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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **COUNCIL RECOMMENDATION on effective Roma integration measures in
the Member States**

COUNCIL RECOMMENDATION

of ...

on effective Roma integration measures in the Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Article 19(1), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to Article 2 of the Treaty on European Union (TEU), equality is one of the founding values of the Union. Pursuant to the second subparagraph of Article 3(3) TEU, the Union shall combat social exclusion and discrimination and promote the protection of the rights of the child.
- (2) According to Article 10 of the Treaty on the Functioning of the European Union (TFEU), the Union shall aim to combat discrimination based on racial or ethnic origin in defining and implementing its policies and activities.
- (3) Article 19(1) TFEU enables the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
- (4) Article 21(1) of the Charter of Fundamental Rights of the European Union states that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language or membership of a national minority, shall be prohibited.
- (5) Council Directive 2000/43/EC¹ lays down a framework for combating discrimination on the grounds of racial or ethnic origin throughout the Union in relation to employment and training, education, social protection (including social security and healthcare), social advantages and access to, and supply of, goods and services, including housing.

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

- (6) For the purposes of this Recommendation, as in other political documents of the European Parliament and of the Council, the term "Roma" is used as an umbrella term which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc., whether sedentary or not.
- (7) Many Roma in the Union still face deep poverty, social exclusion, discrimination and barriers to exercising their fundamental rights which leaves them vulnerable to exploitation, for example through trafficking in human beings. Therefore, more effective social inclusion measures adapted to their situation and needs should be considered.
- (8) The situation of Roma children in the Union is particularly worrying, due to a range of factors that may make them especially vulnerable and exposed, *inter alia*, to poor health, poor housing, poor nutrition, exclusion, discrimination, racism and violence. The social exclusion of Roma children is often linked to the lack of birth registration and identity documents, to low participation in early childhood education and care as well as higher education, and to elevated school drop-out rates. Segregation is a serious barrier preventing access to quality education. Some Roma children also fall victim to trafficking and labour exploitation.
- (9) Roma who are third-country nationals staying legally in the Member States can also be placed in a vulnerable position, particularly when they share the same poor living conditions as many Roma who are citizens of the Union, whilst also facing the challenges of many migrants coming from outside the Union.

- (10) In the context of intra-Union mobility, it is necessary to respect the right to free movement of the citizens of the Union and the conditions for its exercise, including the possession of sufficient resources and of a comprehensive sickness insurance cover, in accordance with Directive 2004/38/EC of the European Parliament and of the Council¹, while also seeking to improve the living conditions of Roma and pursuing measures to promote their economic and social integration in their Member States of origin as well as their Member States of residence.
- (11) The European Parliament resolutions of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union and of 9 March 2011 on the EU strategy on Roma inclusion called on the Commission and the Member States to mobilise existing Union strategies and instruments with a view to securing the socio-economic inclusion of Roma.
- (12) In its Communication of 5 April 2011 entitled 'An EU Framework for National Roma Integration Strategies up to 2020', the Commission encouraged Member States to adopt or to further develop a comprehensive approach and endorse a number of goals in education, employment, healthcare and housing in order to speed up Roma integration.

¹ 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

- (13) On 19 May 2011, the Council adopted Conclusions entitled 'An EU framework for national Roma integration strategies up to 2020', expressing the Member States' commitment to advancing the social and economic inclusion of Roma.
- (14) The European Council of 23 and 24 June 2011 called for the rapid implementation of the Council Conclusions of 19 May 2011, in particular as regards the preparation, updating or development of Member States' national Roma integration strategies or integrated sets of policy measures within their broader social inclusion policies for improving the situation of Roma.
- (15) In its Communication of 21 May 2012 entitled 'National Roma Integration Strategies: a first step in the implementation of the EU Framework', the Commission presented the results of a first assessment of all national Roma integration strategies and integrated sets of policy measures and invited Member States to consider a number of adaptations as a way forward.
- (16) The Commission enhanced its dialogue with the Member States on Roma integration, in particular by establishing in October 2012 the network of National Contact Points for Roma integration, in order to discuss solutions to the challenges identified. In November and December 2012, a group of National Contact Points for Roma integration further discussed how to enhance the effectiveness of measures to achieve Roma integration in the Member States. That group subsequently reported back to the network of National Contact Points for Roma integration.

