



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2010/2276(INI)

24.11.2010

DRAFT REPORT

on the EU strategy on Roma inclusion
(2010/2276(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Livia Járóka

Rapporteur for the opinion (*) : Kinga Göncz, Committee on Employment and
Social Affairs

(*) Associated committee - Rule 50 of the Rules of Procedure

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the EU strategy on Roma inclusion (2010/2276(INI))

The European Parliament,

- having regard to Article 21 of the Charter of Fundamental Rights, which deals with non-discrimination,
- having regard to Article 2 of the Treaty on European Union, which defines human dignity, freedom, democracy, equality, the rule of law and respect for human rights as founding values of the European Union,
- having regard to Article 3 of the Treaty on European Union, which confers on the EU the power to combat social exclusion and discrimination, promote social justice and protection, and promote economic, social and territorial cohesion,
- having regard to Article 5(3) of the Treaty on European Union, which provides a legal basis for Union action if the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can be better achieved at Union level,
- having regard to Articles 9 and 10 of the Treaty on the Functioning of the European Union, which obliges the Union to take into account - as a horizontal requirement- 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, as well as the combating of discrimination based on racial or ethnic origin,
- having regard to Article 19 of the Treaty on the Functioning of the European Union, which gives the Council the power to take appropriate action to combat discrimination based on racial or ethnic origin,
- having regard to Article 151 of the Treaty on the Functioning of the European Union, which defines the promotion of employment, improved living and working conditions, and proper social protection as objectives of the Union and the Member States,
- having regard to Article 153 of the Treaty on the Functioning of the European Union, which defines the fields in which the Union is to support and complement the activities of the Member States, and in particular to Article 153(1)(h) on the integration of persons excluded from the labour market and Article 153(1)(j) on the combating of social exclusion,
- having regard to Article 352 of the Treaty on the Functioning of the European Union ('flexibility clause'), which provides for the adoption of appropriate measures to attain one of the objectives set out in the Treaties,
- having regard to Title XVIII of the Treaty on the Functioning of the European Union, which deals with economic, social and territorial cohesion,
- having regard to its resolution of 28 April 2005 on the situation of the Roma in the

European Union¹,

- having regard to its resolution of 1 June 2006 on the situation of Roma women in the European Union²,
- having regard to its resolution of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States³,
- having regard to its resolution of 31 January 2008 on a European Strategy on the Roma⁴,
- having regard to its resolution of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU⁵,
- having regard to its resolution of 25 March 2010 on the Second European Roma Summit⁶,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁷,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁸,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law⁹,
- having regard to Regulation (EU) No 437/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities¹⁰,
- having regard to the conclusions of the European Councils of December 2007 and June 2008, the conclusions of the General Affairs Council of December 2008,
- having regard to the Employment, Social Policy, Health and Consumer Affairs Council's conclusions on the Inclusion of the Roma, adopted in Luxembourg on 8 June 2009, with special regard to the Ten Common Basic Principles on Roma Inclusion annexed to the conclusions,
- having regard to the Commission Communication on the social and economic integration

¹ P6_TA(2005)0151.

² P6_TA(2006)0244

³ P6_TA(2007)0534.

⁴ P6_TA(2008)0035.

⁵ P6_TA(2009)0117.

⁶ P7_TA(2010)0085.

⁷ OJ L 180, 19.7.2000, p. 22.

⁸ OJ L 303, 2.12.2000, p. 16.

⁹ OJ L 328, 6.12.2008, p. 55.

