



Council of the
European Union

Brussels, 7 October 2020
(OR. en)

11606/20

Interinstitutional File:
2020/0288(NLE)

SOC 600
ANTIDISCRIM 103
GENDER 117
JAI 799
FREMP 92
COHOM 65
EDUC 357

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 7 October 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2020) 621 final

Subject: Proposal for a COUNCIL RECOMMENDATION on Roma equality, inclusion and participation

Delegations will find attached document COM(2020) 621 final.

Encl.: COM(2020) 621 final



Brussels, 7.10.2020
COM(2020) 621 final

2020/0288 (NLE)

Proposal for a

COUNCIL RECOMMENDATION

on Roma equality, inclusion and participation

{SWD(2020) 530}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

The proposal for a Council recommendation on **Roma equality, inclusion and participation** responds to a need at European Union level to combat discrimination and achieve equal treatment of Europe's largest ethnic minority, including by promoting equality and socioeconomic inclusion. This proposal is presented jointly with a Communication from the European Commission 'A Union of Equality: EU Roma strategic framework for equality, inclusion and participation' ('the Communication')¹ which includes EU objectives and headline targets and proposes the use of a portfolio of indicators (Annex 2 to the Communication).

Tackling discrimination and socioeconomic exclusion is **even more important in a crisis context**, where poverty and structural inequalities are likely to rise. Therefore, social recovery measures should reach out to all, in particular the most disadvantaged, irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Commission President Ursula von der Leyen has committed to promoting a Union of Equality and is determined to '*ensure that equality is at the heart of the recovery*'.

The '**EU framework for national Roma integration strategies up to 2020**'², adopted by the Commission on 5 April 2011, is drawing to a close. Its main objectives were to tackle the socioeconomic exclusion of Roma in the EU and enlargement countries by promoting equal access to education, employment, health and housing. This framework called on Member States to design national Roma integration strategies and set national goals based on Roma integration goals in the above four areas. **In 2013, the Council adopted a Recommendation**³ on effective Roma integration measures in the Member States. This was the first EU soft law instrument to target the Roma explicitly. The **Recommendation** reinforced the EU framework by:

- providing guidance to Member States on how to make national measures to improve the integration of the Roma more effective and how to implement their national Roma integration strategies (NRIS) more effectively;
- recommending that Member States take effective policy measures to ensure equal treatment for Roma, including equal access to education, employment, healthcare and housing, and indicating how each of the four goals (ensuring equal access to education, employment, healthcare and housing) could be met;
- stating that these goals could be achieved through either mainstream or targeted measures, including specific initiatives to prevent or compensate for disadvantages, or through a combination of both, with particular attention to the gender dimension;
- focusing more closely on anti-discrimination, referring explicitly to antigypsyism, and extending work on Roma integration to new horizontal and structural areas beyond employment, education, health and housing; and

¹ COM(2020) 620 final.

² COM(2011) 173 final.

³ Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States ([OJ C 378/1, 24.12.2013](#)).

- calling on Member States to inform the Commission annually, starting from 2016, of any measures taken in line with the Recommendation and any progress achieved in implementing the strategies.

The Conclusions from the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council of 8 December 2016⁴ called on the Commission ‘to carry out a mid-term evaluation of the EU framework for national Roma integration strategies up to 2020 and to propose a post 2020 strategy on Roma integration, and include therein a proposal for a revision of the Council Recommendation’. The **Commission carried out an in-depth evaluation of the EU Framework**⁵, which was adopted in December 2018, and published the staff-working document on the evaluation⁶.

The evaluation and the conclusions drawn from it by the Council, the European Parliament and several Europe-wide and national civil society organisations⁷ **show a need to renew and step up the commitment to Roma equality**. This commitment should ensure a specific focus on non-discrimination, which includes tackling antigypsyism and addressing the four socioeconomic areas in which inclusion needs to be improved: education, employment, health and housing⁸. It should also reflect the needs of specific groups and diversity within the Roma population; involve Roma people in designing, implementing, monitoring and evaluating Roma equality and inclusion strategies; improve target setting, data collection, monitoring and reporting; and make mainstream policies more sensitive to Roma equality and inclusion.

In July 2019, the prime ministers of the Western Balkans countries endorsed the Roma integration declaration⁹, committing, by accession time, to tangible progress in education, employment, health, housing, civil registration and non-discrimination.

In September 2019, the Commission adopted the 2019 report on the implementation of national Roma integration strategies¹⁰.

Europe still has a long way to go to achieve equality for its Roma population. Today, the marginalisation of Roma persists, and many of the continent’s estimated 10-12 million Roma¹¹ continue to face discrimination, antigypsyism, and socioeconomic exclusion in their daily lives. These phenomena are intertwined. There is no equality when discrimination persists, and it is impossible to combat discrimination effectively without tackling antigypsyism and improving the socioeconomic inclusion and participation of the Roma

⁴ EPSCO Council Conclusions of 8 December 2016, Accelerating the Process of Roma Integration (15406/16).

⁵ COM(2018) 785 final.

⁶ SWD(2018) 480 final.

⁷ European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism (P8_TA(2019)0075). EPSCO Council Conclusion of 24 October 2019 on the Economy of Wellbeing (13432/19), inviting the Commission to *renew* the commitment on Roma inclusion. Additionally, at the High-Level Conference on the EU Framework for National Roma Integration Strategies held in Bucharest on 4-5 March 2019, participants called on the Commission to propose an ambitious new post-2020 EU framework, and on Member States and enlargement countries to step up their commitments to Roma integration. Information from the Presidency (7003/19, 14.3.2019).

⁸ On the need for a clearer focus on fighting antigypsyism and discrimination in the post-2020 EU framework, see [expert recommendations](#) developed in the aftermath of the Conference 'How to address anti-Gypsyism in a post-2020 EU Roma Framework?' (Vienna, 27.11.2018).

⁹ [Declaration of Western Balkans Partners on Roma Integration](#) within the EU Enlargement Process, endorsed at the Leaders’ Summit within the Western Balkans Summit of Berlin Process Series in Poznań, on 5 July 2019.

¹⁰ COM(2019) 406 final accompanied by SWD(2019) 320 final.

¹¹ See the [Council of Europe 2012 estimates](#).

population. Roma children's potential is hampered as too many of them do not enjoy equal access to education due to poverty, exclusion and discrimination

According to available data gathered by the EU Agency for Fundamental Rights in 2011, 2016 and 2019, overall **progress in Roma integration has been limited** since 2011, although there are significant differences across policy areas and countries¹². Most progress has been achieved in education (with reductions in early school leaving and improvements in participation rates in early childhood education, care and schooling, but increase in segregation). Despite the alleviation of poverty risk and improvements in self-perceived health status among the Roma, medical coverage remains limited. There has been no statistically significant improvement in access to employment, and the proportion of young Roma people not in employment, education or training has actually increased. The housing situation remains complex and is one of the biggest challenges the Roma community is facing in the European Union and beyond. Antigypsyism continues to give serious cause for concern. At the same time, there is some evidence of a slight reduction in Roma people's experiences of discrimination when accessing certain types of service. Under Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the 'Racial Equality Directive')¹³, the Commission has initiated infringement procedures against three countries for school segregation of Roma children¹⁴.

The **COVID-19 pandemic** has revealed the extreme exposure of excluded and marginalised Roma communities to both short-term negative health impacts and to medium-term socioeconomic impacts. Roma children living in marginalised communities are among the hardest hit by the pandemic. Distance learning has been impossible for too many Roma children living in households without IT facilities or electricity. The crisis has also revealed **the urgent need for a more efficient policy response at European level**.

The persistence of inequalities and systemic disadvantage represents a loss of human capital and resources to Europe's economies. The disadvantages faced by the Roma population **affect the economy and societies within Europe**. In countries with a larger share of Roma people, this group represents a growing proportion of the school-age population and the future labour force. Progress in **socioeconomic inclusion** for the Roma has the potential to reduce labour and skills shortages in times of adverse demographic developments, reduce social expenditure, and **benefit the economy**. Investment in better education and upskilling of a previously excluded labour force can positively affect productivity growth. The European Union must **address inequalities** more effectively by ensuring that Roma people can make full use of social protection systems and ensure that Roma people can deploy their potential to contribute to the economy and society in general, which will lead to better social and economic outcomes for all. **This proposal, combined with the Communication, adopted by the Commission at the same time, has the potential to address the inequalities affecting the Roma population and lead to better social outcomes for all**.

