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COM(2013) 460 final

2013/0229 (NLE)

Proposal for a

**COUNCIL RECOMMENDATION**

**on effective Roma integration measures in the Member States**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### **Background**

Many Roma in Europe face prejudice, intolerance, discrimination and social exclusion in their daily lives. They are marginalised and mostly live in very bad socio-economic conditions. On average, only one in two Roma children attend pre-school or kindergarten; participation in education drops considerably after compulsory school with only 15% of young Roma adults completing upper-secondary education; on average, fewer than one in three Roma report to be in employment; 20% are not covered by health insurance and 90% are living below the poverty line<sup>1</sup>. This undermines social cohesion and sustainable human development, hampers competitiveness and generates costs for society as a whole. Discrimination of the Roma is also incompatible with the values upon which the EU is founded. The crux of the problem lies in the close links between discrimination and social exclusion experienced by Roma.

#### **Policy context**

On 5 April 2011, the Commission adopted an EU Framework for national Roma integration strategies up to 2020<sup>2</sup>. The European Council endorsed it in June 2011. It expressed the EU's political will to address the situation of Roma.

With this Framework, the European Commission aims to ensure that Member States adopt an effective approach to Roma integration and endorse goals on the four pillars of education, employment, health and housing.

Under the Framework, the Commission must report annually on progress made by the Member States. In 2012, it assessed for the first time the national strategies presented by the Member States and adopted horizontal conclusions — COM(2012) 226 final — and specific indications on the strengths and weaknesses of each Member State's strategy — SWD(2012)133 final.

One year on, the Commission's report focuses on the progress the Member States have made in ensuring that several pre-conditions are in place for successfully implementing the national strategies. These pre-conditions include involving regional and local authorities, working closely with civil society, monitoring and evaluating the implementation of the strategies, including by reinforcing the role of the National Roma Contact Points, allocating the necessary funding, stepping up the fight against discrimination and mainstreaming it into other policies. In its assessment, the Commission took into consideration input from civil society and other stakeholders.

Building on the conclusions of this report and on the Commission's 2012 progress report<sup>3</sup>, the proposal for a Council Recommendation aims to speed up progress by focusing the attention of the Member States on a number of concrete measures that are crucial for implementing their strategies more effectively.

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<sup>1</sup> *The Situation of Roma in 11 Member States; Survey Results at a Glance*, Fundamental Rights Agency and United Nations Development Programme, 2012.

<sup>2</sup> COM(2011) 173 final.

<sup>3</sup> COM(2012) 226 final.

## Purpose of the proposal

The proposal for a Council recommendation is based on the 2011 and 2012 Commission communications<sup>4</sup> and on the 2011 Council Conclusions on Roma inclusion<sup>5</sup>. It aims to provide guidance to Member States in enhancing the effectiveness of their measures to achieve Roma integration and to strengthen the implementation of their national Roma integration strategies or sets of policy measures to improve the situation of Roma, in line with the challenges faced by Member States according to the respective size and situation of their Roma population. It reinforces the EU Framework with a non-binding legal instrument in order to make it easier for Member States to turn their commitments into reality. The Recommendation specifically covers:

- **specific targeted action, building on best practices, to strengthen Roma integration** in full respect of the principle of subsidiarity and without duplicating existing EU legislation. This is the case for education, employment, health and housing;
- **horizontal issues that are essential for putting into practice Roma integration policies and for securing their sustainability.** These particularly include the fight against discrimination and stereotyping; the protection of children and women; the adoption of a social investment approach; the collection of information on the situation of Roma to monitor the impact of policies; the translation of national commitments into local action; the support of the work of bodies that promote equal treatment of Roma; the reinforcement of the resources and capacities of the National Roma Contact Points and the development of transnational cooperation;
- **general principles of securing the transparent and appropriate allocation of funds to Roma inclusion** (not only EU but also national and local funds). Overall recommendations on EU funding are based on the experience of the current programming period and on the proposed Regulation on common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund.

While primary responsibility for Roma integration rests with national public authorities, it remains a challenge given that the social and economic integration of Roma is a two-way process which requires a change of mindsets of the majority of the people as well as of members of the Roma communities

### Consistency with other policies and objectives of the Union

Equality is one of the Union's founding values and core aims under Article 2 TEU.

Moreover, Article 3 TEU enshrines the combat against social exclusion and discrimination as one of the Union's aims.

