



## BRIEFING FOR MEMBERS SOCIAL INCLUSION OF ROMA

The high levels of discrimination and exclusion that Roma face today in Europe is becoming more and more visible. Recent evictions of Roma communities have attracted media attention and reveal the increasing exclusion, discrimination and poverty experienced by many Roma. Eurodiaconia, Roma activists and other civil society organizations must call on European and national leaders to reject such treatment of Roma which goes against our values of a socially inclusive Europe. Furthermore we need to insist upon the social rights for Roma including access to social and health care services which enable them to integrate into society. We must also advocate for inclusive education, decent housing and inclusive labour markets if we want to empower Roma to lift themselves out of poverty.

This briefing accompanies the policy paper on 'social inclusion for Roma' and gives direction to members on how to use the policy paper when advocating for Roma issues and how to get involved in Eurodiaconia's work on Roma issues. It should also serve as a tool to inform members about the basic social rights that Roma are entitled to. Eurodiaconia's policy paper on social inclusion for Roma outlines in more detail the reasons why social rights for Roma are vital for their social inclusion. The policy paper also presents Eurodiaconia's recommendations for developing European and national policy to better support and promote the inclusion of Roma.

### Who are the Roma?

Roma are traditionally itinerant people who originated in northern India but now live principally in Europe. Most Roma speak some form of Romany language. It is generally believed that Roma groups left India in repeated migrations and that they were in Persia by the 11th century, in south-eastern Europe by the beginning of the 14th, and in Western Europe by the 15th century. Many Roma communities have been settled in one European country for many generations and are considered to be 'indigenous' Roma. However some communities choose to continue to live an itinerant life-style. Over the last ten years, and especially since the enlargement of the EU in 2004 and 2007, Roma have been moving from Eastern to Western European countries in search of work and better living conditions.

Roma make up the largest ethnic minority in Europe, however it is important to note that the Roma are not a heterogeneous group of people and that there exists a wide diversity of cultures and traditions. It is impossible to name every sub-group that exists when we talk about Roma issues, so to avoid being exclusive, we will refer to all groups under the umbrella term of 'Roma' which would encompass for example Tziganes, Travellers, Gypsies, Manouches, Ashkali and Sinti.

### Social rights for social inclusion

Economic, social and cultural rights are a broad category of human rights guaranteed in the **International Covenant on Economic, Social and Cultural Rights** and other legally binding international and regional human rights treaties. Nearly every country in the world is party to a legally binding treaty that guarantees these rights. Economic, social and cultural rights are those human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education. For Eurodiaconia social rights are a prerequisite for social inclusion.





The **European Social Charter** is a Council of Europe treaty which guarantees social and economic human rights. According to the European Social Charter these rights would include:

- Article 11: the right to protection of health
- Article 13: the right to social and medical assistance
- Article 16: the right of the family to social, legal and economic protection
- Article 17: the right of the children and young persons to social, legal and economic protection
- Article 19: the right of migrant workers and their families to protection and assistance
- Article 30: the right to protection against poverty and social exclusion
- Article 31: the right to housing
- Article E: non discrimination

43 States have ratified the Charter, meaning they must all respect it and are legally bound to the core articles of it, (States have the right to not legally bind themselves to a certain number of articles of the charter, see [here](#) for more on this). However national legislation largely determines in more precise terms what form fundamental social rights are to take, therefore the enjoyment of such rights largely depends on the economic situation and on the political will of the country's leaders.

As advocates for Roma rights it is important that Eurodiaconia members are aware of what rights Roma have when it comes to the provision of social and health care services and social and medical assistance for example. It is also important for Roma to know their rights because as individuals they may refer directly to such rights in courts of law.

## What social rights for Roma?

Eurodiaconia is concerned in particular with rights that ensure Roma have access to basic social and health care services, inclusive and quality education, decent housing, and employment. There are a number of legal instruments at EU level that in theory should safeguard the social rights of Roma.