The proposal for a recommendation takes stock of the measures reported by Member States since 2016 under the 2013 Council recommendation, and reviews and expands them. The purpose is to renew and replace the 2013 instrument, by providing stronger guidance to Member States and confirming their renewed long-term commitment to addressing the

¹² Report on the evaluation of the EU framework for National Roma Integration Strategies up to 2020, [COM\(2018\) 785 final](#).

¹³ [OJ L 180, 19.7.2000, p. 22](#).

¹⁴ CZ, HU, and SK.

persistent problems and challenges facing the Roma community, which risk being exacerbated by the COVID-19 pandemic and its impact.

It complements the Communication. Both initiatives constitute the EU Roma strategic framework up to 2030, which is designed to incorporate the lessons learned from the previous EU framework for national Roma integration strategies up to 2020 as regards areas of intervention, monitoring and reporting objectives, cross-sectoral coordination, funding and involvement of various stakeholders.

The proposal falls into five chapters:

1. Chapter on three horizontal objectives designed to prevent and combat discrimination by promoting: (i) equality, (ii) inclusion and (iii) Roma participation;
2. Chapter on four sectoral objectives: education, employment, health and social services, and housing and essential services;
3. Chapter on partnerships and institutional capacity;
4. Chapter on funding;
5. Chapter on monitoring and reporting.

The proposal is designed to ensure synergies with new initiatives developed at European level for the period up to 2030 and with the use of Union funds, to improve implementation at national, regional and local levels.

- **Consistency with existing policy provisions in the policy area**

The recommendation is consistent with existing provisions in the field of equality. It builds on the EU framework for national Roma integration strategies, due to end in 2020, and fully addresses the findings of the evaluation. It renews and replaces the 2013 Council Recommendation on effective Roma integration measures in the Member States, to provide Member States with more relevant and effective guidance on how to accelerate progress towards equality, inclusion and participation for the Roma over the next 10 years.

The proposal is consistent with and envisages the effective implementation of EU equality legislation, in particular the Racial Equality Directive, which prohibits discrimination based on racial or ethnic origin in employment, social protection, social advantages, education, and access to and supply of the goods and services available to the public¹⁵. The proposal is also consistent with the Commission Recommendation (EU) 2018/951¹⁶ establishing standards for an effective and independent functioning of bodies for the promotion of equal treatment ('equality bodies'), which were set up under the Racial Equality Directive¹⁷. It is also in line with the Charter of Fundamental Rights of the EU, which prohibits discrimination on any grounds, including race and ethnic origin¹⁸. In addition, Council Framework Decision

¹⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the 'Racial Equality Directive'), ([OJ L 180, 19.7.2000, p. 22](#)).

¹⁶ Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies ([OJ L 167, 4.7.2018, p. 28](#)).

¹⁷ Article 13 of Council Directive 2000/43/EC, ([OJ L 180, 19.7.2000, p. 22](#)).

¹⁸ [OJ C 303, 14.12.2007, p. 17](#).

2008/913/JHA is designed to combat, through criminal law, certain forms and manifestations of racism and xenophobia¹⁹.

The current proposal is designed to pursue the implementation of the **European Pillar of Social Rights** by consolidating principle 3, ‘equal opportunities’ and by its relevance to several other principles. It also takes inspiration from the UN Agenda 2030 and the United Nations **Sustainable Development Goals (SDGs)**.

The proposal is consistent with recent strategies in the area of equality, such as the gender equality strategy for 2020-2025²⁰, the EU anti-racism action plan 2020-2025²¹ and the forthcoming LGBTI+ equality strategy, which address the specific situation of Roma women and Roma LGBTI+ people, respectively, and the EU strategy on victims’ rights²².

- **Consistency with other Union policies**

The proposal is consistent with other EU policies, in particular the **European pillar of social rights**, designed to increase social fairness, irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It is part of the specific initiatives implementing the European pillar and consistent with similar initiatives such as the reinforced youth guarantee²³, the future child guarantee or and the forthcoming action plan to implement the pillar. It contributes to the implementation of the EU anti-racism action plan 2020-2025²⁴ and is consistent with **Directive 2012/29/EU**, which lays down minimum standards for the rights, support and protection of victims of crime²⁵, with a particular focus on victims of a crime committed with a bias or a discriminatory motive. The specific needs of Roma are already included in the new EU victims’ rights strategy and will feature in the upcoming strategy for the implementation of the Charter of Fundamental Rights of the EU. The proposal is also consistent with the EU legal and policy framework addressing **trafficking in human beings**²⁶. The proposal is also compatible with the **Audiovisual Media Services Directive**²⁷ which sets out requirements protecting users of audiovisual media services and video sharing platforms from incitement to violence or hatred, as well as from discriminatory audiovisual commercial communications. It also obliges video sharing platforms to take appropriate measures to protect users from racist and xenophobic content.

In addition, the proposal ensures coherence between EU policy support on the one hand, and legal and funding instruments that can be mobilised and aligned towards Roma equality and

¹⁹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ([OJ L 328, 6.12.2008, p. 55](#)).

²⁰ [COM\(2020\) 152 final](#).

²¹ [COM\(2020\) 565 final](#).

²² [COM\(2020\) 258 final](#).

²³ [COM\(2020\) 277 final](#).

²⁴ [COM\(2020\) 565 final](#).

²⁵ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([OJ L 315, 14.11.2012, p. 57](#)).

²⁶ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.04.2011, p1) and the 2017 Communication ‘Reporting on the follow up to the EU strategy towards the eradication of trafficking in human beings and identifying further concrete actions (COM(2017)728).

²⁷ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities ([OJ L 303, 28.11.2018, p. 69–92](#)).

inclusion on the other, such as the **NextGenerationEU, including the Recovery and Resilience Facility and the EU funds.**

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 292 of the Treaty on the Functioning of the European Union (TFEU), under which the Council adopts recommendations on a proposal from the Commission, in conjunction with **Article 19(1) TFEU** which provides for appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Other relevant legal provisions are:

- **Article 2 of the Treaty on European Union**, which states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
 - **Second subparagraph of Article 3(3) of the Treaty on European Union**, under which the Union is required to combat social exclusion and discrimination and promote the protection of the rights of the child.
 - **Article 10 of the Treaty on the Functioning of the European Union**, which provides that the Union, in defining and implementing its policies and activities, aims to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
 - **Article 8 of the Treaty on the Functioning of the European Union**, which states that in all its activities, the Union will aim to eliminate inequalities and to promote equality between men and women. **Under Article 157(3) of the Treaty on the Functioning of the European Union**, the European Parliament and the Council are to adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.
 - **Article 21 of the Charter of Fundamental Rights of the European Union**, which prohibits any discrimination on any grounds, such as sex, race, ethnic origin, religion or belief, disability, age or sexual orientation. Article 23 of the Charter enshrines the right to equality between men and women in all areas, including employment, work and pay. Article 26 recognises and respects the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community. Moreover, the equality of everyone before the law is enshrined in Article 20 of the Charter of Fundamental Rights of the European Union.
- Subsidiarity (for non-exclusive competence)**

Underlying shared values, such as equality and fundamental rights, and common objectives, such as economic prosperity, social cohesion and solidarity between Member States, call for the Union to play a role in policies to achieve equality and inclusion for the Roma. In addition, transnational mobility of Roma across EU countries, in the context of freedom of

movement and of the migration of Roma from third countries, makes Roma inclusion a joint EU-level objective.

The proposal ensures the continued added value of action at EU level. The **evaluation of the EU framework showed that it has had positive EU added value** by putting Roma inclusion on the EU and national agendas, developing structures, and improving the coherence of EU policy and legal and funding instruments that have been mobilised and aligned to advance the inclusion of the Roma. The proposal will uphold political commitment and focus on Roma equality and inclusion in the EU countries. At present, the effects of the EU framework are unlikely to last after 2020 if there is no further EU support. National efforts need to be stepped up, and more time is needed to consolidate working structures, to further align and mobilise other policy, legal and financial instruments, and to monitor the impact of policies more effectively. The proposal is also designed to reduce fragmentation in implementation at national level, one of the weaknesses identified in the evaluation of the EU framework.

The added value of EU-level action is becoming even more crucial in view of the challenges associated with and following from the COVID-19 crisis. Many Roma communities have suffered disproportionately because of generally limited access to basic hygiene and sanitary infrastructure, limited access to clean water and healthcare services, high levels of economic precariousness, overcrowded households, and segregated settlements or camps that are also overcrowded. There is need for action at EU level to ensure that the burden of the pandemic does not fall disproportionately on the most vulnerable and to prevent existing inequalities from worsening.

