



European Commission's Assessment of the Implementation of the EU Framework for National Roma Integration Strategies: Member States need to step-up their efforts.

Briefing, September 1st 2016

On June 27th 2016 the European Commission published their Communication on the implementation of National Roma Integration Strategies in 2015¹ and reviews, for the first time, Roma integration measures put in place under the Council Recommendation 2013. The report is based on information submitted by Member States of the efforts made to integrate Roma, supplemented by input from civil society. ERGO Network concludes that the report clearly indicates a lack of action in crucial areas -also those Member States with a significant number of Roma. Therefore, ERGO Network supports the urgent call of the European Commission's on Member States to address the key priorities and step up their efforts.

In this note we present a brief examination of the European Commission's (EC) assessment and indicate how it can be used by Roma Civil Society in their national advocacy.

The 2016 report consists of two parts: a summary 'Communication' – which presents a brief overview of the measures reported by the Member States, in thematic order- and a 'staff working document' that presents country-by-country assessments and highlights examples of practices in the various thematic areas².

In the country fiches the European Commission presents the information provided by the Member States along with its own assessment. In many cases, the assessment is critical and points to a lack of action or indicates that Member States still face considerable challenges to realize the potential of the measures they reported. Therefore, although in the first part of the report (the 'communication') the overview tables appear praise the Member States for taking certain measures, a closer look at the individual assessment of each country's performance, shows a much more critical perspective. This critical perspective is also clearly reflected in the Conclusions (pp. 16 – 18) that call on the Member States to urgently address a number of key priorities.

In this note, ERGO Network points to a number of conspicuous gaps in Member States' performance. Also, we present some critical remarks on the reporting process and framework. It aims to invite ERGO Network members and other civil society actors to highlight the Commission's assessment and recommendations before national governments, and to attentively read the country-fiches (pp. 37 – 98) to verify the information reported by Member States and, where necessary, supplement the Commission's assessment with additional critical notes.

¹ Assessing The Implementation Of The EU Framework For National Roma Integration Strategies And The Council Recommendation On Effective Roma Integration Measures In The Member States - 2016.

http://ec.europa.eu/justice/discrimination/files/roma-report-2016_en.pdf

² Three Member States (Denmark, Netherlands and Luxembourg) did not take part in the reporting exercise altogether, along with Malta which claims it has no Roma minority. This appears to indicate a complete lack of commitment to realize the common purpose represented by the Council Recommendations which all Member States signed.

I. Reported measures

The European Commission's assessment is based on the reporting template made on basis of the 2013 Council Recommendations³ and invites Member States to provide information about measures taken on the different thematic areas. Although the Council Recommendations are missing some important topics, the review offers a good indication on the efforts taken by Member States to promote equality for Roma: the assessment clearly shows that the majority of Member States have only implemented few of the recommended measures and that some important measures haven't been realised at all in most countries.

The summary table below presents a selection of measures from the Council Recommendations that ERGO Network considers that could make a crucial difference for many Roma, if implemented well. In comparison with the presentation in the report (which indicates a sort of take-up rate for each measure), we swapped rows and columns to show performance by country⁴.

Table 1: Adoption in 12 EU Member States of a selection of key measures

	Anti-discrimination					Education			Employment			Housing
	Implement desegregation measures regionally and locally	Ensure that forced evictions are in full compliance with [...]human rights obligations	Combat anti-Roma rhetoric and hate speech	Combat multiple discrimination of Roma children and women	Raise rights awareness among Roma	Eliminate segregation in Education	Promote participation and completion of secondary and higher education	Widen access to second-chance education and adult learning	Support self-employment and entrepreneurship	Provide equal access to mainstream public employment services with individualised support	Eliminate barriers, including discrimination, to (re)entering the labour market	Eliminate any spatial segregation and promote desegregation
Austria	X	X	✓	✓	✓	X	✓	X	✓	✓	✓	X
Belgium	X	X	X	X	X	✓	X	X	✓	✓	X	X
Bulgaria	X	X	X	X	X	✓	✓	✓	✓	✓	X	X
Czech R.	X	X	X	✓	X	X	✓	X	X	X	X	✓
France	X	X	X	X	X	X	X	X	X	✓	X	X
Germany	X	X	✓	✓	✓	X	✓	✓	X	✓	✓	X
Hungary	X	X	X	✓	X	X	✓	X	✓	✓	✓	✓
Italy	X	X	X	X	X	✓	X	X	X	✓	X	✓
Romania	X	X	X	X	X	✓	X	X	X	X	X	✓
Slovakia	✓	X	✓	✓	X	✓	X	X	✓	✓	✓	X
Spain	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sweden	X	X	✓	✓	X	X	X	X	X	✓	X	X

(Source: http://ec.europa.eu/justice/discrimination/files/roma-report-2016_en.pdf, pp. 9 – 13)

³ Council recommendation on effective Roma integration measures in the member states. December 2013. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf

⁴ A full overview can be found in the Annex A attached to this paper.