¹⁰ OJ L 132, 29. 5.2010, p. 1.

of the Roma in Europe (COM(2010)0133),

- having regard to the Commission Staff Working Document entitled ‘Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010’¹,
 - having regard to the First European Roma Summit, held in Brussels on 16 September 2008, and the Second European Roma Summit, held in Córdoba on 8 April 2010,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Regional Development and the Committee on Culture and Education (A7-0000/2010),
- A. whereas a large proportion of Europe’s 10-12 million Roma are struggling against an intolerable degree of social and economic exclusion and exclusion from human rights,
- B. whereas the EU has developed a range of useful tools to foster the inclusion of Roma, but these are scattered across policy areas and their effect is hard to measure,
- C. whereas despite the existence of numerous cooperation mechanisms and institutions, the problems and challenges regarding the inclusion of Roma have so far not been met effectively and therefore the no-change option is unsustainable,
- D. whereas non-discrimination - although indispensable - is not by itself enough to overcome the historic disadvantages of the Roma, and whereas it is therefore necessary to complement equality legislation and policies by addressing the specific needs of the Roma regarding the fulfilment of and access to their human rights to employment, housing, healthcare and education by means of an EU-level strategy,
1. Calls on the Commission to propose and the Council to adopt an *EU Strategy on Roma Inclusion* (hereinafter: ‘the Strategy’) as an indicative, inclusive and place-based action plan, which is prepared and implemented on a multi-level basis and can evolve as needed; it should be based on the tasks, objectives, principles and instruments defined by the Treaties and the Charter of Fundamental Rights, as referred to above, and on the shared competences, as well as the supporting, coordinating and complementary actions, of the Union;
2. Calls on the Commission to:
- (a) adopt *Priority Areas* for the Strategy, above all:
- non-discrimination and human rights,
 - education,
 - employment,

¹ SEC(2010)400.

- housing,
- healthcare, and
- empowerment of Roma civil society;

(b) define the *Objectives* of the Strategy linked to the Priority Areas, above all:

- anti-discrimination measures and awareness-raising,
- prejudices, stereotypes, racism and anti-gypsyism,
- protection of victims of human rights abuses,
- access to quality education,
- adult vocational training and access to lifelong learning,
- basic care infrastructure,
- school desegregation,
- early childhood education,
- intercultural education,
- measures to prevent early school-leaving and academic failure,
- secondary and higher education,
- combating the over-representation of Roma in special schools,
- micro-credit for entrepreneurship and self-employment,
- housing and territorial desegregation,
- addressing infrastructural and environmental aspects of housing,
- access to quality healthcare and preventive measures,
- reduction of health inequalities,
- capacity-building,
- active citizenship,
- enlargement,
- gender equality;

3. Stresses the importance of endorsing and controlling the Strategy in a transparent

manner, with the primary responsibility falling on democratically accountable ministers within the Council, and emphasises that the Strategy should in no way be divisive for the EU, creating splits among Member States;

4. Calls on the Commission to:

- take the leading role in strategic coordination regarding progress in the Priority Areas and the fulfilment of the Objectives relating to the Strategy, in partnership with Member States and in accordance with the principle of subsidiarity,
- take responsibility for coordination, monitoring, reporting, facilitation of implementation and follow-up, thereby meeting the need for an independent, multi-sector body serving as an ‘external facilitator’ which can assess and balance the various national and sectoral interests in a manner acceptable to all,
- review and update the Strategy as appropriate on a regular basis, and seek endorsement from the Council for the changes made,
- take into account the Priority Areas and Objectives of the Strategy in all its relevant policy initiatives and programme planning,
- report on the progress of the Strategy and the evaluation of results, and keep the Council and Parliament informed on an annual basis,
- ensure the involvement of concerned stakeholders and Roma communities from all levels through the European Roma Platform, and work in partnership with the other institutions, Member States and regions, international financing institutions, transnational programming bodies and intergovernmental organisations;

5. Calls on the Commission to incorporate an enlargement dimension into the Strategy, respecting the status of all participants and clarifying the channels of communication and involving candidate countries and potential candidates;

6. Calls on Member States to appoint a government official or an administrative body to act as ‘National Contact Point’ for the implementation of the Strategy;

7. Calls on the Commission and the Council to adopt the augmented and detailed components of the ‘Laeken Indicators’ in measuring social and territorial exclusion as well as to evaluate progress; stressing that the horizontal divisions of the ‘Laeken Indicators’ must be extended also to the smallest statistical-administrative units (LAU 1 and LAU 2);