- **Proportionality**

The proposal abides fully by the proportionality principle. Member States face challenges in seeking to ensure equality, inclusion and participation for the Roma. However, these challenges vary both in intensity (depending on the size of the Roma population and their share of the overall population, as well as on the wider economic context and the legacy of exclusion and discrimination) and in their specific features (such as transnational mobility, migration or issues associated with civic documentation).

The proposal builds on the Communication setting a common EU framework with shared **minimum** commitments for all Member States, complemented by different degrees of additional political commitment according to the **specific situation** of the countries and the different challenges facing Roma living in their territory. The proposed action takes full account of Member States' practices and the diversity of national strategic frameworks.

To measure progress, the Commission, with the support of the EU Agency for Fundamental Rights, has set up the Roma Working Party on indicators and reporting to complement Member States' efforts. The Working Party has proposed a portfolio of indicators for Roma equality, inclusion and participation²⁸, developed with full respect for specific national situations. Countries can select relevant qualitative and/or quantitative indicators to measure progress from a portfolio of common indicators. At the same time, by requiring countries to select qualitative and/or quantitative national objectives on the way to EU-level targets, the proposal avoids excessive fragmentation and seeks to increase countries' **commitment** to achieving progress towards equality, inclusion and participation for the Roma.

The proportionality assessment also played a key role in the choice of instrument.

²⁸ See Annex 2 to the Communication.

- **Choice of instrument**

The proposed instrument is a proposal for a Council recommendation, which abides by the principles of subsidiarity and proportionality. The proposed recommendation provides guidance to Member States on how to speed up progress towards Roma equality, inclusion and participation. The proposal is presented together with the new Communication on an ‘EU Roma strategic framework for equality, inclusion and participation’. The aim is that Member States, the Commission and all stakeholders should work together consistently and coherently towards shared objectives.

As a legal instrument, the proposal signals the Member States’ commitment to the measures laid down in this recommendation and provides a strong political basis for cooperation at European level in this area, while fully respecting the remit of the Member States. Once the proposal is adopted, it will replace the Council recommendation of 9 December 2013 on effective Roma integration measures.

This initiative signals a renewed and strengthened commitment by Member States to improving national Roma strategic frameworks for equality, inclusion and participation, strengthening national Roma contact points, and continuing coordinated reporting to and monitoring by the Commission. This recommendation thus meets the need to act at EU level, while also taking account of country-specific differences as regards the situation of the Roma. The recommendation enables the EU to pursue common objectives while also allowing the Member States some flexibility in terms of achieving their qualitative and/or quantitative targets, depending on their starting point, national history and current practices.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Further to the Council conclusions of 8 December 2016²⁹, the Commission carried out an in-depth evaluation of the framework, adopted a report³⁰ on the evaluation in December 2018, and published a staff working document on the evaluation³¹.

The evaluation, which covered 2011-2017, assessed the framework’s relevance, coherence, effectiveness, efficiency, coordination, equity, sustainability and EU added value. It was based on:

- an extensive desk review of secondary literature, reports and databases,
- in-depth country studies,
- interviews with stakeholders in 16 EU countries,
- interviews at EU level and in three enlargement countries,
- an open public consultation,
- a survey among non-governmental organisations,

²⁹ EPSCO Council Conclusions of 8 December 2016. *Accelerating the Process of Roma Integration (15406/16)*. The Council conclusions ‘urge the Commission to carry out a mid-term evaluation of the EU framework for national Roma integration strategies up to 2020 and to propose a post 2020 strategy on Roma integration, and include therein a proposal for a revision of the Council Recommendation’.

³⁰ COM(2018) 785 final.

³¹ SWD(2018) 480 final.

- 2016 survey data from the EU Agency for Fundamental Rights (EU-MIDIS II), and
- a validation workshop.

The evaluation concluded that the four priority areas (employment, education, health and housing) continue to be key for Roma equality and inclusion. In addition, the evaluation highlighted that the specific non-discrimination goal should both build on an inclusion approach and be pursued with a strong focus on antigypsyism, preventing and combating discrimination.

The evaluation found that the framework had a positive EU added value by putting Roma inclusion on the EU and national agendas, developing structures and improving the coherence of EU policy and legal and funding instruments that have been mobilised and aligned for Roma inclusion.

It noted that the framework allowed Member States to adapt their objectives to specific national contexts. While this meant they could tailor their approach as appropriate, the evaluation found that it also tended to fragment implementation, reduce effectiveness, and limit progress towards the EU's Roma integration goals.

The evaluation also concluded that the framework had limited capacity to deal with diversity within the Roma population. It gave too little attention to targeting specific groups among Roma (women, young people and children, and EU mobile Roma).

Finally, it found that governance mechanisms are in place at the EU and national level, but that their function remains limited. Efforts have been made to improve civil society participation, but opportunities for Roma people to participate effectively in political life and in all stages of the policy process remain limited.

The Commission's report on the in-depth evaluation concluded that 'the evaluation has shown that the EU Framework is the beginning of a process that, despite many limitations and taking into account the massive task involved, has shown positive results and an initial change in trends'. While it underlined that 'the initial phase has achieved some tangible, albeit insufficient results', it also stressed a need for 'the overall process [to] be strengthened and [to] become better focused, with an emphasis on improved political commitment, the introduction of specific measurable targets and rigorous monitoring, and more effective implementation supported by sufficient funding and participatory governance systems.'

- **Stakeholder consultations**

Evaluating the EU framework³² required extensive consultations, some with numerous forward-looking questions, which fed into the preparation of the initiative. The additional consultations for the initiative complemented those already carried out for the evaluation³³, their scope and objectives being aligned with the remaining data collection needs.

Targeted consultations sought to collect opinions and advice on key thematic aspects such as policy options; how to address antigypsyism, Roma participation and diversity in the initiative; and how to improve monitoring and measurement of progress through indicators

³² For an overview of these activities, see [SWD\(2018\) 480 final](#), Annex 2.

³³ The evaluation is based on an extensive desk review of secondary literature, reports and databases, interviews with stakeholders in 16 EU countries, interviews at EU level and in three enlargement countries, an open public consultation, a survey among non-governmental organisations, 2016 survey data from FRA (EU-MIDIS II), and a validation workshop.

and objectives. The staff working document³⁴, published at the same time as the Communication setting out the strategic framework and this proposal, details the consultation activities, the stakeholders involved and how their contributions informed the new initiative.

- **Collection and use of expertise**

The proposal is grounded in the Commission report on the EU framework evaluation³⁵, the staff working document on the evaluation³⁶, and the detailed external evaluation support study provided by ICF/Milieu³⁷, on which it builds.

The results of surveys carried out in 2011, 2016 and 2019 by the EU Agency for Fundamental Rights in eleven, nine and five additional Member States respectively remained relevant to the proposal.

The information about implementation of the strategies at national level in the EU, gathered from the national Roma contact points since 2016, was assembled in the Commission's report on progress towards Roma integration of September 2019³⁸. This information was complemented by reports from civil society in the context of the Roma Civil Monitor European Parliament Pilot Project, 2017-2020³⁹.

Additional evidence and data were sought through the results of a Eurobarometer survey on perceptions of discrimination against Roma⁴⁰ and external expert studies focusing on how to operationalise the need to take better account of diversity among Roma, the fight against antigypsyism, and Roma participation⁴¹.

The proposal also benefited from close cooperation with the EU Agency for Fundamental Rights on monitoring arrangements, including development of outcome and process indicators⁴².

- **Impact assessment**

The instrument proposed – a Council recommendation – offers guidance on the implementation of the Roma strategic frameworks, while also allowing Member States to be flexible in designing and implementing measures. Consequently, no impact assessment is needed.

The expected impacts depend largely on what level of commitment to Roma equality and inclusion the Member States agree to, i.e. the ambition reflected in the Council recommendation once adopted and the national strategic frameworks put in place thereafter⁴³. Moreover, in addition to general challenges of quantifying and monetising equality, non-discrimination and respect for fundamental rights, conducting an impact assessment in the field of Roma equality and inclusion faces serious limitations as regards ethnic data collection in some Member States.

³⁴ SWD(2020) 530 final, see Annex 1.

³⁵ COM(2018) 785 final.

³⁶ SWD(2018) 480 final.

³⁷ The external evaluation support study is available [here](#).

³⁸ Report on the implementation of National Roma Integration Strategies, COM(2019) 406 final, accompanied by SWD(2019)320 final on Roma inclusion measures reported under the EU Framework.