In accordance with Article 8 TFEU, the EU aims to eliminate inequalities, and promote equality, between men and women in all its activities. Article 10 TFEU states that 'in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'.

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<sup>4</sup> *Communication on an EU Framework for national Roma integration strategies* COM(2011) 173; *Communication on a first step in implementing the EU Framework* COM(2012) 226.

<sup>5</sup> Council Conclusions of 19 May 2011 on an EU Framework for national Roma integration strategies.

Finally, Article 21 of the Charter of Fundamental Rights of the European Union particularly prohibits discrimination on the grounds of race or ethnic origin among other grounds.

The proposal is consistent with existing secondary legislation in the field of anti-discrimination in so far as it complements the established legal framework. Council Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of racial or ethnic origin and sets out a binding framework by prohibiting discrimination on the basis of racial or ethnic origin throughout the EU in the areas of employment and training, education, social protection (including social security and healthcare), social advantages and access to goods and services (including housing). It prohibits direct and indirect discrimination, harassment and instruction to discriminate. All EU Member States have transposed this Directive into national legislation. The European Commission checks that the Directive is correctly implemented and will publish a report on its implementation in 2013.

## 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

The proposal is based on the work that took place during two meetings of a group of Member States set up in 2012 in the context of the network of National Roma Contact Points<sup>6</sup>. The meetings, held on 7-8 November and 6-7 December 2012, and to which participation was on a voluntary basis, produced fruitful discussions between the Member States on a number of issues considered crucial to boost Roma inclusion.

In line with the EU Framework, Member States were requested to submit National Roma Integration Strategies by the end of 2011. All Member States fulfilled their commitments in this respect and the national Roma integration strategies were published on the Commission's website to be accessible for all citizens. The Commission received a wide range of contributions from various stakeholders, including civil society, on the strategies themselves and more recently on their implementation<sup>7</sup>, including during a dialogue between Commissioners and civil society representatives on 15 May 2013.

In addition, regular meetings took place with the representatives of European umbrella Roma organisations<sup>8</sup> on the challenges and most important issues required at all levels to actively promote Roma inclusion.

Given the number of contributions received in this framework, the Commission considered that no further public consultation was necessary specifically on the Recommendation.

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<sup>6</sup> These countries include Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Hungary, Italy, Romania, Slovakia, Spain, Sweden and the United Kingdom.

<sup>7</sup> This includes reports from civil society coalitions organised by the Decade of Roma Inclusion Secretariat Foundation in six Member States (Bulgaria, Czech Republic, Hungary, Romania, Slovakia, Spain) and two enlargement countries (Albania, FYROM), reports from the network of independent experts on social inclusion (<http://ec.europa.eu/social/main.jsp?catId=1025&langId=en>), the report from the European Roma Information Office, *Discrimination against Roma in the EU in 2012*, the written feedbacks from Eurocities and from Eurodiaconia and research papers from the Academic network on romani studies ([http://romanistudies.eu/news/contributions\\_from\\_members/](http://romanistudies.eu/news/contributions_from_members/)).

<sup>8</sup> These organisations were represented by the European Roma Policy Coalition (ERPC). Members of ERPC participating in the meetings included the European Roma Information Office (ERIO), the Open Society Foundations (OSF), the European Network Against Racism (ENAR), the European Roma Grassroots Organisation (ERGO) and Amnesty International (AI).

### 3. LEGAL ELEMENTS OF THE PROPOSAL

#### Legal basis

A proposal for a Council Recommendation must link its content to a policy area of the Treaties. Such a link is also necessary to determine the adoption rules of the act (unanimity or qualified majority).

According to settled Court of Justice case law, the choice of a legal basis must be based on objective criteria that can be judicially reviewed, including in particular the aim and content of the measure in question<sup>9</sup>.

Article 292 TFEU sets out the Council's mandate to adopt recommendations. It reads as follows:

*'The Council shall adopt recommendations. It shall act on a proposal from the Commission in all cases where the Treaties provide that it shall adopt acts on a proposal from the Commission. It shall act unanimously in those areas in which unanimity is required for the adoption of a Union act. The Commission, and the European Central Bank in the specific cases provided for in the Treaties, shall adopt recommendations.'*

The EU's right to act in matters of anti-discrimination, notably with regard to discrimination on the grounds of race or ethnic origin, stems from Article 19(1) TFEU. This provision is the legal basis for any binding and non-binding measures to combat discriminatory acts and practices. It reads as follows:

*'1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.'*

Article 292 TFEU is therefore to be read together with the appropriate legal basis for the substance of the proposal, namely Article 19(1) TFEU.