Although this gives only a rough indication (see section 2 below), the table shows that, whereas some countries have adopted many of the measures proposed, others fail to address key issues at all. It also shows that certain measures – in particular in anti-discrimination – are hardly taken up, if at all. A few key observations:

- In general, the adoption of horizontal measures to ensure effective anti-discrimination has been relatively weak – even though they form a necessary background for the successful implementation of thematic measures.
- None of the countries has taken measures to ensure forced evictions respect basic human rights – even though evictions in many countries continue to take place and most often ruin the lives of the families affected.
- The EU countries with the largest Roma minorities (BU, CZ, HU, RO and SK) are among the most active countries. Despite guidance from the EU level and availability of funding, they did not report on key measures that could make the much needed difference.

ERGO Network took a closer look at summary of key findings in the countries with a largest number of Roma and made the following observations and conclusions (see annex B for full details):

	BG	CZ	HU	RO	SK
Anti-discrimination measures (14)	5	4	5	0	6
Education measures (10)	8	6	5	6	8
Employment measures (5)	3	1	5	1	5
Health measures (5)	5	2	3	2	5
Employment measures (5)	1	3	2	3	2
Total score (39 measures in total)	22	16	20	12	26

Bulgaria

Over all categories, Bulgaria scores average of all countries with a large Roma population.

- On housing measures, Bulgaria scores very low and only on the ‘other’ category. Worrying is that the Bulgarian government did not take measures to eliminate evictions as in 2015 an increase of eviction of Roma settlements took place before the municipal elections. A study shows that on top of that, implementation of integrated social housing projects for Roma by municipalities has stagnated, while it also often faces public unacceptance and hatred. According to a targeted study of NAMRB⁵ in 80 Bulgarian municipalities, on the territory of 82.5% (66) of the municipalities exist segregated areas. In 56 of the municipalities it comes about 241 areas, i.e. an average of over 4 segregated zones per municipality. The total number of the people who identified themselves as Roma and who live permanently in these segregated areas is 187.3 thousand people.
- On health measures, Bulgaria scores the maximum points. Having in place mediators and specific awareness raising programmes help to tick this box. However, the percentage Roma that are having a health insurance is still under the 50%, meaning those citizens don’t have access to health services such as a general practitioner. The child mortality rate under Roma is significant higher (up to 70%). This kind of impact indicators are missing and blurring the findings.
- On important anti-discrimination measures such as implement desegregation measures, combat anti-Roma rhetoric, combat multiple discrimination and raise rights awareness Bulgaria does not have any measure in place. In 2015, ERGO Network observed in Bulgaria that the political and media anti-Roma rhetoric and hate speech increased, but this remained unactioned. According to a study done by ERGO Network, the Equality Bodies fails to adequately respond to cases of Antigypsyism, such as hate speech⁶.

⁵ The study was conducted by NAMRB in the period December 2015 - January 2016 by an agreement between the Deputy Prime Minister on demographic and social policy and Minister of Labor and Social Policy, Vice - Minister of Regional Development and NAMRB
⁶ http://www.ergonetwork.org/media/userfiles/media/EB%20Joint%20Report_ERGO.pdf

Czech Republic

The government of the Czech Republic has reported to have very few of the measures recommended by the Council in place, which indicates a continued lack of political and administrative commitment to equality for Roma.

- More efforts need to be made to effectively fight discriminatory practices in education, employment, healthcare and housing.
- The score on education measures is quite low, while having infringements procedures on segregation in education, Czech Republic did not take the necessary measures to eliminate segregation and implement desegregation measures. Proper monitoring of the inclusive educational measures, which the government introduced recently in response to the EU infringement procedure for segregation of Roma children, is crucial.
- Czech Republic scores lowest of all countries with a large number of Roma on employment measures –only at the ‘other’ category -this is worrisome. Fighting and monitoring discrimination in the labour market needs to be ensured.
- In the country sheet, the issue of the removal of the pig farm built on the concentration camp “Lety u Pisku” is mentioned, but not the rejected the bill to compensate the victims of forced sterilization 1970-2009.

Hungary

One average, Hungary scores average compared to the other countries.