- **The Lisbon Treaty**: Adopted in 2009, it preserves existing rights stated in the Charter of Fundamental Rights (below) while introducing new ones. In particular, it guarantees the freedoms and principles set out in the Charter of Fundamental Rights and gives its provisions a **binding legal** force. It concerns civil, political, economic and social rights.
- **The Charter of Fundamental Rights of the EU<sup>1</sup>**: particularly in article 34 the Union recognises and respects the entitlement to social security benefits and social services. Since the adoption of the Lisbon Treaty, the Charter of Fundamental Rights becomes legally binding.
- **The Revised European Social Charter<sup>2</sup>**: adopted in 1961 and revised in 1996, lays down fundamental rights related to housing, health, education, employment, social and legal protection and non-discrimination. It requires Member States of the EU to guarantee the right to social assistance, the right to housing and the right of the family to social, legal and economic protection which includes provision of family housing (Part II, Article 16) without discrimination on any ground (see above for more).
- **The Race Equality Directive<sup>3</sup> (RED)** includes an express prohibition of direct and indirect discrimination in a broad range of fields including social security and healthcare, and access to and supply of goods and services which are available to the public. The Directive requires the establishment of Equality Bodies in Member States, which can process individual complaints

<sup>1</sup> [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>2</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ESCRBooklet/ESCRBooklet\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ESCRBooklet/ESCRBooklet_en.asp)

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>



concerning discrimination on the grounds set out in the Directive.

- **The Framework Decision on combating racism and xenophobia**<sup>4</sup> which was agreed in 2008, which provides an approximation of the laws and regulations which Member States should follow for offenses involving racism and xenophobia.
- **The Directive on the right to move and reside freely within the EU**<sup>5</sup> which was adopted in 2004 guarantees that all citizens have the right of free movement throughout the EU, provided they are working or seeking employment, studying, or are self-sufficient or retired.
- **The International Covenant on Economic, Social and Cultural Rights** contains some of the most significant international legal provisions establishing economic, social and cultural rights, including rights relating to just and favourable working conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, and to education. The Covenant requires States “to take steps” to the maximum of their available resources to achieve progressively the full realization of economic, social and cultural rights. The Covenant also requires States to guarantee the enjoyment of economic, social and cultural rights without discrimination and to ensure the equal right of men and women to the enjoyment of these rights.

Given the large array of European and international conventions and treaties, we must assume that the practice at national, regional and local level is often where gaps are to be found between the law and its implementation. In reality, administrative and practical barriers prevent many Roma from accessing their social rights. And in many cases social rights are only guaranteed through employment.

## What is the EU doing?

Overall, the EU has shown an increasing concern for the situation of Roma in Europe, and political will is certainly been visible at the highest EU level. This was reflected particularly in 2011, when the European Commission adopted a **Communication** calling for the development of national strategies for Roma integration detailing the concrete policies and measures to be taken in each Member State (**[Communication on an EU Framework for National Roma Integration Strategies by 2020](#)**). Each Member State then produced a Roma strategy (National Roma Integration Strategy/ NRIS) or a set of integrated policy measures that were assessed by the European Commission in a Communication adopted in 2012 (National Roma Integration Strategies: a first step in the implementation of the EU Framework).

Then in 2013 the European Commission carried out its first **assessment report** (Steps forward in implementing National Roma Integration Strategies) focussed specifically on the structural preconditions needed in each country. The European Commission will carry out yearly reports to evaluate overall progress in all key areas (housing, education, healthcare and employment) until 2020 based on information provided by each country, NGOs, international organisations and the EU Fundamental Rights agency (FRA). Eurodiaconia was able to contribute to the first two assessments and will continue to submit a written contribution for each report based on members' input.

In December 2013, the European Council (Member States) adopted a **Recommendation** on effective Roma integration measures in the Member States. Given the lack of progress seen according to the initial progress reports, the 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 National Roma Integration Strategies more effectively. Whilst not a legally binding instrument the Recommendation, as adopted by EU leaders, carries more political weight than a Communication. The Member States have committed to the implementation of the recommendation and have two years to put the measures stipulated in the

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008F0913:EN:NOT>

<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>



Recommendation into practice (i.e. by the end of 2015). The progress should be monitored by the Commission on an annual basis.