#### Subsidiarity and proportionality

According to the **principle of subsidiarity**, the EU shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States (necessity test), but can rather, either by reason of its scale or effects, be better achieved at EU level (test of EU added value).

The measures introduced by some Member States vary broadly in terms of scope and effectiveness and many Member States have not taken specific action in the area of Roma inclusion. According to the conclusions of the 2013 progress report on the implementation of the National Roma Integration Strategies<sup>10</sup>, the Commission took note that while Member States have had the legal possibility to act to address the issue of Roma integration, the measures planned so far are not sufficient. Due to the lack of a coordinated approach to the issue of Roma integration, there are growing discrepancies among Member States.

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<sup>9</sup> See for instance the judgment of the Court of Justice of 26 March 1996, C-271/94, *Parliament v Council*, paragraph 14.

<sup>10</sup> This report has been based on information and findings provided by the Member States and a number of relevant stakeholders.

Scattered, divergent regulation at national level is also bound to exacerbate the situation by creating further practical problems between Member States. Indeed, tackling the issue of Roma integration in an uncoordinated manner has proven to be inefficient in the European Union as a whole, where the free movement of citizens is guaranteed. This situation could result in a significant increase of Roma migrants in Member States where living conditions are more favourable and where social inclusion measures for the disadvantaged people are more favourable.

In this regard, the present proposal aims to supplement existing EU action in the areas concerned (i.e.: free movement of citizens Directive 2004/38/EC, racial discrimination Directive 2000/43/EC) in view of achieving more efficient results by better coordinating the measures to be adopted by the Member States.

The objectives of the proposed action cannot be sufficiently achieved by the Member States on their own and may therefore be better achieved through coordinated action at EU level rather than through national initiatives of varying scope, ambition and effectiveness.

According to the **principle of proportionality**, the content and form of EU action shall not exceed what is necessary to achieve the objectives of the Treaties. As past experience shows, in spite of some progress achieved in the Member States and at EU level over the past few years, little has changed in the day-to-day situation of most Roma. According to the Commission's findings, strong and proportionate measures are still not in place to tackle the social and economic problems of much of the EU's Roma population.

In line with the proportionality principle, the non-binding proposal is limited to setting common objectives and recommending specific measures, including positive action measures specifically provided for under Article 5 of Directive 2000/43/EC to prevent or compensate for disadvantages linked to racial or ethnic origin under the conditions developed in the case law of the CJEU in the area of sex discrimination<sup>11</sup>. This gives Member States enough leeway to determine how to best achieve these common objectives at national level, taking into account national, regional or local circumstances.

The proposal will not impede on the Member States' competence to deal with the issue of the social inclusion of disadvantaged communities, like the Roma, as it does not impose rigid obligations. It merely recommends several options to Member States, leaving them determine the appropriate way of achieving the objectives set out.

### **Choice of instrument**

The choice of a non-binding instrument aims at providing practical guidelines to the Member States as regards the problem of Roma social inclusion, but without laying down strict binding rules.

The choice for a Council recommendation aims at reinforcing the existing political commitments of Member States while ensuring consistent minimum standards in the European Union in the implementation of effective national Roma strategies. It also strengthens transnational cooperation, while allowing a sufficient margin of manoeuvre to Member States on the forms and methods.

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<sup>11</sup> See Case C-409/95 *Marschall* [1997] ECR I-6363, paragraph 35. See also case C-450/93 *Kalanke* [1995] ECR I-3051, paragraphs 22 to 24, case C-158/97 *Badeck* [2000] ECRI 2000 p. I-1875, as well as case C-407/98 *Abrahamsson* [2000] ECR I-5539.

#### **4. BUDGETARY IMPLICATION**

The proposal has no implications for the EU's budget.