8. Calls on the Commission to draw up a European crisis map, which identifies, measures and surveys those micro-regions within the EU where inhabitants are hardest hit by poverty and social exclusion on the basis of the following attributes:

- accessibility of workplaces,
- distance from city centres,

- high rate of unemployment,
 - inadequate public services,
 - inappropriate environmental conditions,
 - lack of nearby companies,
 - lack of proper infrastructure,
 - low income,
 - low level of education,
 - low-level human resources,
 - poor/expensive transport infrastructure,
 - social tensions;
9. Calls on the Commission and the Council to allocate a percentage of cohesion policy funding under the next Multiannual Financial Framework in order to provide explicit support for the Strategy by creating a Performance Reserve for the EU Strategy on Roma;
 10. Calls on the Commission to create a direct link between the allocation of financing and results by requiring that a certain percentage of commitment appropriations under each national indicative breakdown should be allocated as the Performance Reserve in accordance with the regulations governing the Funds;
 11. Underlines that earmarked funding for the Strategy should be made available on a competitive basis, as defined by the criterion of how the proposed project or intervention supports and implements the Objectives of the Strategy;
 12. Calls on Member States to implement the horizontal priority 'Marginalised Communities' within the framework of the EU Structural Funds;
 13. Calls on the Commission and the Council to make maximum use of the programmes within the European Territorial Cooperation objective, such as cross-border cooperation programmes, transnational cooperation programmes and interregional cooperation programmes, and to exploit the possibilities provided by the European Grouping for Territorial Cooperation;
 14. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

1. Hereditary deprivation and the ghettoisation of poverty

The nature of poverty has changed dramatically in the past two decades in Central and Southeast Europe where the majority of European Roma live. Due to the cul-de-sac nature of planned economies, the elementary economic concussions following the collapse of communism and the re-structuring of national economies, most Roma - along with their companions of majority origin - suddenly fell out of the labour market and started gradually sliding out of society. With their traditional communities disrupted and at the same time being blocked from social mobility, Roma became the most excluded subgroup of society and therefore almost completely disconnected from national economies¹.

2. Demographic dynamism

Compared to similarly excluded majority communities, there is a distinctive attribute of Roma population with emphatic economic consequences: demographic dynamism. Roma and non-Roma populations move along reverse demographic trends: while the majority society ages rapidly, the proportion of Roma is quickly increasing. In Hungary for example, while Roma at present constitute an estimated 6-8% of the total population, according to some estimations every 5th-6th newborn baby is Roma and the ratio of Roma within the economically active population will exceed 50% by 2050². It is vital therefore to take into account that on the one hand the proportion of Roma within the active population carrying the social security system on its shoulder is steadily growing, and on the other hand there is a huge potential in the labour market reintegration of the massive unemployed population.

3. The benefits of inclusion

The inclusion of Roma is a necessary and financially profitable investment in the long run: on a scale of a 20-30 years period it is cheaper to integrate Roma than to sustain their substandard socio-economic conditions. If the employment rate of Roma could be raised to that of the majority, the overall rate of employment would be increased with 5% to 10% depending on the proportion of Roma population. Taking into account its affect on the growth of GDP, it would trigger a substantial improvement in all the indicators based on the percentage of GDP per capita.

According to standard economic models - like that of the World Bank³ - increasing labour market participation is indispensable for facilitating economic growth and especially requires the participation of those who are at an economically active age but are unemployed. The proportion of Roma over 50 years of age is generally lower than the European average while that of those below 30 is far higher. Roma therefore comprise a significant and permanently growing percentage of the necessary resource for the increase of labour market participation and could trigger a 4-6 % growth of national GDPs.