³⁹ For details of the project, see [here](#).

⁴⁰ Special Eurobarometer [493](#) on Discrimination in the EU (first results released in September 2019).

⁴¹ Reports covering these themes were finalised in February 2020 and are published [here](#).

⁴² Annex 2 to COM(2020) 620 final and [Monitoring framework for an EU Roma strategic framework for equality, inclusion and participation – Objectives and indicators](#).

⁴³ See the Staff Working Document published at the same time as this proposal, SWD(2020) 530 final.

A comprehensive staff working document⁴⁴ includes an overview of the main lessons stemming from the design and implementation of the EU framework up to 2020. It builds on the Commission's annual reports, several evaluations and studies at EU level, expert reports, civil society shadow reports, and feedback received during targeted consultations with national and international stakeholders.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The proposal has positive consequences for the protection of fundamental rights. It will step up implementation of the EU Charter of Fundamental Rights, especially Article 21, which prohibits discrimination on any grounds, including race and ethnic origin⁴⁵.

4. BUDGETARY IMPLICATIONS

This recommendation has no financial implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The proposal takes a common but differentiated approach. It provides guidance to Member States on how to design more effective national strategic frameworks, taking into account country-specific challenges related to Roma equality, inclusion and participation. To monitor progress better, the proposal calls on Member States to use the common indicator framework for Roma equality, inclusion and participation. A working party on indicators for Roma equality, inclusion and participation post-2020, coordinated by the EU Agency for Fundamental Rights at the Commission's request, worked to develop this framework. The indicator framework provides comparable, robust and relevant indicators for monitoring progress and evaluating the results of the national Roma strategic frameworks. It includes **process indicators** to reflect measures (including policies, programmes and projects) and **outcome indicators** to measure progress towards objectives based on statistical data, which can be populated from census, administrative data and/or survey data. This portfolio of quantitative and qualitative indicators takes account of national circumstances and the available evidence base.

The table below summarises the envisaged monitoring, reporting and evaluation cycle:

⁴⁴ SWD(2020) 530 final.

⁴⁵ Explanations concerning the Charter of Fundamental Rights ([OJ C 303/17, 14.12.2007, p. 17](#)).

Regular surveys (FRA)	Reports from NRCs	Report on the use of EU funds	Civil monitoring	Commission monitoring reports	Evaluations and future policy proposal
Data collection: 2020 Results: 2021	National strategic frameworks: 2021		1st round of national civil reports: spring 2022	Commission report on national strategic frameworks: autumn 2022	
	National implementation reports: 2023		2nd round of national civil reports: spring 2024	Commission report on implementation: autumn 2024	
Data collection: 2024 Results: 2025		Report on milestones of output indicators: 2024			In-depth evaluation of the EU Roma strategic framework
	National implementation reports: 2025		3rd round of civil reports: spring 2026	Commission report implementation: autumn 2026	
Data collection: 2028 Results: 2029	National Implementation reports: 2027	Report on targets of output indicators: 2029	4th round of civil reports: spring 2028	Commission report on implementation: autumn 2028	
	National Implementation reports: 2029				Commission follow-up proposal: 2030 Ex-post evaluation

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

§1-4 refer to the horizontal objectives of equality, inclusion and participation, and propose measures to enhance progress in these areas.

§5-10 refer to the sectoral objectives of ensuring effective equal access for Roma to inclusive mainstream education, quality and sustainable employment, quality healthcare and social services, adequate desegregated housing, and essential services.

§11-27 refer to the need to strengthen the partnerships and institutional capacity of the multiple stakeholders to be involved in this cross-sectoral field.

§11-13 recommend that the Member States ensure that the national Roma contact points have the resources and mandate they need to effectively coordinate the implementation of national policies for Roma equality, inclusion and participation.

§14 and 15 encourage the Member States to step up the involvement of the bodies for the promotion of equal treatment, and to support their independence and cooperation with all relevant actors.

§16 - 20 call on the Member States to further mobilise and support local and regional levels to improve implementation of the national strategic framework for Roma equality, inclusion and participation.

§21-27 focus on the cooperation and involvement of civil society.

§28-34 refer to ways to make more effective use of EU and national funding.

§35-39 revise the monitoring and reporting arrangements, the aim being to reduce the administrative burden of reporting and provide for the Commission and the EU Agency for Fundamental Rights to give stronger support with using a common portfolio of process and outcome indicators to monitor progress towards the EU objectives and headline targets.

Proposal for a

COUNCIL RECOMMENDATION

on Roma equality, inclusion and participation

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) Council Directive 2000/43/EC⁴⁶ lays down a framework for combating discrimination on the grounds of racial or ethnic origin throughout the Union in relation to employment, education, social protection including social security and healthcare, social advantages and access to and supply of goods and services, including housing. The purpose of this Recommendation is to contribute to the effective implementation of that Directive.
- (2) Council Framework Decision 2008/913/JHA⁴⁷ obliges Member States to criminalise public incitement to violence or hatred on the grounds of race, colour, religion, descent or national or ethnic origin and to ensure that racist and xenophobic motivation is considered an aggravating circumstance or, alternatively, that it may be taken into consideration by national courts in the determination of the penalties. This Recommendation is designed to step up the fight against hate speech, hate crime and violence directed against Roma people. In line with Directive 2012/29/EU of the European Parliament and of the Council⁴⁸ establishing minimum standards for the rights, support and protection of victims of crime, the Recommendation also aims to promote support to Roma victims of such crimes.
- (3) The European Pillar of Social Rights⁴⁹ sets out a number of principles to support and increase social fairness, irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Targeting groups at high risk of discrimination or social exclusion is key in supporting the implementation of the Social Pillar principles. This recommendation also contributes to the sustained development of equal and inclusive democratic societies in line with the United Nations' Sustainable Development Goals⁵⁰.

⁴⁶ 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](#)).

⁴⁷ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ([OJ L 328, 6.12.2008, p. 55](#)).

⁴⁸ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ([OJ L 315, 14.11.2012, p. 57](#)).

⁴⁹ [European Pillar of Social Rights](#).

⁵⁰ [Transforming our World: The 2030 Agenda for Sustainable Development](#), United Nations, 2015.

- (4) The Commission has submitted proposals to the European Parliament and the Council for the 2021-2027 Common Provisions Regulations⁵¹, the European Social Fund+⁵², and the European Regional Development Fund and Cohesion Fund⁵³. These proposals refer to equality and non-discrimination as horizontal principles that should be adhered to in the implementation of the Funds. The proposal for the European Social Fund+ specifically calls on Member States and the Commission to ensure equality and non-discrimination⁵⁴ in the implementation of programmes and refers to the promotion of the socio-economic integration of third country nationals and the inclusion of marginalised communities such as the Roma⁵⁵, linked to the enabling condition of a national Roma strategic framework. Pending adoption of those measures, this Recommendation aims to make an explicit link between Union funds⁵⁶, on the one hand, and policy priorities for Roma equality, inclusion and participation, on the other hand.
- (5) The Commission Communication of 3 March 2010, entitled ‘Europe 2020: a strategy for smart, sustainable and inclusive growth’ (the ‘Europe 2020 strategy’), has given significant impetus to the fight against poverty and social exclusion by setting common European targets to reduce poverty and social exclusion and raise school attainment and employment levels. These targets cannot be achieved without improving equality, inclusion and participation of Roma citizens, on which this Recommendation offers specific guidance.
- (6) The Commission Communication of 5 April 2011, entitled ‘An EU framework for national Roma integration strategies up to 2020’, encouraging Member States to comprehensively advance the social and economic inclusion of Roma and establishing goals in the fields of education, employment, healthcare and housing, was endorsed by the Council on 19 May 2011. Despite limitations in the initial design, the framework had an important EU added value on which the current Recommendation further builds, inter alia by integrating the lessons learned from the framework’s implementation.

⁵¹ Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (‘Proposal for a Common Provisions Regulation’), [COM\(2018\) 375 final](#), 29.5.2018.

⁵² Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (‘ESF+ Proposal’), [COM\(2018\) 382 final](#), 30.5.2018.

⁵³ Proposal for a Regulation of the European Parliament and of the Council on the European Regional Development Fund and on the Cohesion Fund ‘Proposal for ERDF an Cohesion Fund’, [COM\(2018\) 372 final](#), 29.05.2018.

⁵⁴ Article 6 ESF+ Proposal, [COM\(2018\) 382 final](#).

⁵⁵ Article 4(1) (viii) ESF+ Proposal, [COM\(2018\) 382 final](#).