Proposal for a

## **COUNCIL RECOMMENDATION**

### **on effective Roma integration measures in the Member States**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 2 and Article 3 TEU enshrine the right to equality, the fight against social exclusion and discrimination as essential values and objectives of the European Union.
- (2) Article 10 TFEU states that ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on [...] racial or ethnic origin’.
- (3) Article 19(1) TFEU enables the adoption of measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
- (4) Article 21(1) of the Charter of Fundamental Rights of the European Union obliges the institutions, bodies, offices and agencies of the EU and the Member States, when implementing EU law, to respect the prohibition of discrimination on any ground, such as race, colour and ethnic or racial origin, and membership of a national minority, and to promote its application in accordance with their powers.
- (5) Council Directive 2000/43/EC<sup>12</sup> sets out a binding framework prohibiting discrimination on the basis of racial or ethnic origin throughout the Union in employment and training, education, social protection (including social security and health care), social advantages and access to goods and services (including housing).
- (6) The term “Roma” is used – similarly to other political documents of the European Parliament and the European Council – as an umbrella which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or not<sup>13</sup>.
- (7) Many Roma in the EU are in a worse socio-economic situation than the general population and benefit less than the rest of the disadvantaged population from general social inclusion measures. They therefore require additional, more ambitious social inclusion measures adapted to their situation and needs. As Roma often face discrimination, social exclusion and deep poverty, they are considered vulnerable and at greater risk of human trafficking.

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<sup>12</sup> OJ L 180, 19.7.2000, p. 22.

<sup>13</sup> (SEC(2010)400).

- (8) Roma who are third-country nationals staying legally in the Member States are particularly vulnerable as they share the same severe living conditions as many Roma EU citizens, whilst facing also challenges of migrants coming from outside the EU.
- (9) In the context of free movement and intra-EU mobility, it is necessary to accompany the full exercise of free movement rights with improvements in the living conditions of Roma, and their economic and social integration in Member States of origin as in Member States of residence.
- (10) The European Parliament Resolutions on the Situation of Roma People in Europe (9 September 2010) and on the EU Strategy on Roma Inclusion (9 March 2011) called on the Commission and the Member States to mobilise existing EU strategies and instruments with a view to securing the socio-economic inclusion of Roma.
- (11) The 2011 Commission's Communication *An EU Framework for National Roma Integration Strategies*<sup>14</sup> called on Member States to adopt or further develop a comprehensive approach to Roma integration and endorse a number of common goals in education, employment, health and housing in order to speed up the integration of Roma.
- (12) The Council adopted Conclusions<sup>15</sup> on 19 May 2011 on the EU Framework for national Roma integration strategies, expressing the Member States' commitment to advance the social and economic inclusion of the Roma.
- (13) The Conclusions of the European Council of 23 and 24 June 2011 called for the rapid implementation of the Council's conclusions of 19 May 2011 on the EU framework for national Roma integration strategies up to 2020 in particular as regards the preparation, updating or development of Member States' national Roma inclusion strategies or integrated sets of policy measures for improving the situation of the Roma.
- (14) The 2012 Commission's Communication *National Roma integration strategies: a first step in the implementation of the EU Framework*<sup>16</sup> and the accompanying staff working document<sup>17</sup> provided the results from the first assessment of all national Roma integration strategies and invited Member States to envisage a number of adaptations as a way forward.
- (15) The Commission enhanced its dialogue with the Member States on Roma integration, in particular by establishing in October 2012 the network of National Roma Contact Points, in order to discuss solutions to the identified challenges. In November and December 2012, a group of National Contact Points further discussed how to enhance the effectiveness of measures to achieve Roma integration in the Member States, and reported subsequently to the entire network.
- (16) In its 2013 Communication on *Progress in implementing national Roma integration strategies*, the Commission highlights the need for further action in order to secure the necessary preconditions for a successful implementation of measures aimed at stepping up Roma integration as soon as possible.

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<sup>14</sup> COM(2011) 173 final.

<sup>15</sup> *Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020*, document 106665/11 of 19 May 2011.

<sup>16</sup> COM(2012) 226 final.

<sup>17</sup> SWD(2012) 133 final.