- Hungary scores low on the housing measures. It fails to comply with the measures on desegregation and forced evictions, while expulsions and evictions are still regular practice in Hungary, like in Miskolc (despite the ruling of the Capital Public Administrative and Labour Court that the evictions are a violation of the principle of non-discrimination). The field assessment visit report published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR)⁷ notes Hungary’s promotion of Roma inclusion and the adoption of relevant policy documents. However, negative trends at the local level, especially in the area of housing, such as the Miskolc evictions, are noted – despite those decisions, evictions orders were issued and implemented, reportedly even in late November 2015. The report also raises concerns about joint control activities (e.g., unauthorized snap inspections) conducted by local government agencies in predominantly Roma neighbourhoods.
- All employment measures are reported to be completed. However, the impact of the measures is not assessed, such as the “Public Works” schemes appear to have only short term beneficial effects and lock people in welfare dependency⁸.
- Also on education measures Hungary scores low and no measures were taken to eliminate segregation and to end placement in special schools. In 2015 the highest court, “Kuria”, decided segregation of Roma is lawful in parochial schools, effectively providing legal cover for intentional educational inequality. In a warning letter in May 2016, the European Commission addressed Hungary over segregation of Roma children in schools: 45% of Romani children are being placed in segregated schools or classes⁹.
- Hungary needs to introduce legislative changes in its national anti-discrimination legislation, including “fighting antigypsyism”, so that it can effectively criminalise racially motivated hate speech and hate crimes.
- The sustainability of activities and monitoring of outcomes need to be ensured in the “Health” priority. The monitoring and reporting of the impact of mainstream measures on Roma requires a critical review and improvement.

⁷ The Housing Rights of Roma in Miskolc, Hungary. Report on the ODIHR Field Assessment Visit to Hungary, 29 June – 1 July 2015. Published 1 September 2016. Source: <http://www.osce.org/odihhr/262026>

⁸ Pro Cserehát Association, 2016, ‘Some Provisional Comments on the „Hungary” chapter of the 2016 European Commission report.’

⁹ Report on the implementation of the EU Framework for National Roma Integration Strategies 2015 http://ec.europa.eu/justice/discrimination/files/roma_communication2015_en.pdf

Romania

Like Czech Republic, Romania scores lowest on the all categories, discrimination measures are in place, although discrimination of Roma in Romania is widespread. Even more disturbing is the fact that Romanian government adopted only 12 of the 39 measures proposed in the Council Recommendations. Being the country with the largest Roma population in the EU (estimated at over 2 million), Romania appears to be the country working on the minimum number of measures.

- Romania reports that no anti-discrimination measures to have in place, although discrimination of Roma in Romania is widespread. Issues such as sexual violence, trafficking, overrepresentation of Roma children in institutional care and homelessness need to be urgently addressed.
- The performance in the field of housing questionable: while measures are reported, evictions are still commonplace. In 2015, Eforie municipality threatened to evict Roma families for the third time in two years. Reforms in the social policy housing are required so social housing is more affordable, both for municipalities and tenants. Against this background, it is crucial and urgent that the limited institutional capacity to execute these policies is addressed; back up by a strong political commitment to equality of rights.
- Although Romania scores average on education, concrete measures for and monitoring of are lacking for school absenteeism, dropping-out of school, lower level of education and segregation. Same counts for employment: while measures are in place, Romania needs to have sustainable measures in place for increasing the level of employment and combatting discrimination in the labour market are needed.
- On health, Romania needs to make special efforts considering medical check-ups, vaccinations, pre-natal and post-natal care, family planning and sexual and reproductive healthcare.

Slovakia

On all categories, Slovakia scores highest in general and on most of the categories. Although Slovakia appears to score comparatively well when it comes to the number of measures it reported to the European Commission, their real effect on the targeted Roma beneficiaries remains questionable.

- In the field of employment and health, Slovakia has all measures of the council recommendations 2013 in place. However, still improvements are to be made, such as the accessibility of health services in disadvantaged regions remains an obstacle. However, the position of Roma in Slovakia is not considerably better than in the other countries (see FRA report¹⁰).
- Slovakia has adopted pro-inclusive legislation in education following the EC's infringement proceedings for discrimination against Romani children in schools (April 2015). Proper monitoring of the implementation and funding are needed for these reforms. Worsening early-school leaving rates and quality inclusive pre-school education need to be addressed.
- Anti-discrimination measures need to be taken: the Slovak Anti-discrimination Act should be amended to more effectively fight antigypsyism and correspond to EU anti-discrimination law.
- The few housing measures need to be addressed. The issue of Roma slums in Slovakia remains, as the existing antigypsyism restrains local municipalities to act on it. Regularisation of property rights, where possible, should be reinforced. Poverty reduction is targeted through the "Take away packages" program, the long-term effectiveness of which is questionable.

II. Reporting framework

While the present assessment of Member States' performance is a valuable exercise, the results are only a limited indication of the actual performance of the countries. This due to a number of reasons:

- Reporting of a measure taken - does not necessarily indicate its actual implementation. The Commission's critical assessment systematically points that out: this is a strong call on Member States to ensure proper implementation of the measures.