⁵⁶ Encompassing funds envisioned and/or included by: Proposal for a Common Provisions Regulation, [COM\(2018\) 375 final](#); ESF+ Proposal, [COM\(2018\) 382 final](#); Proposal for ERDF and Cohesion Fund, [COM\(2018\)372 final](#); Proposal for a Regulation of the European Parliament and of the Council establishing the InvestEU Programme, [COM\(2020\) 403 final](#), 29.5.2020; Proposal for a Regulation of the European Parliament and of the Council establishing a Recovery and Resilience Facility, [COM\(2020\) 408 final](#), 28.5.2020; Proposal for a Regulation of the European Parliament and of the Council establishing the Rights and Values programme, [COM\(2018\) 383 final](#), 30.5.2018; Proposal for a Regulation of the European Parliament and of the Council establishing ‘Erasmus’: the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013, [COM\(2018\) 367 final](#), 30.5.2018; Proposal for a Regulation of the European Parliament and the Council on the establishment of a Programme for the Union’s action in the field of health – for the period 2021-2027 and repealing Regulation (EU) No 282/2014, [COM\(2020\) 405 final](#), 28.5.2020.

- (7) The Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States⁵⁷ was designed to step up national Roma integration measures. It called on the Member States to inform the Commission annually of any measures taken in line with the recommendation and any progress with implementing their national Roma integration strategies (NRIS). This recommendation builds on the experiences, reviews and expands the measures to be taken.
- (8) The Council Conclusions of 8 December 2016 on ‘Accelerating the Process of Roma Integration’⁵⁸ called on the Commission to carry out a mid-term evaluation of the EU framework for national Roma integration strategies for 2020 and to propose, on that basis, a post-2020 initiative. While the evaluation acknowledges the added value of the framework, it notes that Roma people in Europe continue to face discrimination and socioeconomic exclusion.
- (9) The evaluation and the conclusions drawn from it by the Council, the European Parliament and several Europe-wide and national civil society organisations⁵⁹ show the need for a renewed and stronger commitment to Roma equality and inclusion. That commitment should ensure a specific focus on non-discrimination, including by tackling antigypsyism - a specific form of racism against Roma people - and focusing on the four socioeconomic inclusion areas of education, employment, health and housing⁶⁰. It should also reflect the needs of specific groups and the diversity of the Roma population; involve Roma in the design, implementation, monitoring and evaluation of Roma equality and inclusion strategies; improve target setting, data collection, monitoring and reporting; and make mainstream policies more sensitive to Roma equality and inclusion.
- (10) This Recommendation also builds on various findings previously set out in European Parliament resolutions⁶¹, Council conclusions⁶² and Commission communications⁶³.
- (11) Following the ‘EU framework for national Roma integration strategies up to 2020’, the Commission developed a package which comprises this Recommendation and the

⁵⁷ [OJ C 378, 24.12.2013, p. 1.](#)

⁵⁸ EPSCO Council Conclusions of 8 December 2016, Accelerating the Process of Roma Integration ([15406/16](#)).

⁵⁹ European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism ([P8_TA\(2019\)0075](#)). EPSCO Council Conclusion of 24 October 2019 on the Economy of Wellbeing ([13432/19](#)), inviting the Commission to *renew* the commitment on Roma inclusion. Additionally, at the High Level Conference on the EU Framework for National Roma Integration Strategies held in Bucharest on 4-5 March 2019, participants invited the Commission to propose an ambitious new post-2020 EU framework and called on Member States and enlargement countries to step up their commitments to Roma integration. Information from the Presidency ([7003/19](#), 14.3.2019).

⁶⁰ On the need for a clearer focus on fighting antigypsyism and discrimination in the post-2020 EU framework, see [expert recommendations](#) developed in the aftermath of the Conference on anti-Gypsyism. How to address anti-Gypsyism in a post-2020 EU Roma Framework? (Vienna, 27.11.2018).

⁶¹ European Parliament resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II ([P8_TA\(2015\)0095](#)). European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism ([P8_TA\(2017\)0413](#)). European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism ([P8_TA\(2019\)0075](#)).

⁶² EPSCO Council Conclusions of 8 December 2016, Accelerating the Process of Roma Integration ([15406/16](#)).

⁶³ The Commission produced [annual reports](#) from 2013.

Communication ‘A Union of Equality: EU Roma strategic framework for equality, inclusion and participation’ (‘the Communication’)⁶⁴. The Communication sets EU level objectives and targets and minimum commitments for all Member States, possibly complemented by additional national efforts and EU support depending on the national context and size of the Roma population. Recent data show that six out of ten Europeans still believe that discrimination against Roma people is widespread in their country, while over six out of ten agree that society could benefit if the Roma were integrated better⁶⁵. The overarching objective of this Recommendation is to help promote equality and combating exclusion of Roma, with their active involvement.

- (12) The COVID-19 pandemic brings an extreme exposure of excluded and marginalised Roma communities to both negative health and socioeconomic impacts, which risks further aggravating existing inequalities. This Recommendation strives for reducing structural inequalities faced by Roma by tackling the limited access to clean water⁶⁶, sanitary infrastructure and healthcare services, lack of facilities and digital skills that would enable people to participate in distance education, the high levels of economic precariousness, overcrowded households, segregated settlements or camps.
- (13) In the context of rising populism⁶⁷ and racism within the Union⁶⁸, there is a need to focus on fighting and preventing discrimination, including by tackling antigypsyism, which is a root cause of and has an impact on discrimination and exclusion. The EU anti-racism action plan 2020-2025⁶⁹ acknowledges this and sets out concrete action to combat racism. Antigypsyism is a still highly accepted⁷⁰ form of racism, which has its origins in how mainstream society views and treats those considered as ‘gypsies’ in a process of historical ‘othering’, which builds on stereotypes and attitudes, even if unintentional or unconscious. Since 2005, the European Parliament has been using the term antigypsyism in its reports and resolutions⁷¹. Several international and civil society organisations have recognised the phenomenon, also known as anti-Roma

⁶⁴ COM(2020) 620 final.

⁶⁵ Special Eurobarometer [493](#). Discrimination in the EU (first results released in September 2019).

⁶⁶ See Proposal for a Directive of the European Parliament and of the Council of 24 February 2020 on the quality of water intended for human consumption (recast) - Political agreement ([ST 606 2020 REV 1](#)), which requires Member States to take the necessary measures to improve or maintain access to water intended for human consumption for all, in particular for vulnerable and marginalised groups (Article 16) and specifies that it would be important that such groups include minority cultures such as Roma and Travelers (Recital 31).

⁶⁷ The Relentless Rise of Populism in Europe. Niall McCarthy, 2 May 2019, [Statista](#).

⁶⁸ Widespread racism continues to plague Europe. EU Agency for Fundamental Rights, 20 June 2019, [publication](#) based on [Fundamental Rights Report 2019](#), EU Agency for Fundamental Rights, 6 June 2019.

⁶⁹ COM(2020) 565 final.

⁷⁰ European Commission against Racism and Intolerance (‘ECRI’)’s [General Policy Recommendation no 3](#) on the fight against racism and intolerance against Roma/Gypsies, adopted on 6 March 1998. The preamble of their [General Policy Recommendation no. 13 on combatting anti-Gypsyism and discrimination against Roma](#), reiterated, ‘anti-Gypsyism is an especially *persistent, violent, recurrent and commonplace* form of racism.’

⁷¹ European Parliament resolution of 28 April 2005 on the situation of Roma in the EU (P6_TA(2005)0151), European Parliament resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II ([P8_TA\(2015\)0095](#)), European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism ([P8_TA\(2017\)0413](#)), European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism ([P8_TA\(2019\)0075](#)).

racism, romaphobia, and antiziganism. In 2016, the Council acknowledged the need to ‘fight all forms of racism against Roma, sometimes referred to as anti-Gypsyism, as it is a root cause of their social exclusion and discrimination’⁷².