- (17) The Europe 2020 Strategy has given new impetus to the fight against poverty and social exclusion by setting a common European target to reduce the number of people at risk of poverty and social exclusion, to reduce the rate of early school leaving, increase school attainment and employment levels. Roma inclusion is an essential part of the convergent EU and Member States' efforts in this respect. In this context, the current governance of the European Semester promotes implementation of the relevant country specific recommendations, and the Social Investment Package<sup>18</sup> provides further guidance for the efforts to secure inclusive growth.
- (18) In light of the considerations above and of the shortcomings identified, while fully respecting the principle of subsidiarity and the Member States' primary responsibility for Roma inclusion, the effectiveness of Roma integration measures needs to be improved.
- (19) This Recommendation aims to build on the recommendations in the Commission Communications, European Parliament Resolutions and Council Conclusions on Roma inclusion, to complement current EU legislation on anti-discrimination and to help make its implementation and enforcement more effective.
- (20) This Recommendation does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions related to the legal status of Roma under national and Union law or to the legal effects of that status.
- (21) In 2011, the Commission proposed in the draft Common Provisions Regulation<sup>19</sup> that Member States set out an integrated approach to address the specific needs of geographical areas most affected by poverty or of target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities. In complementarity with the other European Structural and Investment Funds it also proposed in the draft European Social Fund<sup>20</sup> regulation for the 2014-2020 programming period an investment priority for the integration of marginalised communities such as the Roma.

#### HEREBY RECOMMENDS:

##### 1. PURPOSE

- 1.1. The purpose of this Recommendation is to provide guidance to Member States in enhancing the effectiveness of their measures to achieve Roma integration and strengthen the implementation of their national Roma integration strategies or sets of policy measures to improve the situation of Roma.

##### 2. SUBSTANTIVE POLICY ISSUES

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<sup>18</sup> Communication *Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020*, COM(2013) 83 final.

<sup>19</sup> 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, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) No 1083/2006 - COM(2011) 615.

<sup>20</sup> Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund and repealing Regulation (EC) No 1081/2006 - COM(2011) 607.

### *Targeted policy measures*

- 2.1. With a view to ensuring full equality in practice, the Member States should take targeted measures to ensure equal treatment and respect of fundamental rights, including equal access of Roma to education, employment, healthcare, housing and public utilities. This should include, in compliance with the case-law of the Court of Justice of the European Union, specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.
- 2.2. The measures to be adopted should be based on socio-economic or geographic indicators, such as high long-term unemployment, low level of education attainment, or disadvantaged and/or segregated areas.

### *Access to education*

- 2.3. The Member States should take specific measures to ensure equal treatment and secure the full access of Roma to good quality and mainstream education, with a view to close the gap between Roma and other pupils and ensure that all Roma pupils will complete at least compulsory education, and notably primary education. This goal should be attained by:
  - (a) eliminating school segregation, including by putting an end to the inappropriate placement of Roma pupils in special needs schools;
  - (b) reducing early school leaving<sup>21</sup> throughout education, including at secondary level, with a focus on vocational tracks;
  - (c) increasing the access to and quality of early childhood education and care, including targeted support, as necessary;
  - (d) using inclusive and personalised teaching and learning methods, including learning support for struggling learners and fighting illiteracy;
  - (e) encouraging greater parental involvement and supporting families with school mediators dedicated to Roma;
  - (f) improving teacher training and school mediation dedicated to Roma;
  - (g) widening access to second-chance education, supporting the transition between educational levels, and ensuring that Roma acquire a mix of skills that will help them to enter the labour market.
- 2.4. The Member States should take specific measures to encourage Roma participation in secondary and tertiary education.

### *Access to employment*

- 2.5. In addition to the targeted measures Member States may take, they should ensure equal treatment and close the gap between Roma and other workers so as to improve the situation of Roma as regards employment within their mainstream policies. This goal should be attained by:

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<sup>21</sup> See Council Recommendation of 28 June 2011 on policies to reduce early school leaving, OJ C 191 1.7.2011. One of the Europe 2020 headline targets agreed by the European Council is to reduce the share of early school leavers to less than 10% and to ensure that at least 40% of the younger generation have a tertiary qualification or equivalent.

- (a) supporting first work experience, on-the-job training, life-long learning and skills development;
- (b) supporting self-employment and entrepreneurship;
- (c) providing equal access to mainstream public employment services, along with specific and individualised services to Roma job seekers, and promoting the employment of qualified Roma civil servants;
- (d) training and employing qualified Roma mediators for the provision of counselling and advice on career opportunities;
- (e) eliminating barriers, including discrimination, to (re)entering the open labour market.

