

# WORKSHOP ON FUTURE POLICIES FOR ROMA 1 OCTOBER 2019

SALLE JENKINS, CHARLEMAGNE BUILDING

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## ISSUE PAPERS for sessions three and four

Antigypsyism  
Participation  
Diversity

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## INTRODUCTION

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On 1 October 2019, a variety of stakeholders will meet for a one-day workshop to discuss future policies for Roma, in particular potential options for a post-2020 EU initiative for Roma inclusion. In the afternoon, the workshop participants will discuss three topics, namely antigypsyism and Roma participation, in session three, and the diversity within the Roma population, in session four. This paper contains short introductions (“issue notes”) on each of the three themes.

The issue notes have been prepared by a consortium composed of Fresno the right link, the Centre for Policy Studies of the Central European University and the Amalipe Center for Interethnic Dialogue and Tolerance. The authors are José-Manuel Fresno, Deyan Kolev, Jarmila Lajcakova, Georgeta Munteanu, Mirjam Karoly and Violetta Zentai.

Each “issue note” provides a brief outline of how the three issues are framed in the current debate, what are the main matters of content, and how they could be taken up in a post-2020 EU initiative. Each section closes with questions that should orient the debate.

The feedback received during and after the workshop (written comments can be sent to [JUST-ROMA-POST-2020@ec.europa.eu](mailto:JUST-ROMA-POST-2020@ec.europa.eu) until the end of October 2019) will be used by the experts to prepare more comprehensive reports on each of the themes.

### 1. ANTIGYPSYISM AND DISCRIMINATION

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The mid-term evaluation of the EU Framework for national Roma integration strategies up to 2020 concludes that antigypsyism has not been sufficiently tackled as a specific form of racism.<sup>1</sup> Indeed, the prevalence of widespread racism, prejudice and discrimination against Roma across Europe, as demonstrated in the relevant research of the EU Fundamental Rights Agency (FRA), strongly points to the need to adopt effective policies for combatting antigypsyism.<sup>2</sup> The evaluation proposes that antigypsyism is addressed as a cross-cutting issue as well as a self-standing area, together with the four priority areas in a potential post 2020 EU initiative:

*Fighting discrimination and antigypsyism should be a separate priority area of the framework with a specific non-discrimination goal alongside the four Roma integration goals. At the same time, it should also remain a cross-cutting priority with specific objectives in each of the four policy areas. A clearer focus on fighting antigypsyism and discrimination should complement, not replace the inclusion approach. This could both*

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<sup>1</sup> The “package” consists of a Communication [COM\(2018\)785](#), a working paper [SWD\(2018\)480](#) and the evaluation itself. All the products of the mid-term evaluation process are available here: [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/mid-term-evaluation-eu-framework-nris\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/mid-term-evaluation-eu-framework-nris_en)

<sup>2</sup> FRA. (2016). Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Roma - Selected findings. Vienna. <https://doi.org/10.2811/15331> and FRA. (2018). A persisting concern: anti-Gypsyism as a barrier to Roma inclusion. <https://doi.org/10.2811/423901>

*strengthen the enforcement of anti-discrimination and hate crime legislation and increase effectiveness of social inclusion policies.*<sup>3</sup>

Several other key policy documents, including the most recent 2019 expert recommendations articulated at the Conference on Antigypsyism,<sup>4</sup> organized during the Austrian Presidency in 2018, and the 2017 report of the European Parliament on fundamental rights aspects in Roma integration in the EU fighting antigypsyism<sup>5</sup> **call upon the European Commission to place the fight against antigypsyism into the post -2020 EU initiative on Roma.**

While there is no universally agreed definition of antigypsyism, there is a growing consensus among civil society, public authorities and European institutions that the term captures a specific ideology and racism against the Roma that seriously undermines inclusion of Roma<sup>6</sup>. Antigypsyism thus squarely shifts the obligation on public institutions to tackle its forms that are multi-faceted and include racist violence, hate speech, stigmatization and discrimination, in particular also institutional discrimination, which manifests itself, among others, in barriers to accessing public universal services, such as in the proclaimed priority areas for Roma inclusion (education, employment, housing, health).