- (14) When targeting the Roma population, it is important to acknowledge the specific needs or vulnerabilities of certain groups⁷³, including Roma women, young people, children, LGBTI+ people, elderly Roma, Roma who live with disabilities, those who are third country nationals or stateless, and EU mobile Roma. This recommendation therefore takes account of the importance of addressing multiple discrimination⁷⁴. It proposes measures to better protect and include Roma children, who are particularly exposed to discrimination and segregation. It also looks at creating opportunities and using the untapped potential of young Roma people by increasing their active participation in programmes and measures targeting the young⁷⁵ such as those referred to in the ‘Youth Employment Support: a Bridge to Jobs for the Next Generation’⁷⁶.
- (15) Acknowledging the diversity that exists among Roma, the term ‘Roma’ is used as an umbrella term to refer to a number of different groups of Romani origin such as Roma, Sinti, Kale, Gypsies, Romanichels and Boyash/Rudari. It also encompasses groups such as Ashkali, Egyptians, Yenish, Eastern groups (including Dom, Lom, Rom, and Abdal), as well as traveller populations, including ethnic Travellers or those designated under the administrative term ‘Gens du voyage’, and people who identify themselves as Gypsies, Tsiganes or Tziganes, without denying the specific characteristics of these groups.
- (16) 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. The latter include the possession of sufficient resources and a comprehensive sickness insurance cover, in accordance with Directive 2004/38/EC of the European Parliament and the Council⁷⁷. At the same time, it is necessary to seek to improve the living conditions of

⁷² EPSCO Council Conclusions of 8 December 2016, Accelerating the Process of Roma Integration ([15406/16](#)).

⁷³ Pertaining to various contexts, for example, concerning trafficking in human beings, whose victims are mainly Roma women and children.

⁷⁴ The term ‘multiple discrimination’ is used as an overarching notion for all instances of discrimination on several grounds of discrimination and manifesting itself in two possible ways. These can take the form of ‘additive discrimination’, where discrimination takes place based on several grounds of discrimination operating separately, and that of ‘intersectional discrimination’, where two or more discrimination grounds operate and interact with each other in such a way that they are inseparable or inextricable. Tackling Multiple Discrimination. Practices, policies and laws. Report from the European Commission ([2007](#)). Multiple Discrimination in EU Law: Opportunities for Legal Responses to Intersectional Gender Discrimination. European Network of Legal Experts in the Field of Gender Equality. European Commission ([2009](#)).

⁷⁵ EPSCO Council Conclusions of 8 December 2016, Accelerating the Process of Roma Integration ([15406/16](#)).

⁷⁶ Communication ‘Youth Employment Support: a Bridge to Jobs for the Next Generation’, [COM\(2020\) 276 final](#), 1.7.2020. Commission proposal for a Council Recommendation on ‘A Bridge to Jobs – Reinforcing the Youth Guarantee’, [COM\(2020\) 277 final](#), 1.7.2020. Commission proposal for a Council Recommendation on ‘vocational education and training (VET) for sustainable competitiveness, social fairness and resilience’, [COM\(2020\) 275 final](#), 1.7.2020.

⁷⁷ 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](#)).

Roma people and to pursue measures to promote their economic and social inclusion in their Member States of origin as well as in their Member States of residence.

- (17) While acknowledging that Member States should choose their own monitoring methods, this Recommendation highlights the importance of data collection, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation)⁷⁸ and the 2018 Guidelines on improving the collection and use of equality data published by the subgroup on equality data of the High-Level Group on Non-Discrimination, Equality and Diversity⁷⁹. This Recommendation also acknowledges the importance of indicators as a monitoring method. Those indicators may be selected from a portfolio of indicators for measuring Roma equality, inclusion and participation put together jointly by the European Union Agency for Fundamental Rights, the Commission and the Member States⁸⁰.
- (18) This Recommendation explicitly focuses on measures to promote the equality, inclusion and participation of Roma without aiming to exclude other marginalised and disadvantaged groups. Those measures should be based on the same principles in comparable situations. In this respect, the common basic principles for Roma inclusion remain relevant⁸¹. The Communication provides further guidelines on planning and implementing national Roma strategic frameworks.

The purpose of this Recommendation is to confirm a long-term commitment to the shared objectives on Roma equality, inclusion and participation and to provide renewed and strengthened guidance by setting out measures that Member States may adopt towards these objectives.

RECOMMENDS AS FOLLOWS

1. Member States should adopt national Roma strategic frameworks and communicate them to the European Commission by September 2021. In accordance with national and Union law, available resources and national circumstances, such as the size, socioeconomic situation, specific needs and citizenship of the Roma population on their territory, Member States should consider the relevance to the national context of the measures set out in this Recommendation and implement them in a proportionate and selective manner, in close cooperation with all relevant stakeholders. When assessing the relevance, Member States should consider to be guided by voluntary minimum commitments and, depending on the national context, by possible additional efforts, as provided for in the Communication.

⁷⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), ([OJ L 119, 4.5.2016, p. 1](#)).

⁷⁹ Guidelines on improving the collection and use of equality data (2018). The European Court of Auditors recommended the development of appropriate methodologies to collect relevant data on Roma inclusion in all Member States. EU Policy Initiatives and Financial Support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground. [Special Report No 14/2016](#).

⁸⁰ Annex 2 to the Communication.

⁸¹ The [Common Basic Principles](#) were discussed at the first European Platform for Roma Inclusion in April 2009 and endorsed by the EPSCO Council on 8 June 2009. The Council conclusions called on Member States to take into account the Common Basic Principles, where appropriate, when designing and implementing policies. EPSCO Council Conclusions on Inclusion of the Roma ([8 June 2009](#)).

Horizontal objectives: equality, inclusion and participation

2. Member States should consolidate efforts to adopt and implement measures to promote equality and effectively prevent and combat discrimination and its root causes. Such efforts should include measures that:
 - (a) step up the fight against direct and indirect discrimination, harassment, stereotyping, anti-Roma rhetoric, hate speech, hate crime and violence against Roma, including incitement thereto, both online and offline, in particular in the context of transposition, implementation and enforcement of Directive 2000/43/EC, Framework Decision 2008/913/JHA, and Directive 2010/13/EU of the European Parliament and of the Council⁸²;
 - (b) develop and promote a comprehensive system of support for victims, in line with Directive 2012/29/EU, and deliver targeted assistance to Roma victims of hate crimes and discrimination;
 - (c) fight multiple and structural⁸³ discrimination against Roma and, in particular, against Roma women, Roma children, LGBTI+ Roma, Roma with disabilities, elderly Roma, stateless Roma and EU mobile Roma;
 - (d) raise awareness of the fact that efforts to combat discriminatory practices are interwoven with efforts to tackle antigypsyism and social and economic exclusion, and that all serve the broader objective of equality;
 - (e) analyse and acknowledge the phenomenon of antigypsyism and raise awareness of its existence, the forms it takes and its harmful consequences, through the media, school curricula and by other means, and by training civil servants and other stakeholders to identify and tackle it;
 - (f) promote multi-cultural awareness-raising activities and campaigns in schools;
 - (g) promote awareness of Roma cultures, language and history, including the memory of the Roma Holocaust and reconciliation processes, inter alia through action providing relevant training for teachers and designing appropriate school curricula, since this awareness is vital for reducing prejudice and antigypsyism, as important causes of discrimination;
 - (a) foster positive narratives about Roma and role models, by means including support for inter-community encounters and inter-cultural learning.
3. Member States should step up efforts to combat the extremely high at-risk-of-poverty rate, material and social deprivation among the Roma population, in order to provide effective support for Roma equality and non-discrimination. Those efforts should include measures that:

⁸² Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

⁸³ Systemic or structural discrimination is understood as being evident in the inequalities that result from legislation, policy and practice, not by intent but resulting from a range of institutional factors in the elaboration, implementation and review of legislation, policy and practice. 'Roma and Traveller Inclusion: Towards a new EU Framework, Learning from the work of equality bodies', Equinet Perspective', June 2020.

- (a) increase and improve the channelling of investment in human capital, infrastructure development and social cohesion policies;
 - (b) ensure access to adequate social protection schemes (both income support and in kind benefits and service provision) for disadvantaged Roma;
 - (c) combine income support with activation measures to promote labour market participation; take measures to promote high level of take-up among potential recipients;
 - (d) ensure that particular attention is devoted to preventing and combating child poverty, including by taking stronger national measures that take account of the mechanisms that perpetuate multigenerational poverty and the need to support Roma children and their families in the interrelated fields of employment, social services, education and early childhood education and care, health, housing and access to essential services, nutrition, and access to leisure activities;
 - (e) support financial literacy (for young adults/ family members), including better decision-making and planning skills as part of empowerment and financial inclusion measures.
4. Member States should step up meaningful participation by and consultation of Roma people, including women, children and young people, in order to provide effective support for Roma equality and non-discrimination. This should include measures that:
- (a) support active citizenship by promoting social, economic, political and cultural participation, particularly for Roma women and young people;
 - (b) promote capacity building and leadership in Roma civil society to enable Roma people to participate in all stages of the policy cycle and public life in general;
 - (c) promote employment of Roma professionals in public institutions to support role modelling and diversity and to bring the necessary expertise and accurate knowledge of needs into the policy process;
 - (d) raise awareness of human rights and citizens' rights and responsibilities among the members of marginalised Roma communities;
 - (e) coordinate resources, networks and expertise across sectors to increase the involvement of young Roma people in decision-making processes and help amplify their leadership.

Sectoral objectives

Access to quality inclusive mainstream education

- 5. Member States should ensure that Roma have effective equal access to and are able to participate in all stages of education, from early childhood education and childcare to tertiary education, including second chance education, adult education, and lifelong learning.
- 6. Member States should improve equal access to quality and inclusive education of Roma pupils, including by measures that:
 - (a) prevent and eliminate any form of segregation in education and provide for recognition and reparation of past injustices;

- (b) prevent and eliminate misdiagnosis leading to inappropriate placement of Roma pupils in special needs education and provide for recognition and reparation of past injustices;
 - (c) promote the development and dissemination of inclusive teaching and learning methods, and support teachers in dealing with diversity in the classroom through professional development programmes, mentoring and peer learning activities;
 - (d) encourage effective parental involvement in the education of Roma pupils and foster links between the schools and local communities, including through mediators;
 - (e) support the participation and active engagement of Roma pupils, alongside all other pupils, in all educational activities and processes;
 - (f) combat school bullying and harassment, both online and offline;
 - (g) train teachers and other school staff in Roma history, Roma cultures, and methods for recognising and tackling discrimination and its root causes, including antigypsyism and unconscious bias, raise awareness concerning the importance of non-discriminatory education and effective equal access to mainstream education;
 - (h) support efforts to ensure that Roma pupils acquire skills in line with labour market needs.
7. Member States should provide additional targeted support to compensate for discrimination and exclusion and reduce the impact of Roma pupils' social and economic background on educational outcomes, including through measures that:
- (a) invest in early childhood education and care with special focus on early inclusion of Roma children;
 - (b) provide individualised support and mediation to compensate for linguistic, cognitive and educational gaps, in close cooperation with the families of Roma pupils and encourage second chance and adult education;
 - (c) support the cooperation between schools, social protection services and mediators in order to prevent school dropout;
 - (d) acknowledge the vulnerability of children of parents who left abroad and provide priority access to after-school programmes and individualised support;
 - (e) increase Roma social mobility through positive action, which may include dedicated scholarships in vocational, secondary and higher education and in teacher training;
 - (f) ensure a smooth transition between educational levels and promote upper-secondary and tertiary education completion, including through career guidance, counselling, mentoring and financial support schemes;
 - (g) reduce early school leaving at all levels of education, with a specific focus on Roma girls;
 - (h) support participation in non-formal learning and extracurricular activities, including youth, sport, cultural activities, self-development, psychological resilience and well-being;

- (i) promote, for Roma pupils and their teachers, mediators and parents, the acquisition of digital skills, broadband access, adequate digital infrastructure, and the provision of teaching material equipped for distance learning, both in formal and non-formal education settings, and in particular for those living in marginalised communities.

Access to quality and sustainable employment

8. Member States should promote effective equal access for Roma, in particular young Roma to quality and sustainable employment, including through measures that:
 - (a) step up outreach to young Roma⁸⁴ to raise their awareness of the available, preferably integrated, employment and social services, as well as link them to these services.
 - (b) address the needs of the young unemployed and inactive Roma by tailoring for them individualised, holistic action plans that take into account their preferences and motivation, barriers and disadvantages, and reasons for being unemployed or inactive.
 - (c) support first work experience, job placements, apprenticeships and career development;
 - (d) facilitate the transition from education to employment through coaching, mentoring, traineeships, business incubators, and dual education;
 - (e) support access to and acquisition of information and communication technology (ICT) and digital skills for young Roma people, to equip them better for labour market demand and exploit the opportunities offered in daily life by existing and new digital tools and trends;
 - (f) support employment subsidisation and employment-related cost sharing, on-the-job training, skills development, acquisition and updating of professional qualifications, and second chance education;
 - (g) promote genuinely equal access to self-employment and entrepreneurship, including social entrepreneurship, through targeted support;
 - (h) promote employment in both the public and the private sector through measures including positive action and support schemes for employers;
 - (i) combat, reduce and eliminate discrimination by enhancing awareness-raising concerning non-discriminatory employment and access to employment, and train employers in methods for recognising and tackling discrimination and its root causes, including antigypsyism and unconscious bias.

Health and access to quality healthcare and social services

9. Member States should ensure effective equal access without barriers to quality healthcare services, especially for those groups that are most at risk or those living in marginalised or remote localities, including through measures to:
 - (a) promote and improve access for:

⁸⁴ In line with what has been described in the Commission proposal for a Council Recommendation on ‘A Bridge to Jobs – Reinforcing the Youth Guarantee’, [COM\(2020\) 277 final](#), 1.7.2020.

- (i) Roma women to quality medical check-ups, screening, prenatal and postnatal care, counselling and family planning, as well as sexual and reproductive healthcare, as generally provided by national healthcare services;
 - (ii) Roma children to quality primary care and preventive measures and vaccination programmes targeting children;
 - (iii) vulnerable Roma populations (elderly Roma people, Roma with disabilities, Roma LGBTI+ people, Roma people travelling within the Union, Roma who are third country nationals, and stateless Roma) to quality health care;
- (b) support health mediators and raise awareness among Roma people of primary prevention measures, such as promoting healthy lifestyle, prevention of substance abuse and improve access to mental health services;
 - (c) prevent and combat discrimination against Roma people, by awareness-raising concerning non-discriminatory health-care provision and access to health, training health practitioners, medical students and health mediators in methods for recognising and tackling discrimination and its root causes, including antigypsyism and unconscious bias;
 - (d) fight digital exclusion of Roma people in access to healthcare services by means including bridging the digital skills divide in access to health information;
 - (e) prevent and eliminate segregated healthcare services and ensure recognition of and reparation for past injustices, including the forced sterilisation of Roma women;
 - (f) promote access to medical studies for Roma people and encourage recruitment of Roma as health practitioners and mediators, particularly in regions with a significant Roma population;
 - (g) combat and prevent potential outbreaks in marginalised or remote Roma localities;
 - (h) improve access to community and family-based services for people with disabilities, elderly and children deprived of parental care (for example, development services, social housing, day centres for people with disabilities and networks of foster parents);
 - (i) prevent institutionalisation and support shift from institutional to community, family-based care, by providing support for families in precarious situations and people with disabilities (for example, advisory services and financial incentives, food aid distribution, assisted housing and development services.)
 - (j) promote exchange and transfer of best practices related to public health for Roma people by using for example the public health framework of the Commission and the Member States in the Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases;

*Access to adequate desegregated **housing and essential services***

10. Member States should ensure equal treatment of Roma people in access to adequate desegregated housing and essential services, including through measures that:

- (a) ensure access to essential services – such as tap water, safe and clean drinking water⁸⁵, adequate sanitation, waste collection and management services, environmental services, electricity, gas, transport, financial services and digital communications – and physical infrastructure, by safeguarding continuity of basic utility services, both under normal conditions and during pandemics, ecological catastrophes and other crises;
- (b) monitor, eliminate and prevent any spatial segregation and promote desegregation by drawing up concrete plans to tackle housing issues with the involvement of local communities and affected Roma communities;
- (c) support and strengthen public authorities responsible for housing, essential services and environmental standards, as well as other relevant actors in this field, by means including providing them with the necessary power and resources to map housing needs, monitor segregation and implement comprehensive regulatory or support measures;
- (d) prevent forced evictions by early warning and mediation, organise support for people at risk of eviction and provide adequate alternative housing, focusing particularly on families;
- (e) improve the living conditions of Roma people, prevent and tackle the negative health impact of exposure to pollution and contamination;
- (f) provide social support and access to mainstream services for homeless Roma people;
- (g) ensure equal access to social housing, through the adoption of access criteria which prioritize social needs;
- (h) support integrated housing schemes targeting marginalised Roma people, combining micro-loans for building and maintaining housing with financial literacy and saving schemes, construction trainings and activation measures;
- (i) support the construction and maintenance of halting sites for Travellers.