- (17) In its Communication of 26 June 2013 entitled 'Steps forward in implementing national Roma integration strategies', the Commission highlighted the need for further action in order to secure the necessary preconditions for the successful implementation of measures aimed at speeding up progress on Roma integration as soon as possible.
- (18) The Commission Communication of 3 March 2010 entitled 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (the 'Europe 2020 Strategy') has given new impetus to the fight against poverty and social exclusion by setting common European targets to reduce the number of people at risk of poverty and social exclusion, to reduce the rate of early school leaving, and to increase school attainment and employment levels. Roma integration is an essential part of the convergent efforts by the Union and Member States in this context. The current governance of the European Semester promotes implementation of the relevant country specific recommendations, and the Council conclusions of 20 June 2013 entitled 'Towards social investment for growth and cohesion' provide further guidance for the efforts to secure inclusive growth.
- (19) In light of the above considerations and of the shortcomings identified, the effectiveness of Roma integration measures needs to be improved and monitored. This should be done while fully respecting the principle of subsidiarity and the Member States' primary responsibility in this area, taking into account the fact that data collection on ethnic grounds can be a sensitive issue and acknowledging that Member States should choose their own monitoring methods, including appropriate methods for any data collection, and possible indicators.

- (20) This Recommendation aims to build on the various recommendations previously set out in the European Parliament resolutions, the Council conclusions and the Commission communications on Roma integration. It aims to complement existing Union anti-discrimination legislation in order to help make its implementation and enforcement more effective.
- (21) This Recommendation does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions related to the legal status of third-country nationals and stateless persons on the territory of Member States under national and Union law or to the legal effects of that status.

- (22) Regulation (EU) No .../2013 of the European Parliament and of the Council^{1*} calls on Member States, where appropriate, to set out an integrated approach to addressing the specific needs of geographical areas most affected by poverty, or of target groups at highest risk of discrimination or social exclusion, with special regard to marginalised communities. Regulation (EU) No .../2013 of the European Parliament and of the Council^{2**} for the 2014-2020 programming period includes an investment priority under the European Social Fund (ESF) focused on the socio-economic integration of marginalised communities such as Roma, complementing the other European Structural and Investment Funds (ESIF)³,

¹ Regulation (EU) No .../2013 of the European Parliament and of the Council of ... laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L ...).

* OJ: please insert the number of Regulation in doc. PE-CONS 85/13 in the recital and complete the above footnote with the number, date and OJ publication reference of that Regulation.

² Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L ...).

** OJ: please insert the number of Regulation in doc. PE-CONS 87/13 in the recital and complete the above footnote with the number, date and OJ publication reference of that Regulation.

³ The ESIF are the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF).

NOTING THAT:

PURPOSE

The purpose of this Recommendation is to provide guidance to Member States in enhancing the effectiveness of their measures to achieve Roma integration and strengthen the implementation of their national Roma integration strategies or integrated sets of policy measures within broader social inclusion policies aimed at improving the situation of Roma and at closing any gaps between Roma and the general population.

The size and the social and economic situation of the Roma population vary considerably between different Member States. Therefore national approaches to Roma integration should be tailored to the specific circumstances and needs on the ground, including by adopting or continuing to pursue policies that address marginalised and disadvantaged groups, such as Roma, in a broader context.

This Recommendation explicitly focuses on measures to promote the integration of Roma without aiming to exclude other marginalised and disadvantaged groups. Integration measures should be based on the same principles in comparable conditions.

HEREBY RECOMMENDS THAT THE MEMBER STATES:

1. SUBSTANTIVE POLICY ISSUES

Effective policy measures

- 1.1. With a view to promoting the full equality of Roma in practice, take effective policy measures to ensure their equal treatment and the respect of their fundamental rights, including equal access to education, employment, healthcare and housing. This goal could be achieved either by means of mainstream measures or by means of targeted measures, including specific measures to prevent or compensate for disadvantages, or by a combination of both, paying special attention to the gender dimension.
- 1.2. Adopt measures that may be based on socio-economic indicators, such as high long-term unemployment, level of educational attainment and health parameters, or may focus on geographical areas that are marginalised and/or segregated.