The need to adopt an effective policy approach tackling antigypsyism also responds to an (often unheard) call for *recognition* of Roma and the experience of past and present injustices. At the same time, the design of post-2020 policies should be based on careful consideration of how this endeavour will utilise, reinforce and complement the existing approaches of non-discrimination, including its current legal instruments<sup>7</sup> and institutional mechanism<sup>8</sup>. The variety of manifestations of antigypsyism are to be countered with a wide set of instruments – legal, policy and financial – that can be utilized in the post-2020 initiative to contribute to both the *transformation* of mainstream society’s attitudes and values, and – where possible and meaningful – the *enforcement* of regulation and implementation of policies aimed at fighting manifestations of antigypsyism.<sup>9</sup> Likewise, a future EU Roma initiative has to consider the *combination* of non-discrimination (rule-of-law approach) and social inclusion (social policy approach), including potential trade-offs and/or synergies.

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<sup>3</sup> Communication [COM\(2018\)785](#)

<sup>4</sup> Conference on Antigypsyism. (2019). *How to address antigypsyism in a post-2020 EU Roma Framework? Expert recommendations*. Vienna. [bit.ly/2lrTqGZ](https://bit.ly/2lrTqGZ)

<sup>5</sup> European Parliament (2017) *Report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism* (2017/2038(INI) Committee on Civil Liberties, Justice and Home Affairs, Rapporteur: Soraya Post), [www.europarl.europa.eu/doceo/document/A-8-2017-0294\\_EN.html](http://www.europarl.europa.eu/doceo/document/A-8-2017-0294_EN.html)

<sup>6</sup> End & Cortéz Gómez (2019). *Dimensions of Antigypsyism in Europe*. Brussels: European Network Against Racism (ENAR) and the Central Council of German Sinti and Roma.; Carrera et al. (2019). *Scaling up Roma Inclusion strategies: Truth, reconciliation and justice for addressing antigypsyism*. Brussels.; Alliance Against Antigypsyism. (2017). *Alliance Against Antigypsyism - A Reference Paper*. Berlin / Budapest; EU HLG. (2017). *Antigypsyism: Increasing its recognition to better understand and address its manifestations*. Brussels. CoE. (2011). *Ecri General Policy Recommendation No. 13 on Combating Anti-Gypsyism and Discrimination Against Roma*. Strasbourg

<sup>7</sup>E.g. National anti-discrimination legislation, hate crime legislation, provisions and legislation to counter hate speech etc.

<sup>8</sup> National institutions addressing discrimination, e.g. anti-discrimination bodies and equality bodies, such as Ombuds-person’s offices, etc.

<sup>9</sup> Namely the Racial Equality and Employment Equality Directives and the Council Framework Decision on Racism and Xenophobia

Additionally, the discussion about the design of a post-2020 EU initiative shall also reflect on critical voices challenging the “antigypsyism” concept as potentially counterproductive. In fact, some scholars argue that there is a risk that a stronger focus on countering antigypsyism might lead to further marginalization of Roma and thus compromise the overall goal of NRIS. Amongst these are the critiques of some experts, including Roma scholars, as well as public administrations on the use of the term that may reinforce Roma marginalization<sup>10</sup> or reduce public and political acceptance of Roma inclusion policies, or that the focus on fighting antigypsyism somewhat weakens efforts to develop and implement more effective anti-poverty and social inclusion policies.<sup>11</sup>

The session will explore experiences from EU Member States (MS) and the European level on how the fight against antigypsyism can utilize, reinforce, and complement the existing approaches of non-discrimination and of social inclusion with the view to achieving equality in rights and in opportunities for Roma in Europe.

In this discussion, we wish to explore:

- ➔ What experiences exist in combatting antigypsyism? Are the current legal instruments and institutional mechanism to counter racism and discrimination successfully applied to combat antigypsyism as a specific form of racism? Are additional instruments needed?
- ➔ How can a strategy to countering antigypsyism be operationalized within European and national policies? Are there successful working practices? Can anti-discrimination action be evaluated?
- ➔ A stronger emphasis on combatting antigypsyism within a future EU Framework on NRIS, could it have potential adversary effects?
- ➔ Taking account not only competences but also the credibility of actors, who should lead processes against antigypsyism – Roma or public administration? EU or national?

## 2. PARTICIPATION

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Various recent evaluation reports by experts, European institutions and civil society address Roma participation as an acknowledged, yet not powerful enough objective and tool of policy formation in the EU framework strategy 2011-2020, the NRISs and their implementation mechanisms.<sup>12</sup>

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<sup>10</sup> A. Oprea and M. Matache (2019) [Reclaiming the Narrative: A Critical Assessment of Terminology in the Fight for Roma Rights](#), in: End & Cortéz Gómez (2019) op cit.

<sup>11</sup> See the discussion of the case of Italy in Magazzini, T., Chiozza, E., & Rossi, M. (2019). [Conformism or Inadequacy of Roma Inclusion Policies? Missed Opportunities at the European and Local Levels](#) (Chap 4.). In T. Magazzini & S. Piemontese (Eds.), *Constructing Roma Migrants: European Narratives and Local Governance* (pp. 51–67). Cham.