4. The costs of exclusion

By not prioritizing Roma inclusion, Member States are wasting a significant amount of

¹ UNDP 2002 *The Roma in Central and Eastern Europe, Avoiding the Dependency Trap*, A Regional Human Development Report, Bratislava, Slovakia

² CEMI 2006 *Macro Balance and Growth*. Central European Management Intelligence, Budapest

³ DE LAAT, Joost ed. 2010 *Economic costs of Roma exclusion*. World Bank

financial asset, let alone social benefits. Losses include:

- The indirect cost of lost GDP - as a result of social exclusion unemployed Roma fail to produce any domestic product,
- Social assistance and welfare benefits as well as the social and healthcare insurance provided by the state to those in poverty,
- Higher health costs due to substandard living conditions,
- Wasted education expenditure - the cost of segregated and/or low standard schools that fail to provide quality education is wasted money,
- Extra safety costs, due to higher crime rates caused by socio-economic deprivation;
- Administrative costs of supervising the flow of welfare expenditure¹.

In brief, it is important to realise that the inclusion of Roma is not merely an obligation in terms of human rights, but also an economic necessity, and not only is it a moral imperative, but also the strict financial interest of all the Member States.

5. Complementing non-discrimination legislation and policies

There is a lot to achieve regarding non-discrimination, considering the widespread anti-gypsyism and the insufficient implementation of existing regulations, which either don't cover certain areas - such as multiple discrimination - or they prove to be inadequate when implemented.

The rapporteur argues however, that even if ethnicity based discrimination - as defined in EU Directives 2000/43 and 2000/78 - could be eliminated before now, the socio-economic exclusion of most Roma would still remain, given the multiplicity of interconnected factors generating it, (e.g. geographic disadvantages, deficient education, or the collapse of centrally planned economies attracting a multitude of low skilled labour force) and the often physical barriers (e.g. the distance of accessible workplaces, lack of transportation and infrastructure). Hence anti-discrimination measures and fighting racism are - although indispensable - by themselves not enough to overcome the historic lag of Roma².

6. Socio-economic inclusion as a matter of human rights

The rapporteur believes that the strategy aiming the socio-economic inclusion of Roma will not compromise but rather complement non-discrimination laws and policies. Moreover, given the extent of exclusion, the overall inclusion of Roma is essentially an issue of human rights. A significant proportion of European Roma face such substandard conditions - almost totally disconnected from the economy, resulting in their exclusion from basic human rights - that fostering social inclusion cannot be viewed within the frameworks of general policy rectifications, but must be handled as bridging one of the hugest gap in the fulfilment of constitutional and human rights in Europe.

The EU-level effort to alleviate the poverty and social exclusion of European Roma must therefore place its primary emphasis on the fulfilment and promotion of second and third generational human rights to replenish the legally enforceable first generation of human

¹ MARCINČIN A. and MARCINČINOVA E. *The Cost of Non-Inclusion - The key to integration is respect for diversity*. Open Society Foundation, Bratislava

² DE SCHUTTER, O. and VERSTICHEL, A. 2005 *The Role of the Union in Integrating the Roma: Present and Possible Future in European Diversity and Autonomy Papers* EDAP 2/2005

rights, e.g. rights connected to human dignity, political rights and further rights of the person.

7. Transcending soft law

Most EU actions in favour of Roma - resolutions, reports, declarations, conclusions and communications - belong to the category of soft law, constituting a legal 'grey zone' between non-law and positive law¹. Several international initiatives have been developed in the last few years, with good proposals and progressive ideas, but the result is at least doubtful pointing to the fact that soft law alone is deficient in fostering the social inclusion of Roma.

The rapporteur believes that the primary conclusion from these initiatives is that rotund political slogans will never become reality without a proper legal basis, financial support and incentives, as well as an EU mechanism to coordinate the actions of stakeholders ranging from local governments to the Council, harnessing the advantages of multi-level governance.

On grounds of the tasks, objectives, principles and instruments defined by the Treaty on European Union and the Treaty on the Functioning of the European Union as well as the Charter of Fundamental Rights of the European Union (see citations) and based on the shared competences as well as the supporting, coordinating and complementary actions of the Union, the EU Strategy on Roma inclusion can come into existence.

