policies (2011) Measures to promote the situation of Roma EU citizens in the European Union PE 432.747. Brussels, January. Available at: http://www.edumigrom.eu/sites/default/files/field_attachment/news/node-23213/Romarevew_2011_1.pdf
[34] The twelve countries currently taking part in the Decade are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, the former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain. Each of these countries has developed a national Decade Action Plan that specifies the goals and indicators in the priority areas. Slovenia, Moldova, Norway and the USA have observer status. The founding international partner organizations of the Decade are the World Bank, the Open Society Foundations, the United Nations Development Program, the Council of Europe, Council of Europe Development Bank, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, the European Roma Information Office, the European Roma and Traveller Forum, and the European Roma Rights Centre. In 2008, UN-HABITAT, UNHCR, and the United Nations Children's Fund (UNICEF) also became partners in the Decade.
[35] UNIFEM (2009) *Gender Mainstreaming in NAPs for the Decade of Roma Inclusion*.
[36] For a detailed analysis of the NRIS see José Manuel Fresno and Alia Chahin (2012) "Monitoring and Evaluation in the National Roma Integration Strategies": the challenges ahead. Paper commissioned by Amalipe: Centre for Interethnic Dialogue and Tolerance, Available at: http://www.fresnoconsulting.es/upload/18/62/5_2012_NRIS_report_final.pdf

[37] ibid.
[38] EURoma (2010) op.cit.; McDonald, Christina and Katy Negrin (2010) *No Data—No Progress: Country Findings. Data Collection in Countries Participating in the Decade of Roma Inclusion 2005–2015*. Budapest, Open Society Foundations; European Commission, DG Justice (2012) op.cit.; Bernard Roke (2013), *Beyond First Steps. What next for the EU Framework for Roma Integration?*
[39] For more information on the Rome colloquium addresses key challenges of Roma inclusion see http://www.europe.ohchr.org/EN/NewsEvents/Pages/Roma_Active_Citizenship.aspx
[40] European Commission (2013), Communication from the European Commission: Steps forward in implementing National Roma Integration Strategies. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0454&from=en
[41] See Communication from the European Commission (2014), available at: http://ec.europa.eu/justice/discrimination/files/com_209_2014_en.pdf or http://ec.europa.eu/justice/discrimination/files/roma_implement_strategies2014_en.pdf
[42] See *Roma segregated housing as a human right challenge. Background Document. Policy making Colloquium on ways to address human rights challenges faced by socially excluded Roma living in segregated housing.* UN OHCHR, Madrid, Spain, 16-17 January 2014
[43] "*The Union is founded on the 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. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*" EU 2007, Art. 1a.
[44] The Treaty also contains a new 'horizontal' social clause, according to which the EU must take into account the "requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health" in the implementation of all its policies and activities. Ibid. Art. 5a
[45] *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.* Official Journal L 180 , 19/07/2000 P. 0022 – 0026 Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML
[46] The 'Racial Equality' Directive, the Directive on the right of citizens of the Union and their family members to move and reside freely and the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, could potentially have implications for the situation of Roma EU citizens.
[47] Ibid. Art. 49 TEU.
[48] Ibid. Art. 3(1) TEU The Lisbon Treaty also takes the highly symbolic step of providing for the EU to accede to the European Convention for the Protection of Human Rights (ECHR), and of giving the EU Charter of Fundamental Rights the same legal status as that of the treaties. Ibid. Art. 6(1) and (2).
[49] European Commission (2009) *Discrimination in the European Union.* Special Eurobarometer 317.
[50] The most relevant organisations include OSI, REF, FSG and the Council of Europe.
[51] Council of the European Union (2011), Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020.
[52] See Bernard Roke (2013). *Beyond First Steps. What next for the EU Framework for Roma Integration?* Roma Initiative Office, Open Society Institute, Budapest. Available at: http://www.opensocietyfoundations.org/sites/default/files/beyond-first-steps-20130213.pdf
[53] European Commission (2010), Communication on Roma in Europe and Progress Report on Roma inclusion 2008-2010. European Commission - MEMO/10/121 on 07/04/2010. Available: http://europa.eu/rapid/press-release_MEMO-10-121_es.htm
[54] EURoma plus (2013) "Reinforcing Policy Learning for Roma Inclusion. Joint report on the use of Structural Funds for Roma inclusion based on country-by-country meetings"
[55] EURoma (2010), *EURoma Report. Roma and the Structural Funds.*
[56] The Common Basic Principles were presented for the first time at the meeting of the European Platform for Roma inclusion in Prague on 24 April 2009. On 8 June 2009, the Council of Ministers in charge of Social Affairs annexed the Principles to their conclusions and invited Member States and the Commission to take them into account see Council Conclusions on Inclusion of the Roma, 8 June 2009. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/108377.pdf
[57] Among the rights guaranteed to all human beings under international treaties, without any discrimination on grounds such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status, are:

- The right to life, liberty and security of person
- Freedom of association, expression, assembly and movement
- The right to the highest attainable standard of health
- Freedom from arbitrary arrest or detention

- The right to a fair trial
- The right to just and favourable working conditions
- The right to adequate food, housing and social security
- The right to education
- The right to equal protection of the law
- Freedom from arbitrary interference with privacy, family, home or correspondence
- Freedom from torture and cruel, inhuman or degrading treatment or punishment
- Freedom from slavery
- The right to a nationality
- Freedom of thought, conscience and religion
- The right to vote and take part in the conduct of public affairs
- The right to participate in cultural life

For more information on human rights and the HRBA see: http://hrbaportal.org/faq#sthash.57dfdfLb.dpuf

[58] EC Communication COM(2012) 226 final, *National Roma Integration Strategies: a first step in the implementation of the EU Framework.* Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0226&from=en. EC Communication COM(2014) 209 final, *Report on the implementation of the EU Framework for National Roma Integration Strategies.* Available at: http://ec.europa.eu/justice/discrimination/files/com_209_2014_en.pdf. Commission Staff Working Document SWD(2014) 121 final, *Report on the implementation of the EU Framework for National Roma Integration Strategies.* Available at: http://ec.europa.eu/justice/discrimination/files/swd_121_2014_en.pdf

[59] An example of project going in this direction is "Best Practices for Roma Integration in the Western Balkans" (BPRI) which was funded by the European Union and implemented by ODIHR. The project exemplifies how co-operation between international organizations can raise awareness about existing good practices and promote cross-border co-operation.

[60] See Council Conclusions on Inclusion of the Roma, 8 June 2009. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/108377.pdf

[61] See EC Communication COM(2013) 83 final *Towards Social Investment for Growth and Cohesion – including implementing the European Social Fund 2014-2020*. Available at: http://ec.europa.eu/social/BlobServlet?docId=9761&langId=en

[62] European Commission, DG Justice, What works for Roma inclusion in the EU. Policies and model approaches. Available at: http://ec.europa.eu/justice/discrimination/files/whatworksfor_romainclusion_en.pdf

[63] For instance, the project Acceder has demonstrated that while aimed at the Roma, more than 30 percent of beneficiaries are non-Roma.

[64] Fundación Secretariado Gitano (2009) *Health and the Roma Community, analysis of the situation in Europe. Bulgaria, Czech Republic, Greece, Portugal, Romania, Slovakia, Spain* (Madrid: Fundación Secretariado Gitano, Ministerio de Sanidad y Política Social).

[65] EC Communication COM(2010) 133, *The social and economic integration of the Roma in Europe*. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0133:FIN:EN:PDF

[66] Council of the European Union, 2013, *Council recommendation on effective Roma integration measures in the member states*, Employment Social Policy, Health and Consumer Affairs Council Meeting, Brussels, 9 and 10 December 2013: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf

[67] REGULATION (EU) No 1303/2013, Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0320:0469:EN:PDF

[68] European Commission Delegated Delegation Regulation (EU) No …/.. of 7.1.2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds, C(2013) 9651 final. Available at: http://ec.europa.eu/regional_policy/what/future/pdf/preparation/da_code_conduct_en.pdf

[69] Art. 3(1)(b)(ii) ESF Regulation: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1304&from=EN

[70] This table has been elaborated based on the internal guidance's of the European Commission

[71] See Article 33 of the Common Provisions and also investment priority number 6 of Thematic Objective 9

[72] Among other documents, see Fresno, José Manuel and Technical Staff – Fundación Secretariado Gitano (2009) 'Framework Document ACCEDER Programme'. Working Group on Employment Study visit (11-13 March 2009). Available at: http://www.gitanos.org/upload/60/11/Framework_Document_-_ACCEDER_Programme.pdf ; Guy, Will and José Manuel Fresno (2006) *Municipal programme of*

shanty towns eradication in Avilés (Asturias). Synthesis Report. Peer Review in Assessment in Social Inclusion; Fresno, José Manuel (2010) *Promoting the social inclusion of children in a disadvantaged rural environment – the micro-region of Szécsény: Synthesis Report*. Hungary 2010. Peer Review in Social Inclusion and Social Protection and Assessment in Social Inclusion; GHK Consulting (2010) *Summary of the Peer Review on "Field social work and labour counselling within the schemes of strategies combating unemployment of Roma*". Czech Republic, 25-26 November 2010. Mutual Learning Programme 2010. Autumn Peer Reviews.

[73] For more detailed information on this issue see European Commission, DG Justice, What works for Roma inclusion in the EU. Policies and model approaches. Available at: http://ec.europa.eu/justice/discrimination/files/whatworksfor_romainclusion_en.pdf

[74] For more detailed recommendations please see ibid.

[75] They also may contravene, by significantly restricting access to services and the opportunities for social participation, Articles 22 (right to social security), 25 (right to adequate standard of living), 26 (right to education) and 27 (right to freely participate in the cultural life of society) of the Universal Declaration of Human Rights and Articles 1 (the inviolability of human dignity), 4 (degrading treatment), 14 (right to education) 21 (non-discrimination), 34 (right to social security) and 35 (access to healthcare) of the EU Charter of Fundamental Rights.

76 European Council (2000); European Council (2004) *Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0038:EN:NOT

European Council (2000a) *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML

[77] European Council (2008) *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.* Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF

[78] Under a clause of the Annex to the Treaty of Accession of Bulgaria and Romania to the EU, a transition period is introduced for a maximum of 7 years with effect from the day of the accession to the Union during which the other Member States are free to impose measures at the national level to reduce the access of the workforce from Bulgaria and Romania to their labour markets. Most often these measures consist in the requirement to have a work permit. Available information at: http://ec.europa.eu/bulgaria/documents/l_15720050621en01040128.pdf