Access to education

- 1.3. Take effective measures to ensure equal treatment and full access for Roma boys and girls to quality and mainstream education and to ensure that all Roma pupils complete at least compulsory education¹. This goal could be attained by means of measures such as measures:
- (a) eliminating any school segregation;
 - (b) putting an end to any inappropriate placement of Roma pupils in special needs schools;
 - (c) reducing early school leaving² throughout all levels of education, including at secondary level and vocational training;
 - (d) increasing the access to, and quality of, early childhood education and care, including targeted support, as necessary;
 - (e) considering the needs of individual pupils and addressing those accordingly, in close cooperation with their families;

¹ A child's right to education is enshrined in Article 28 of the United Nations Convention on the Rights of the Child.

² See Council Recommendation of 28 June 2011 on policies to reduce early school leaving (OJ C 191, 1.7.2011, p. 1). One of the headline targets of the Europe 2020 Strategy agreed by the European Council is to reduce the proportion of early school leavers to less than 10 % and to ensure that at least 40% of the younger generation have a tertiary qualification or equivalent.

- (f) using inclusive and tailor-made teaching and learning methods, including learning support for struggling learners and measures to fight illiteracy, and promoting the availability and use of extracurricular activities;
- (g) encouraging greater parental involvement and improving teacher training, where relevant;
- (h) encouraging Roma participation in and completion of secondary and tertiary education;
- (i) widening access to second-chance education and adult learning, and providing support for the transition between educational levels and support for the acquisition of skills that are adapted to the needs of the labour market.

Access to employment

- 1.4. Take effective measures to ensure equal treatment of Roma in access to the labour market and to employment opportunities. This goal could be attained by means of measures such as measures:
- (a) supporting first work experience, vocational training, on-the-job training, lifelong learning and skills development;
 - (b) supporting self-employment and entrepreneurship;

- (c) providing equal access to mainstream public employment services, alongside services to support individual job-seekers, focusing on personalised guidance and individual action planning and, where appropriate, promoting employment opportunities within the civil service;
- (d) eliminating barriers, including discrimination, to (re)entering the labour market.

Access to healthcare

1.5. Take effective measures to ensure equal treatment of Roma in access to universally available healthcare services¹ on the basis of general eligibility criteria. This goal could be attained by means of measures such as measures:

- (a) removing any barriers to access to the healthcare system accessible for the general population;
- (b) improving access to medical check-ups, prenatal and postnatal care and family planning, as well as sexual and reproductive healthcare, generally provided by national healthcare services;

¹ This Recommendation is without prejudice to the provisions of Directive 2004/38/EC, which require citizens of the Union moving within the Union to *"have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State"*.

- (c) improving access to free vaccination programmes targeting children and vaccination programmes targeting, in particular, groups most at risk and/or those living in marginalised and/or remote areas;
- (d) promoting awareness of health and healthcare issues.

Access to housing

- 1.6. Take effective measures to ensure equal treatment of Roma in access to housing. This goal could be attained by means of measures such as measures:
 - (a) eliminating any spatial segregation and promoting desegregation;
 - (b) promoting non-discriminatory access to social housing;
 - (c) providing halting sites for non-sedentary Roma, in proportion to local needs;
 - (d) ensuring access to public utilities (such as water, electricity and gas) and infrastructure for housing in compliance with national legal requirements.
- 1.7. Whenever relevant, ensure that applications from local authorities for urban regeneration projects include integrated housing interventions in favour of marginalised communities.
- 1.8. Promote community-led local development and/or integrated territorial investments supported by the ESIF.

Funding

- 1.9. Allocate adequate funding for the implementation and monitoring of their national and local strategies and action plans from any available sources of funding (local, national, Union and international) with a view to achieving the objective of Roma integration through mainstream or targeted measures.
- 1.10. The promotion of social inclusion and combating poverty and discrimination, including, *inter alia*, the socio-economic integration of marginalised communities such as Roma, should be facilitated by the allocation of at least 20% of the total ESF resources in each Member State to investment in people as set out in Articles 3 and 4 of Regulation (EU) No .../2013*.
- 1.11. Depending on the size and social and economic situation of their Roma communities and the gap between Roma and non-Roma populations, as well as the challenges identified within the context of the European Semester for a number of Member States, take appropriate measures to include Roma integration among the priorities in the Partnership Agreements on the use of the ESIF¹ for the period 2014–2020.