8. Explicit but not exclusive targeting

Since ethnicity-based discrimination is only one - although cardinal - factor determining the socio-economic deprivation of European Roma - such as low qualification and territorial exclusion -, it follows, that the exclusion can be best grasped by reckoning them not as an ethnic group, but as an economic target audience. In line with Principle No 2 and No 4 of the Common Basic Principles on Roma Inclusion declaring '*explicit but not exclusive targeting*' as well as '*aiming for the mainstream*' the strategy must focus on these common economic features of socially excluded Roma instead of trying to address all the social issues that any single group of the remarkably heterogeneous European Roma population suffers from. Notwithstanding such country or region-specific issues as the availability of halting sites for travellers or the lack of personal documentation in some countries, the social and economic conditions and the demands of Roma communities themselves are extremely similar in all countries.

9. Facing the territoriality of exclusion

A conspicuous feature of Roma exclusion is the territorial dimension marginalization. The geographic distribution of social disadvantages is not uniform throughout the Member States, but poverty and social exclusion is concentrated in underdeveloped micro-regions, which in many of the new Member States are predominantly inhabited by Roma. This aspect of exclusion is currently 'statistically invisible', since the scope of analysis, decision making and planning is too wide to locate these crisis spots emerging in peripheral intra-regional areas or in lagging behind micro-regions. In most cases they cannot be addressed within the NUTS nomenclature, but could be targeted at the LAU 1 and LAU 2 levels and it is worth considering to earmark resources at EU level, aimed specifically at levelling up LAU 1 planning-statistical regions.

The rapporteur believes that within the framework of the Strategy, an all-European crisis map

¹ BOYLE, A. E. 1999 Some Reflections on the Relationship of Treaties and Soft Law, in: *International & Comparative Law Quarterly* 48 pp. 901-913. Cambridge

is necessary, to measure and target these micro-regions with complex development programs based on a cross-sector integrated approach, allowing for immediate intervention. These areas should be identified by their distinctive attributes, such as: the accessibility of workplaces, distance of city centre, high rate of unemployment, inadequate public services, lack of proper infrastructure, low income, low level of education, low-level human resources, poor transport infrastructure, social tensions, etc.

10. Institutional framework and funding

Establishing a new body to coordinate and supervise the Strategy would be unnecessary and would create a wasteful overhead. The role of supervising, coordinating, and monitoring must be fulfilled by the Commission and to this end, it would be worth considering to retain the Roma Task Force as a permanent body.

The rapporteur considers it indispensable, that the Strategy must above all be an internal EU strategy, and the general oversight of Priority Areas and Objectives must be within the Community structures, with annual report on the progress of the Strategy and the evaluation of results as well as proposals to the Council. In this regard, a European Roma Strategy Scoreboard, a mechanism similar to the Single Market Scoreboard could be developed.

Common, comparable and reliable indicators are essential to present a realistic analysis of progress and to meet the requirement of effective monitoring. Your rapporteur therefore recommends adopting the 'Laeken indicators'¹ and their complemented components to measure social and territorial exclusion as well as to evaluate progress.

Your rapporteur furthermore argues that the appointment of an administrative body or a government official to be the 'National Contact Points' for the implementation of the Objectives of the Strategy and furthermore to act as a source of advice and reflection for the Commission supervising the strategy, would bring along significant practical benefits.

Similar to the recommendations of the Commission² concerning the EU 2020 initiative, part of the cohesion budget should be set aside in a Performance Reserve for the Strategy, which - on the one hand by departing from the general practice of large contributors maximizing their returns from the unabsorbed funds and on the other hand allocating funds on a competitive basis, defined by the criterion how the proposed project or intervention supports and implements the Objectives of the Strategy - could provide vital resources and decisive incentives for the implementation of the Strategy.

¹ See e.g. the Social Protection Committee's *Report on Indicators in the field of poverty and social exclusion* submitted to the Laeken European Council on 14 and 15. December 2001.

² Commission Communication 642 of 9.11.2010 *Conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy*