

## Input from European Roma Grassroots Organisations (ERGO) Network

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*ERGO Network brings together over 25 (pro) Roma grassroots (focussed) organisations from across Europe. These organisations share our guiding principle -that Roma themselves have to take an active role to achieve equal citizenship and the fight against discrimination. We function as liaison between Roma organisations and European decision makers, policy makers and institutions. ERGO Network uniquely brings 'Roma realities' on the ground to the 'Brussels' policy makers to advocate for effective policies and programmes that create favourable conditions towards a respectful position of Roma in society.*

For more information, see [www.ergonetwork.org](http://www.ergonetwork.org)

### **1. What are the main problems related to the respect of fundamental rights that occur in the implementation of the cohesion policy? What do you think are the causes of these problems?**

Roma are among the most deprived communities in Europe - facing severe, discrimination, low access to employment, healthcare and education. They are also the largest ethnic minority in the European Union - with 6 million people living in various Member States.

In the last decade, the situation of many Roma has worsened. The European Commission and Member States did not solve the systematic discrimination of Roma on the ground, which is a root-cause of failing EU policies and funding. Roma inclusion is a true litmus test of whether the EU is upholding its fundamental values of democracy, fundamental rights, equality and social inclusion.

A majority of Roma in the EU are affected by a multitude of issues, including poverty, lack of access to public services (like health, education), substandard housing and infrastructure, as well as social and civic exclusion. For many Roma, discrimination and exclusion are interwoven into different elements of their daily existence and persist throughout their entire lives. Household data collected by the World Bank and the UNDP exemplifies the stark contrast in social conditions between Roma and their non-Roma neighbours. Compared with non-Roma living in the same area, significantly more Roma are for instance unemployed and face poverty. In addition to difficult social conditions, the evidence shows that Roma continue to face discrimination as they are frequently rejected by society and placed into segregated schools and housing.

To tackle such complex situations calls for integrated place-based approaches that combine measures in different policy fields based on a comprehensive problem analysis that looks at the interrelation of different issues in local contexts. ERGO Network has been advocating for the application of integrated approaches since 2009. In that framework we have particularly pointed to the importance of facilitating and ensuring active participation of Roma communities themselves in strategy planning and implementation.

## **Roma and the failure of funding**

The effectiveness of EU cohesion, social and regional policies for Roma inclusion is unfortunately still very weak. We can all observe this and much work over the past several years has been done to identify factors that inhibit successful policies to address the disadvantaged position of Roma. The lack of active involvement of target communities in project design and implementation remains one of the biggest obstacles to successful outcomes.

While the EU-level policy framework to a large extent sets the right coordinates for action, these rarely translate into concrete improvements down the line. Operational programmes often fail to include Roma issues explicitly – in opposition to the Common Basic Principles on Roma integration, which the Commission promotes – so that in practice much potential funding gets redirected to other groups of beneficiaries. Projects or programmes that do get approved often lack quality, do not involve beneficiaries in design or implementation, and are rarely thoroughly evaluated.

The possibly stigmatizing effects of such (non-exclusive) targeting should be tackled with local dialogue and inclusive planning practice, which in any case lead to much better outcomes. The costs for policy delivery of abandoning the 'explicit but not exclusive principle' far outweigh the shaky benefit of avoiding public resentment.

The National Roma Integration Strategies have so far not been able to address these issues and propose inadequate links with EU funding and national policy plans, also in the new programming period. Moreover, they strongly focus on the service delivery side of the problem, and do not really do justice to the need to address underlying inequality and discrimination and the necessity to support an independent civil society. As a result the Strategies have in most countries unfortunately gradually become detached from both reality on the ground and policy debates.

## **Impact of anti-Gypsyism on policy delivery.**

As indicated above, the effectiveness of policy implementation could be improved by promoting coordination between managing authorities, explicit targeting, better monitoring and increasing capacity at local level, and actively involving communities. While this would bring about better results, the root problem lies deeper. Roma exclusion is not just an issue of weak service delivery; it is a societal problem. If we want to bring about real change, stakeholders at all levels need to move to a deeper understanding of the reasons and mechanisms behind Roma exclusion. This can be achieved by a change of perspective; by looking at Roma exclusion through a different lens.

Discrimination of Roma has many manifestations. It ranges from the silent indifference of their fellow citizens to outspoken and violent extremism against individuals or communities. In between these extremes are less or more open forms of discrimination or unequal treatment. Sometimes the examples are anecdotal, but in other cases discrimination against Roma has a systemic and even institutionalized character. An example is the structural bias against Roma children in education, not only in Czech Republic – which now rightly faces an infringement procedure – but in other EU countries as well. Evictions that ignore the circumstances and needs of individuals and families are another example. Or the lack of political will or courage to address sometimes inhuman living conditions of Roma communities – even when funds are available. The weak performance of thematic programmes that aim to advance Roma inclusion is in many cases due to anti-Gypsyist tendencies

among local public authorities or project promoters: their consistent inclination to consider Roma as mere policy clients, rather than equal stakeholders in programmes or projects, for example, leads to suboptimal outcomes if not outright failure.

We catch these forms of discrimination under the concept of anti-Gypsyism. While the manifestations are different, they stem from a common source: the idea that Roma are alien to our societies; Roma are not only different, they are also to varying degrees considered as undeserving of equal treatment as citizens. All these expressions of anti-Gypsyism have a profound effect on Roma citizens and communities. Sometimes subtle, sometimes rough, they continuously confirm the status aparte of Roma in society.

Young Roma are the most severely affected by anti-Gypsyism. During their childhood and teenage years, when young people develop their moral consciousness and identity, they are confronted with all forms of anti-Gypsyism in their daily life: stereotypes, discrimination in schools, work and anywhere in the public space, and hate speech; but also structural discrimination such as school segregation and the lack of role models in media and society. Many young people feel forced to hide their identity.

EU policy on Roma has so far failed to really reflect the seriousness and impact of anti-Gypsyism. The European Commission has also been reluctant to accept it as both an analytical concept and an issue that needs to be confronted. This has hampered the development of adequate policy responses. We feel the issue should be addressed head-on in the coming years. Because it will not go away by itself as it continues to poison relations between Roma and non-Roma across Europe.

By placing anti-Gypsyism firmly in the centre of the policy process, the much needed understanding and acceptance of the concept as well as tackling of the issue can take place. Doing this would act to sustain confidence of civil society in the political commitment of the European Commission to address Roma exclusion; indicate a progression of understanding of Roma issues among policy makers; and point to a clear aspiration to develop more effective policy responses. Firm public statements on unacceptable practices, acts of violence or matters with high symbolic significance – such as the Porajmos or the recognition of the Lety concentration camp – are an integral part of pronouncing this agenda.

## **2. Have you ever reported such problems to the European Commission?**

Yes, ERGO together with its members and allies address the EC and MS to make them aware of the unacceptable levels of deprivation and discrimination and to adapt their policies and programmes. ERGO holds a strong position in the European field, working in close cooperation with European institutions (European Commission, European Parliament and Member State's representations), governments, IGOs, NGOs and external experts. We provide expertise shared with us by our members to policy makers and politicians to design and implement more effective Roma inclusion approaches as part of mainstream policies.

### **a. If yes, was the outcome satisfactory? Please explain if this was not the case.**

Yes, we have impact, but the outcome is quite frustrating! Since 2009 we ask the EC to set up structures to input to their policy process, but they have been denied till day. Often, the EC responds defensive to our proposals and recommendations. We provided the EC with evidence based policy papers and recommendations (see attached) but we got the response that our feedback is too particular.

### **3. Does the new legislative framework of the cohesion policy contribute to addressing these problems?**

No, we don't expect that in the upcoming programming period the fundamental problems will be addressed to remedy the exclusion of Roma.

#### **a. Are the national means of redress foreseen in the legislative framework sufficient?**

The means are not the main obstacle, but the commitment on the national level is. Where discrimination against Roma is structural, the European Commission should use all legal means available to hold governments to account. The threat of an infringement procedure should be perceived in capitals as real, immediate, and tangible. The course of and communication around the infringement procedure against the Czech Republic is significant here. The message should be clear that member states can expect real consequences if they fail to tackle structural discrimination and will not be allowed a ten year plus delay before proceedings are brought against them.

#### **b. What role do you think the Commission can play in supporting national authorities to implement well-functioning redress systems? Has the Commission's ability to supervise the Member States improved?**

The Commission has not sufficiently invested in having bodies prepared and capacitated to combat discrimination of Roma. The European Commission should take action to strengthen the capacity of equality bodies to provide appropriate responses to discrimination against Roma. The EC should urge Equinet, the European network of equality bodies, to revise its Strategic Plan 2015 – 2018 in order to remedy the omission of discrimination against Roma as a priority. The EC should also increase its support for NGOs that offer legal support for victims of discrimination, unequal treatment and racism.

### **4. Are the measures mentioned in the Commission's reply appropriate to deal with possible problems?**

The new commissioner on Fundamental Rights, Timmermans and the commissioner on Justice, Vera Jourava, we expect that there will be more resonance from the cabinets' side. But at the different relevant DG's the Roma agenda seems to get less weight. This is worrisome.

#### **a. Please consider, in particular, the Commission's approach to the establishment of "effective arrangements for the examination of complaints" and the role it sees for itself in that context.**

The Commission did not acknowledge Anti Gypsyism as a concept neither has invested in measures to remedy Roma discrimination, so they are not actively examining the complaints. Equality bodies are not equipped to monitor, due to underreporting and the complexity of the issue.

#### **b. If the answer to this question is negative, please explain which other measures the Commission could consider under the existing legal framework.**

The European Union has some instruments to combat racist speech. In particular, hate speech is forbidden under the Council Framework Directive on combating racism and xenophobia (2008). The Audiovisual Media Services Directive (2010) requires member states to ban racist comments from media outlets "by appropriate means". However, no significant progress is to be registered yet.

The existing legislation should provide stronger sanctions in relation to racist speech. Beyond legal instruments, anti-Gypsyism in the media could be tackled through: trainings for journalists on Roma issues, involvement and recruitment of Roma reporters, monitoring of anti-Gypsyism in the media from member states [equality bodies?] and the Fundamental Rights Agency.

There appears to have been a failure of member states and other stakeholders to properly transpose the Council Directive 2000/43/EC across all tiers of public administration and/or sectorial organizations representing different organizations of common good. The failure is likely to be identified in the information systems of these organizations, and decision making where different tiers of government are required to share and/or provide information to allow lawful decision making.