In terms of broader EU policy, in **Europe 2020**, the EU's overarching strategy 'for smart, sustainable and inclusive growth', the Commission calls on the member states to 'define and implement measures addressing the specific circumstances of groups at particular risk' (and name specifically Roma among other groups). Therefore Roma inclusion should also be mainstreamed into the **European Semester** process, and can feature in national reform programmes (NRPs) and country specific recommendations (CSRs). See [here](#) to learn more about the European Semester process.

A number of **headline targets** were also set as part of Europe 2020 which would also include Roma:  
By 2020...

- The share of early school leavers should be under 10% and at least 40% of the younger generation should have a tertiary degree.
- 20 million less people should be at risk of poverty.
- 75 % of the population aged 20-64 should be employed.

The European Commission regularly organises **European Roma Summits**, which provide an opportunity to discuss Roma issues at the highest decision-making levels of EU, national and regional authorities, with the involvement of civil society. The **European Platform for Roma Inclusion** also brings together national governments, the EU, international organisations and Roma civil society representatives on an annual basis. It aims to stimulate co-operation and exchanges of experience among all stakeholders on successful Roma inclusion and integration policies and practices.

The European Union also **financially supports** projects that contribute to fostering Roma integration across Europe, namely through the European Structural and Investment Funds, principally the [European Social Fund](#) (ESF), the [European Regional Development Fund](#) (ERDF) and the [European Agricultural Fund for Rural Development](#) (EAFRD). Later in 2014 Eurodiaconia will produce a specific briefing on funds for Roma inclusion projects.

More information on what the EU is doing for Roma can be found on the DG Justice website [here](#), although DG Employment, social affairs and inclusion and a number of other DGs in the European Commission work on Roma inclusion (DG Regio, Education and Culture, SANCO).

## Why is this relevant for you?

Many of Eurodiaconia's members provide services and run projects specifically to help empower Roma communities and to improve quality of living for Roma people. Although we cannot work on all areas of Roma discrimination, we can voice the concerns of our members as major providers of social, health and education services. For this reason Eurodiaconia aims to facilitate the sharing of good practices among members for example to help improve the quality of our members' work with Roma. We aim to do this by creating a platform for networking, communication and sharing. We also want to shape EU policy based on our members' experience, knowledge and expertise, for this reason we depend on members' input to build up our knowledge base.

## What is Eurodiaconia doing?

Eurodiaconia holds an annual **Roma Network** meeting where we invite members working with Roma to share good practice and develop Eurodiaconia's policy for Roma inclusion. We encourage the participation of Roma people in these meetings and hope to gain better knowledge of the challenges Roma face in social inclusion.



Through our weekly e-news we give updates on developments in EU policies and laws that impact on many issues including the inclusion of Roma in Europe. There is also a **mailing list** 'the Roma Network News' for members specifically interested in Roma issues where we send monthly updates on new publications, research, funding opportunities and more.

With the help from the Roma Network, we have developed a **policy paper** on social inclusion of Roma, written in 2010 and updated in 2014. The policy paper is there to provide input into EU level discussions and processes based on our members' experience in running Roma projects. The paper has already been and will continue to be widely distributed to partners and decision makers to raise the profile and recognition of the expertise and commitment to Roma inclusion of diaconal organisations and Eurodiaconia. We have also produced a 'mapping' of members work with Roma to give an overview members' activities in this field.

Given that we now have an EU Framework and the NRIS, Eurodiaconia will carry out regular assessments of the implementation of the NRIS based on members' input. Eurodiaconia will also produce at the end of 2014 a briefing on funding opportunities for Roma initiatives. Eurodiaconia has a seat on the European Platform for Roma Integration and attends meetings with DG justice for civil society working with Roma.