* OJ: please insert the number of Regulation in doc. PE-CONS 87/13.

¹ The ERDF can be used to support infrastructure projects in the health, education and housing sectors.

- 1.12. Improve their management, monitoring and evaluation capacities with the support of the ESIF technical assistance and facilitate the use of national and Union funds to support capacity building for local authorities and civil society organisations so that they can effectively implement projects.
 - 1.13. Target the allocation of public funding for implementing national Roma integration strategies or integrated sets of policy measures to the specific needs of Roma, or to the geographical areas most affected by poverty and social exclusion, and take into consideration the gender dimension.
2. HORIZONTAL POLICY MEASURES

Anti-discrimination

- 2.1. Continue their efforts to ensure the effective practical enforcement of Directive 2000/43/EC, in particular by ensuring that their national, regional and local administrative regulations are not discriminatory and do not result in segregation practices. The relevant case-law of the European Court of Human Rights should serve as a point of reference for the human rights compatibility of provisions and practices in this context.

- 2.2. Implement, where relevant, desegregation measures concerning Roma both regionally and locally. Policies and measures to combat segregation should be accompanied by appropriate training and information programmes, including training and information on human rights protection, addressed to local civil servants and representatives of civil society and Roma themselves.
- 2.3. Ensure that forced evictions are in full compliance with Union law as well with other international human rights obligations, such as those of the European Convention on Human Rights.
- 2.4. Implement measures to combat discrimination and prejudice against Roma, sometimes referred to as anti-Gypsyism, in all areas of society. Such measures could include:
- (a) raising awareness about the benefits of Roma integration both in Roma communities and among the general public;
 - (b) raising the general public's awareness of the diverse nature of societies, and sensitising public opinion to the inclusion problems Roma face, including, where relevant, by addressing those aspects in public education curricula and teaching materials;
 - (c) taking effective measures to combat anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising language or other behaviours that could constitute incitement to discrimination against Roma.

Protection of Roma children and women

- 2.5. Combat all forms of discrimination, including multiple discrimination, faced by Roma children and women, and fight violence, including domestic violence, against women and girls, trafficking in human beings, underage and forced marriages, and begging involving children, in particular through the enforcement of legislation. To this end, Member States should ensure the involvement in this exercise of all relevant actors including public authorities, civil society and Roma communities. In this context, cooperation between Member States is encouraged in situations with a cross-border dimension.

Poverty reduction through social investment

- 2.6. Combat poverty and social exclusion affecting the disadvantaged, including Roma, through investment in human capital and social cohesion policies. This goal could be attained by means of measures such as measures:
- (a) supporting Roma at all stages of their lives, starting as early as possible and systematically dealing with the risks they face, including by investing in good-quality inclusive early childhood education and care, targeted youth guarantee schemes, life-long learning and active ageing measures;

- (b) pursuing policies of activation and enablement by supporting (re)entry to the labour market through targeted or mainstream employment support schemes, and promoting inclusive labour market by addressing discrimination in the workplace;
- (c) making social benefits and social services granted to the disadvantaged, including Roma, in accordance with national legislation, more adequate and sustainable through more joined-up social policies, through the simplification of procedures, and by combating fraud and errors; ensuring the take-up of social assistance schemes; and providing adequate income support to those eligible.

2.7. Depending on the size and social and economic situation of their Roma populations, consider making Roma integration an important issue within their national reform programmes or their national social reports in the context of the Europe 2020 Strategy.

Empowerment

2.8. Support the active citizenship of Roma by promoting their social, economic, political and cultural participation in society, including at the local level, since the active involvement and participation of Roma themselves, including through their representatives and organisations, is crucial for the improvement of their living conditions, as well as for the advancement of their social inclusion.

- 2.9. Where appropriate to local approaches to integration, promote the training and employment of qualified mediators dedicated to Roma and use mediation as one of the measures to tackle the inequalities Roma face in terms of access to quality education, employment, healthcare and housing.
- 2.10. Carry out information activities to further raise awareness among Roma of their rights (notably in relation to discrimination and the possibilities of seeking redress) and of their civic duties.

3. STRUCTURAL MEASURES

Local action

- 3.1. While respecting the competences of regional and local authorities, encourage those authorities to develop local action plans or strategies, or sets of local policy measures within wider social inclusion policies, which could include baselines, benchmarks and measurable objectives for Roma integration as well as appropriate funding.

- 3.2. Involve regional and local authorities and local civil society in developing, implementing and monitoring their national strategies or integrated sets of policy measures within broader social inclusion policies. Relevant representatives and stakeholders should be involved as regards partnership agreements and operational programmes co-financed by the ESIF. Central and local authorities should cooperate in the implementation of those strategies.

To this end, support local public authorities so as to facilitate the implementation of sets of policy measures at local level.

- 3.3. Strive at the local level for an integrated approach concerning families with a Roma background facing multiple problems such as non-completion of school, debt, poverty and poor health. To this end, the capacity of local authorities could be strengthened, while respecting the division of responsibilities within each Member State, in order to allow them to effectively work in co-operation with the families concerned and also with, for example, schools, youth care organisations, police, public health organisations, welfare organisations and housing corporations.

Monitoring and evaluating policies

- 3.4. Appropriately monitor and evaluate the effectiveness of their national strategies or integrated sets of policy measures within their broader social inclusion policies. This could be done by means of measures such as setting baselines or measurable targets or by collecting relevant qualitative or quantitative data on the social and economic effects of such strategies or measures, in line with applicable national and Union law, particularly regarding the protection of personal data.
- 3.5. Make use of any relevant core indicators or methods of empirical social research or data collection for monitoring and evaluating progress on a regular basis, particularly at the local level, enabling efficient reporting on the situation of Roma in the Member States with the optional support of the European Union Agency for Fundamental Rights.

Bodies for the promotion of equal treatment

- 3.6. Support the work and institutional capacity of bodies for the promotion of equal treatment by granting them adequate resources so that the legal and judicial assistance they provide can effectively benefit Roma victims of discrimination.
- 3.7. Promote regular dialogue between their National Contact Points for Roma integration and national bodies for the promotion of equal treatment.

National Contact Points for Roma integration

- 3.8. Provide their National Contact Points for Roma integration with an adequate mandate and resources appropriate to their role so that they can effectively coordinate the cross-sectoral monitoring of Roma integration policies with a view to their implementation, while respecting the division of responsibilities within each Member State.
- 3.9. Involve their National Contact Points for Roma integration in decision-making processes regarding the development, funding and implementation of relevant policies. The National Contact Points for Roma integration should facilitate the participation and involvement of Roma civil society in the implementation of national Roma integration strategies and local action plans.

Transnational cooperation

- 3.10. Encourage the development of, and active participation in, transnational forms of cooperation at national, regional or local level, through policy initiatives, in particular projects and bilateral or multilateral agreements, in order to:
- (a) coordinate on issues related to the cross-border mobility of Roma within the Union;
- and

- (b) support mutual learning and the multiplication of good practices, for example by cooperation between authorities managing structural funds with a view to designing effective Roma integration interventions.

3.11. The transnational cooperation referred to in point 3.10 should supplement the measures taken within national strategies for Roma integration and integrated sets of policy measures within broader social inclusion policies and within the framework of any existing cooperation agreements between Member States such as the Danube Strategy, and of other international organisations such as the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

4. REPORTING AND FOLLOW-UP

4.1. Communicate to the Commission any measures taken in accordance with this Recommendation by ... *

4.2. Thereafter, communicate to the Commission any new measures taken on an annual basis, at the end of each year, along with information on the progress achieved in implementing their national Roma integration strategies or integrated sets of policy measures within broader social inclusion policies.

* OJ: please insert the date: 24 months from the first day of the month following the date of adoption of this Recommendation.

HEREBY INVITES THE COMMISSION TO:

- 5.1. Ensure that the information provided by the Member States will serve as a basis for the preparation of its annual reports to the European Parliament and to the Council on the implementation of national Roma integration strategies and will contribute to the European Semester of the Europe 2020 Strategy through the country specific recommendations.
- 5.2. On this basis, monitor the situation closely and, by ...^{**}, assess the need to revise and update this Recommendation.

Done at ...

For the Council

The President

^{**} OJ: please insert the date: five years from the first day of the month following the date of adoption of this Recommendation.