#### *Access to healthcare*

- 2.6. The Member States should take specific measures to ensure equal treatment and close the gap between Roma and other patients so as to improve the access of Roma, on a par with the latter, to prevention, primary, emergency and specialised healthcare services. This goal should be attained by:
- (a) ensuring the provision of basic social security coverage and comprehensive health services to Roma;
  - (b) offering regular medical check-ups, prenatal and postnatal care and family planning;
  - (c) applying free vaccination schemes targeting in particular those living in marginalised and remote areas;
  - (d) training qualified Roma health mediators.

#### *Access to housing*

- 2.7. The Member States should take specific measures to ensure equal treatment and close the gap between Roma and the general population so as to extend their housing policies and measures to Roma. This goal should be attained by:
- (a) eliminating spatial segregation and promoting desegregation;
  - (b) promoting non-discriminatory access to social housing, including in relation to the quality of social housing available to Roma, as well as the availability of halting sites for travellers/non-sedentary Roma;
  - (c) training qualified Roma mediators for promoting the use of social housing and of public utilities and infrastructures to all Roma.
- 2.8. The Member States should ensure that applications from local authorities for urban regeneration projects shall include, whenever relevant, integrated housing interventions in favour of marginalised communities. The Member States should also promote community-led local development and integrated territorial investments supported by the European Structural and Investment Funds<sup>22</sup>.

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<sup>22</sup> European Social Fund (ESF), European Regional Development Fund (ERDF), Cohesion Fund (CF), European Agricultural Fund for Rural Development (EAFRD) and European Maritime and Fisheries Fund (EMFF).

### *Funding*

- 2.9. The Member States should allocate sufficient funding to their national and local strategies and action plans from any available sources of funding (local, national, EU and international) in view of achieving the objectives of Roma inclusion. This should be facilitated by allocating an adequate share of of EU cohesion policy resources to investment into people through ESF, and allocating at least 20% of this amount in each Member State on social inclusion.
  - 2.10. The Member States should ensure that appropriate measures are taken to include Roma integration as a priority in the Partnership Agreements on the use of European Structural and Investment Funds<sup>23</sup> for the period 2014–2020, taking into account the size and poverty rates of the Roma communities and the gap between Roma and non-Roma, as well as the challenges identified by the European Semester for most concerned Member States.
  - 2.11. The Member States should improve their management, monitoring and evaluation capacities with the support of ESIF technical assistance.
  - 2.12. The Member States should also support capacity building of local authorities and civil society organisations by using national and EU funds so that they can effectively implement projects.
  - 2.13. The allocation of public funding for implementing national Roma integration strategies or integrated sets of policy measures should follow a targeted approach for the specific needs of geographical areas or target groups most affected by poverty or social exclusion, such as Roma.
3. HORIZONTAL POLICY MEASURES

### *Anti-discrimination*

- 3.1. The Member States should ensure the effective practical enforcement of Directive 2000/43/EC on the ground, notably by screening their national, regional and local administrative regulations and practices in order to identify and repeal any discriminatory or segregating measures. The relevant case law of the European Court of Human Rights should serve as an additional reference for the identification of illegal provisions or practices.
- 3.2. The Member States should implement desegregation measures concerning Roma regionally and locally. Policies and measures to combat segregation should be accompanied by appropriate training and information programmes addressed to local civil servants and representatives of civil society and Roma themselves.
- 3.3. The Member States should equally ensure that, in cases of forced evictions, in addition to the EU *acquis*, international human rights obligations, notably under the European Convention on Human Rights, are fully respected.
- 3.4. The Member States should implement measures to fight discrimination against the Roma in society, in particular by:
  - (a) raising awareness in Roma communities and among the general public of the benefits of Roma integration;

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<sup>23</sup> ERDF can support infrastructures in the health, education and housing sectors.

- (b) raising the general public's awareness of the multicultural nature of societies and including these aspects in school curricula and material where relevant.

#### *Protection of Roma children and women*

- 3.5. The Member States should combat discrimination faced by Roma children and women, including multiple discrimination, by enforcing legislation on underage marriages, fighting forced marriages, and forbidding begging involving children. The Member States should equally involve in this exercise all relevant actors, such as health and labour inspectors, police, education experts and members of the judiciary and representatives of civil society.