## What can you do?

- Join our Roma Network and attend our annual meeting by sending an email to [stephan.burger@eurodiaconia.org](mailto:stephan.burger@eurodiaconia.org)
- Contribute to the policy paper when it is next updated
- Inform us of projects and services you are running and how you are working with Roma communities (we will include in the mapping document)
- Send us your news, events, calls for partners etc. that we can include in the monthly Roma news mailing
- Tell us about your needs. Whether you need innovative ideas or partners for a project, please share your challenges with us
- Respond to our annual assessment on the implementation of the NRIS.

## How can you use the policy paper?

- It can be used politically with the aim of influencing discussions on Roma inclusion at national or local government level
- It can be used operationally in your church or organisations' institutions to show a commitment to Roma inclusion.
- It can be part of an internal discussion on promoting Roma inclusion and to feed back to the Eurodiaconia secretariat.
- It can be used in your church or organisations' network to promote Roma inclusion and the importance of inclusion.

We believe that the policy paper is an important document and we would encourage you to translate it into your own language, promote and disseminate it within your network. It was drawn up based on discussions in the Eurodiaconia network, and through open consultation with member organisations. We welcome feedback on the document as it will be reviewed regularly. If you do translate it please send it to us so we can put it on our website. We would also like to know when and how you make use of it. If you have any questions please do not hesitate to contact the secretariat.



## Further information and links

- National Contact Points for Roma Inclusion  
[http://ec.europa.eu/justice/discrimination/files/roma\\_nationalcontactpoints\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_nationalcontactpoints_en.pdf)
- The European Social Charter and Roma Rights  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Theme%20factsheets/RomaRightsFactsheet\\_en.ASP](http://www.coe.int/t/dghl/monitoring/socialcharter/Theme%20factsheets/RomaRightsFactsheet_en.ASP)
- World Bank: Roma: Toward Inclusive Growth in Europe  
<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTROMA/0,,menuPK:615993~pagePK:64168427~piPK:64168435~theSitePK:615987,00.html>
- Decade of Roma Inclusion: <http://www.romadecade.org/home>
- European Roma Information Office <http://erionet.org/site/>
- European Roma Rights Centre: <http://www.errc.org/>
- The European Union and Roma: <http://ec.europa.eu/social/main.jsp?catId=518&langId=en>
- European Network Against Racism: [http://www.enar.eu.org/Page\\_Generale.asp?DocID=15278&langue=EN](http://www.enar.eu.org/Page_Generale.asp?DocID=15278&langue=EN)
- Roma people living in the EU: Frequently asked questions:  
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/383>

## EU texts and documentation

- 2014 Progress Report  
[http://ec.europa.eu/justice/discrimination/files/roma\\_implement\\_strategies2014\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_implement_strategies2014_en.pdf)
- A Communication: [National Roma Integration Strategies: a first step in the implementation of the EU Framework](#)
- (2011) An EU Framework for National Roma Integration Strategies up to 2020 <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52011DC0173>
- The social situation of the Roma and their improved access to the labour market in the EU  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0117+0+DOC+XML+V0/en>
- Council conclusion on advancing Roma inclusion - 07.06.2010  
<http://ec.europa.eu/social/BlobServlet?docId=6331&langId=en>
- EU Action for the Roma flyer <http://ec.europa.eu/social/BlobServlet?docId=3977&langId=en> (available in other languages)
- The situation of Roma EU citizens moving to and settling in other EU member states - FRA report  
<http://ec.europa.eu/social/BlobServlet?docId=4191&langId=en>
- Housing conditions of Roma and travellers in the European Union - FRA report  
<http://ec.europa.eu/social/BlobServlet?docId=4192&langId=en>
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: The social and economic integration of the Roma in Europe <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0133:EN:NOT>
- EU projects in favour of the Roma community  
<http://ec.europa.eu/social/BlobServlet?docId=5706&langId=en> (also available in FR and DE)
- The Strasbourg Declaration in Roma (The Council of Europe)  
[www.coe.int/t/dc/files/source/2010\\_cm\\_roma\\_final\\_en.doc](http://www.coe.int/t/dc/files/source/2010_cm_roma_final_en.doc)
- Health and the Roma community - analysis of the situation in Europe  
<http://ec.europa.eu/social/BlobServlet?docId=4309&langId=en>

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