Partnerships and institutional capacity

Involving and supporting national Roma contact points

11. Member States should provide national Roma contact points with adequate and necessary resources, staff capacity, mandate and political weight so that they can effectively coordinate and monitor national policies for Roma equality, inclusion and participation, including outreach at local level.
12. Member States should enable national Roma contact points to facilitate the participation and involvement of Roma civil society in the design, implementation, monitoring and review of national Roma strategic frameworks and local action plans, through reformed national Roma platform processes.
13. Member States should ensure that national Roma contact points are involved in the design of socio-inclusion policies and universal services, to improve their relevance to Roma people and the outreach they offer, including, where relevant, in decision-making on the programming and monitoring of Union funds.

⁸⁵ See Article 16, in conjunction with Recital 31, of the Proposal for a Directive on the quality of water intended for human consumption (recast) ([ST_606_2020_REV_1](#)).

Involvement of the bodies for the promotion of equal treatment

14. Member States should support bodies for the promotion of equal treatment ('equality bodies') so they can function effectively and independently and cooperate with all relevant actors, including national Roma contact points, public authorities, civil society organisations and the private sector. Such support should include enabling equality bodies to:
 - (a) pursue cases of discrimination, hate speech and hate crimes, and pursue strategic litigation;
 - (b) address underreporting of discrimination, hate speech and hate crimes, and raise awareness of rights among Roma;
 - (c) conduct research into and collect data on equality and discrimination against Roma;
 - (d) build the capacity of and cooperate with Roma civil society, with a focus on access to justice and enforcing equality legislation;
 - (e) provide guidance and training to public and private organisations and the media.
15. Member States should ensure that equality bodies are closely involved in and can contribute effectively to designing, implementing, monitoring and reviewing national Roma strategic frameworks for equality, inclusion and participation and relevant Union funds programmes, including by:
 - (a) relying on advice from equality bodies on standards for implementing national strategic frameworks to ensure a stronger focus on combating and preventing discrimination, including by tackling antigypsyism, in their design and implementation, including efforts to dismantle structural discrimination;
 - (b) involving equality bodies in structures set up to oversee the implementation, monitoring and review of national Roma strategic frameworks, and in committees for monitoring relevant Union funds.

Mobilising local and regional stakeholders

16. Member States should involve regional and local authorities and local civil society in the design, implementation, monitoring and review of national strategic frameworks.
17. Member States should encourage regional and local authorities, within their respective remits, to develop or update their local action or desegregation plans or Roma strategic frameworks for equality, inclusion and participation. Those action plans or strategic frameworks should include measures, baselines, benchmarks, measurable objectives and funding allocation.
18. Member States should ensure cooperation between central and local authorities in the design and implementation of Union funding programmes relevant for preventing and tackling discrimination of the Roma, in order to ensure Roma equality, inclusion and participation are envisaged throughout the preparation, implementation, monitoring and evaluation of programmes, and to enhance better channelling of Union funds to the local level.
19. Member States should promote inclusiveness, diversity and positive action to ensure that Roma professionals are recruited by public institutions at local and regional level.

20. Member States should empower and recognise the representation of Roma people at local level through community mobilisation, that is to say, community-led local development.

Cooperation with civil society

21. Member States should promote social innovation, partnership and cooperation between public authorities and Roma and pro-Roma civil society.
22. Member States should make full use of the national Roma platforms or any other channels of cooperation and dialogue in the Member States to engage Roma and pro-Roma civil society and other stakeholders, transparently and inclusively, in the design, implementation, monitoring and review of national Roma strategic frameworks and local action plans.
23. Member States should support civil society in monitoring and reporting hate crimes and hate speech against Roma and assist victims in reporting hate crimes and hate speech.
24. Member States should ensure funding to support the plurality and independence of Roma and pro-Roma civil society, including Roma youth organisations, thus enabling them to report on and monitor national Roma strategic frameworks, as independent watchdog organisations, and to maintain their administrative capacity.
25. Member States should involve civil society and Roma communities throughout the Union funds' programme cycle, at national, regional and local levels (including as members of relevant Union fund monitoring committees).
26. Member States should promote capacity building and leadership in Roma civil society, including youth organisations, to enable the bodies and organisations concerned to participate in all stages of the policy cycle and in public life in general.
27. Member States should promote cross-sectoral work and broader alliances for equality and inclusion, engaging government, civil society, business and industry, academia and research. This could lead to joint actions among entities promoting gender equality, combating racism, racial discrimination, xenophobia and related intolerance, or working in favour of the rights of children, older people, Roma, LGBTI+, people with disabilities, asylum seekers, refugees and other migrants, and stateless people.

Funding

28. Member States, in particular those with greater challenges on Roma equality, inclusion and participation and/or larger Roma communities, should make full and optimal use of mainstream and targeted Union and national funds relevant for preventing and tackling discrimination of the Roma, which may include selecting specific objectives of promoting socioeconomic integration of disadvantaged groups and marginalised communities such as the Roma⁸⁶, and ensuring effective coordination between Union and national funding sources relevant for equality and socioeconomic inclusion of the Roma.
29. Member States should ensure the participation of regional, local, urban and other public authorities, economic and social partners and relevant bodies representing civil society, non-governmental organisations, and bodies responsible for promoting

⁸⁶ See, in particular, Article 4(1) (v and viii) ESF+ Proposal, [COM\(2018\) 382 final](#).

social inclusion, fundamental rights, and non-discrimination throughout the preparation, implementation, monitoring and evaluation of Union programmes, including participation in monitoring committees.

30. Member States should allocate sufficient national resources to implementing the policy measures put forward by the EU Roma strategic framework for equality, inclusion and participation, and by national strategic frameworks, ensuring that they reflect Roma communities' actual needs, and are commensurate with the size and challenges of Roma communities.
31. Member States should ensure that national Recovery and Resilience plans⁸⁷ foster the inclusion of vulnerable groups, including Roma and other people with a minority racial or ethnic background.
32. Member States should improve the design, implementation, monitoring and evaluation of EU programmes or structural reforms for the socioeconomic inclusion of minorities, for example by requesting technical assistance from the structural reform support programme.
33. Member States should encourage the use of national and Union funds to build the capacity of, and enable good practice exchanges between authorities at central and local level and civil society organisations, so those authorities and organisations can contribute to implement measures to combat Roma discrimination by accelerating equality and inclusion, including by combatting segregation and promoting Roma participation.
34. Member States should address funding needs of the local level, including those of urban areas, in order to sustainably support EU mobile Roma, including by providing for language training, early childhood education and care, schooling, public employment services, social workers, mediators, etc.

Monitoring and reporting on national Roma strategic frameworks

35. Member States should monitor and evaluate the implementation of the national strategic frameworks appropriately using the portfolio of indicators developed by the European Union Agency for Fundamental Rights (the 'Agency'), national Roma contact points, national statistical offices and the Commission in the context of the working party on Roma indicators and reporting coordinated by the Agency⁸⁸.
36. In the light of the Union objectives and headline targets set out in the Communication, Member States should include national quantitative and/or qualitative targets in national Roma strategic frameworks tailored to national circumstances and to available ethnically disaggregated (or proxy) equality data collection options and existing evidence.
37. Member States should notify the Commission of any measures taken in accordance with this Recommendation by June 2023. Thereafter, Member States should report to the Commission on a biennial basis on ongoing and new measures, including information on any progress achieved in each thematic area towards implementing national Roma strategic frameworks. The reports from Member States will be used to

⁸⁷ Proposal for a Regulation of the European Parliament and of the Council establishing a Recovery and Resilience Facility, [COM\(2020\) 408 final](#).

⁸⁸ Annex 2 to COM(2020) 620 final and [Monitoring framework for an EU Roma strategic framework for equality, inclusion and participation – Objectives and indicators](#).

feed the Commission biennial and evaluation reports to the European Parliament and the Council on the implementation of the EU Roma strategic framework for equality, inclusion and participation.

38. Member States should ensure that national reports on Roma equality, inclusion and participation are made public to increase transparency and allow policy learning, and ensure, where relevant, that national strategy and finalised implementation reports are discussed in national parliaments.
39. The European Union Agency for Fundamental Rights should carry out a regular Roma survey in 2020, 2024 and 2028, to provide the data necessary for baseline, mid-term and end-term results, reflecting any change in the situation of the Roma. The Agency should also support Member States in their efforts to collect relevant equality data, support the Commission in monitoring and analysis, and support the national Roma contact points in reporting, with the assistance of the Working Party on Roma indicators and reporting.

This Recommendation replaces the Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States⁸⁹.

Done at Brussels,

For the Council
The President

⁸⁹ [OJ C 378, 24.12.2013, p. 1.](#)