#### *Poverty reduction and social inclusion*

- 3.6. The Member States should combat the poverty and social exclusion affecting Roma people through investment in human capital and social cohesion policies, in particular by:
  - a) enabling the implementation of Roma inclusion policies through targeted and conditional support schemes, including benefits and services supporting (re)entry to the labour market; promoting inclusive labour markets and providing adequate income support;
  - b) making social benefits and services granted to Roma more sustainable and adequate through better targeting, simplification of procedures, fight against fraud and errors, greater take-up of social assistance schemes and by providing incentives for converting undeclared work into formal employment.
- 3.7. The Member States, taking into account the size of their Roma populations, should make Roma integration one of the key aspects of their National Reform Programmes in the context of the Europe 2020 strategy.

#### *Empowerment*

- 3.8. The Member States should empower and support Roma at all stages of their lives, and invest in targeted youth guarantee schemes, life-long learning and active ageing programmes.
- 3.9. The Member States should carry out information activities to further raise awareness among Roma of their rights (notably in relation to discrimination and the possibilities of seeking redress) and duties.

#### 4. STRUCTURAL MEASURES

#### *Local action*

- 4.1. The Member States should, while respecting the autonomy of local and regional authorities, encourage local action plans or strategies including baselines, benchmarks and measurable targets for Roma inclusion as well as appropriate funding.
- 4.2. They should involve regions, local authorities and local civil society in reviewing, managing, implementing and monitoring their national strategies. Relevant stakeholders should be involved as regards partnership agreements and operational programmes co-financed by the European Structural and Investment Funds. Central

and local authorities should cooperate constantly in the implementation of the strategies. To this end, the Member States should allocate sufficient funding to local public authorities to facilitate the implementation of targeted sets of policies at local level.

#### *Monitoring and evaluating policies*

- 4.3. The Member States should monitor the effectiveness of their national strategies or integrated sets of policy measures and the outcomes of local action plans, programmes or strategies. To this end, they should strengthen the collection of qualitative and quantitative data on Roma integration and on the progress achieved through the abovementioned strategies or measures. The implementation of the strategies should be evaluated and compared to the baseline in order to assess their relevance effectiveness, sustainability, and coordination.
- 4.4. With the support of the European Union Agency for Fundamental Rights and in line with applicable national and EU law, the Member States should define core indicators and data collection methods to measure progress on a regular basis, particularly at local level, enabling efficient reporting and comparison between the situation of Roma and non-Roma in and across Member States. They should also set baselines and measurable targets for their strategies and action plans.

#### *Bodies for the promotion of equal treatment*

- 4.5. The Member States should support the work and institutional capacity of bodies for the promotion of equal treatment by granting them adequate resources so they can effectively provide legal and judicial assistance and support to Roma victims of discrimination.
- 4.6. They should ensure regular dialogue between their National Roma Contact Points and national bodies for the promotion of equal treatment.

#### *National Contact Points for Roma integration*

- 4.7. The Member States should provide National Contact Points for Roma integration with adequate mandate, financial and human resources so that they can effectively coordinate the cross-sectoral implementation and monitoring of Roma integration policies at national and local level. They should ensure that National Contact Points for Roma integration are consulted during the decision-making processes regarding the definition, funding and implementation of relevant policies. The National Contact Points for Roma integration should facilitate the participation and involvement of Roma civil society in the implementation of national Roma integration strategies and local action plans.

#### *Transnational cooperation*

- 4.8. The Member States should develop and participate, in addition to the measures taken within the EU framework for National Roma Integration Strategies, in transnational forms of cooperation at national, regional or local level, through policy initiatives, in particular projects and bilateral or multilateral agreements, in order to:
  - a) provide solutions to problems related to the cross-border mobility of Roma within the European Union;

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

## 5. REPORTING AND FOLLOW-UP

- 5.1. The Member States should take the necessary measures to ensure the application of this Recommendation at the latest by [ADD date 24 months from the publication] and should notify the Commission of any measures taken in accordance with this Recommendation by that date.
- 5.2. The Member States should thereafter communicate any new adopted measures to the Commission on an annual basis, at the end of each year.
- 5.3. The information provided by the Member States will feed into the preparation of the annual Commission reports and submitted to the European Parliament and the Council on the implementation of national Roma integration strategies as well as into the European Semester of the Europe 2020 Strategy with the formulation of the Country Specific Recommendations.
- 5.4. On this basis, the Commission will monitor the situation closely and will assess in three years after its adoption the need to revise and update this Recommendation.

Done at Brussels,

*For the Council  
The President*