¹⁰ http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf

- The reporting framework does not present any outcome indicators: that means that we cannot, on the basis of the reporting, draw any conclusions about the actual effect on the target groups. In future assessments, this aspect should be central.
- Some of the measures reported, have been receiving criticism from civil society and rights groups. That means that we cannot deduce good performance on the basis of number of measures taken/reported. Future assessments should explicitly take into account the quality of the measures, adherence to principle of equality and the perspective of civil society.
- The current report focuses on the implementation of the 2013 Council Recommendations; the relation with the National Roma Integration Strategies is not clear. There are indications that in many countries these strategies have become mere 'sleeping documents', without any clear status or funding and a lack of proper follow-up, monitoring, evaluation or review.

III. Reporting process

The reporting process asked Member States to provide comprehensive input on the measures that had been taken. Insofar it is an unprecedented and significant achievement. However, apart from the caveats formulated in the previous section, the reporting process itself does raise a number of questions:

- A number of Member States did not want to use the reporting framework. This indicates that there is an urgent need for the Council and Commission to reconfirm their joint commitment to closely monitor the actions taken to ensure equality of Rights for Roma.
- The reports from the Member States to the Commission are not public, which introduces significant in-transparency into the process. National submissions are not available to civil society, neither before nor after publication of the European Commission's report. This limits the ability of civil society to verify the accuracy of the information provided.
- Even though the European Commission has made significant efforts to ensure civil society views are taken into account, there is a structural need to facilitate the involvement of civil society in the monitoring process. Civil society organisations, which can provide crucial insights of the effects of measures on the ground (or the lack thereof), do not usually have the spare resources to make systematic or significant contributions to annual reporting exercises. If the European Commission and the member states value such contributions, sufficient resources to prepare them should be made available.

IV. Additional support

ERGO Network offers additional support to its members or other nationally active civil society organisations, for the analysis of the Commission's Assessment, the formulation of recommendations to national governments or advocacy approaches to encourage adoption of particular measures. Contact us at info@ergonetwork.org. Please also follow us at: <http://www.ergonetwork.org>

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Annex B: Comparing 5 countries with a large number of Roma

Anti-discrimination measures

Ensure effective practical enforcement	V	V	X	X	V
Implement desegregation measures regionally and locally	X	X	X	X	V
Ensure that forced evictions are in full compliance with EU Law and international human rights obligations	X	X	X	X	X
Raise awareness about the benefits of Roma integration	X	X	X	X	X
Raise public awareness of the diverse nature of societies, sensitise public opinion to Roma inclusion	X	X	X	X	V
Combat anti-Roma rhetoric and hate speech	X	X	X	X	V
Combat multiple discrimination of Roma children and women	X	V	V	X	V
Fight (domestic) violence against women and girls	X	X	V	X	X
Fight trafficking in human beings	V	X	V	X	X
Fight underage and forced marriages, and begging involving children	X	X	X	X	X
Support active citizenship of Roma by promoting their {...} participation	V	V	V	X	V
Promote the training and employment of qualified mediators	V	V	X	X	X
Raise rights awareness among Roma	X	X	X	X	X
Other	V	X	V	X	X

Education measures

Eliminate segregation	V	X	X	V	V
End misplacement in special need schools	V	V	X	X	V
Fight early school leaving	V	X	V	V	V
Promote access to and quality of early childhood education and care	V	V	V	V	V
Provide individualised support	X	V	X	V	V
Promote inclusive teaching and learning methods	V	V	V	V	V
Encourage parental involvement and teacher training	V	X	X	X	V
Promote participation and completion of secondary and higher education	V	V	V	X	X
Widen access to second-chance education and adult learning	V	X	X	X	X
Other	X	V	V	V	V

Employment measures

Support first work experience, vocational training, on-the-job training and lifelong learning	V	X	V	X	V
Support self-employment and entrepreneurship	V	X	V	X	V
Provide equal access to mainstream public employment services with individualised support	V	X	V	X	V
Eliminate barriers, including discrimination, to (re)entering the labour market	X	X	V	X	V
Other	X	V	V	V	V

Health measures

Remove barriers to access the healthcare system	V	V	V	V	V
Improve access to medical check-ups, pre- and postnatal care, family planning, etc.	V	X	X	X	V
Promote access to free vaccination programmes targeting {...} most disadvantaged groups and areas	V	X	V	V	V
Promote health awareness	V	V	V	X	V
Other	V	X	X	X	V

Employment Measures

Eliminate any spatial segregation and promote desegregation	X	V	V	V	X
Promote non-discriminatory access to social housing	X	V	X	X	V
Provide halting sites for non-sedentary Roma	X	X	X	X	X
Ensure access to public utilities	X	X	X	V	X
Other	V	V	V	V	V

Total score

BG	CZ	HU	RO	SK
5	4	5	0	6
BG	CZ	HU	RO	SK
8	6	5	6	8
BG	CZ	HU	RO	SK
3	1	5	1	5
BG	CZ	HU	RO	SK
5	2	3	2	5
BG	CZ	HU	RO	SK
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