<sup>12</sup> Beck & Ivasiuc (Eds.). 2018. [Roma Activism. Reimagining Power and Knowledge](#). New York; Kovats & Law (2018). [Rethinking Roma: Identities, Politicisation and New Agendas](#). New York; Kóczé et al (eds.) (2018). [A Reflexive History of the Romani Women’s Movement: Struggles and Debates in Central and Eastern Europe](#). Routledge; OSCE ODIHR. 2018. [Third Status Report, Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area](#), For Roma, With Roma. OSCE Office for Democratic Institutions and Human Rights., Vermeersch, P., & Van Baar, H. (2018). [The Limits of Operational Representations](#). *Intersections*, 3(4); Surdu, M. (2016). [Those Who Count: Expert Practices of Roma Classification](#). Budapest, McGarry, Aidan. 2014. [‘Roma as a Political Identity: Exploring Representations of Roma in Europe’](#). *Ethnicities* 14(6);

Participation of persons of ethnic groups/minorities in social and public life concerns both individual and group-based human rights and democratic policy-making and governance. Thus, participation is a comprehensive concept and has different meanings in social, political, and policy discussions and practices. *Participation in a broad sense* in economic, political, social, and cultural domains of life embraces all aspects of **equal citizenship**, that is the full capacities and opportunities that each and every person (families) shall have, regardless of his/her ethnic background or in recognition of his/her ethnic background, to pursue wellbeing and to become part of various communities or group affiliations. Participation in education, health care, labour market, revenue-making, housing, sustainable environment, cultural and community activities enact a complexity through which social inclusion (or the stronger concept of equality) is usually defined.

*Roma participation in a narrow sense* denotes initiatives and spaces that enable the interactions between citizens and decision-makers explicitly *on the basis of the category of Roma identity and status in society*. These spaces of interactions can be located in the governance sphere as well as in a broader array of civil society sphere, which interact in various ways, and debate and articulate relevant public affairs. Participation in shaping public affairs is a condition and an enabling force to social inclusion in addition to prompting democratic and efficient governance of Roma inclusion. These forms of participation are envisioned to coalesce into a social transformation which is often called *recognition* without which an advanced and enduring inclusion/equality is hardly possible for the Roma.

The policy thinking and language on Roma inclusion both in governmental and non-governmental circles formed in 2011-2020 has often referred to *participation in a narrow sense*, dwelling most importantly on *political and policy participation*<sup>13</sup>. The following forms of political and policy participation are discussed:

1. Political participation of the Roma as individuals and collectives in electoral processes on national and local levels (as both representatives and voters) and various political institutions;
2. Participation of Roma (and pro-Roma-equality) civil society representatives and experts in various stages of policy formations (agenda setting, design, implementation, and assessment) on EU, national and local levels;
3. Participation of Roma in the personnel of public authorities at EU, national and local levels and thus influencing executive and administrative mechanisms;
4. Empowering institutions and organizations serving the voice and collective actions of the Roma of historically accumulated disadvantages and exclusion from shaping public affairs (seen as precondition for all the above forms of participation).

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<sup>13</sup> Rövid, M. (2012). [Options of Roma Political Participation and Representation](#). Roma Rights Journal of the European Roma Rights Centre, 9–18.

According to various post-2020 Roma policy framework discussions and proposals, the potential future framework shall envision and foster ‘*quality participation*’ at all levels and all stages of policy-making. Quality participation will raise issues such as fair electoral processes, the dilemma of formal and substantive representation, equal access to knowledge and resources conducive to meaningful participation, the diversity of the Roma, and the transparency and legitimacy questions of civil society driven participation. Outstanding puzzles and questions entail (indicative list):

- encouraging civic engagement and political participation of Roma women and men by addressing monitored obstacles in **electoral processes**, e.g. lack of documents, vote buying, outreach and information about right to vote, etc.;
- providing some broad definitions of ‘**quality participation**’ by articulating threshold qualities of transparency, inclusiveness of representation, and depth/degree of non-governmental involvement (ranging from access to information, voice, decision making power, to partnership in implementation and assessment responsibility) and encouraging the sharpening of these qualities in the specific domestic contexts both on national and local levels;
- encouraging the development of **protocols of participation** at different stages of the policy process where voice, influence on decisions, and responsibility for the consequences of decisions are different for governmental and civil society parties; further sharpening the conditionality and protocols of participation in the use of ESIFs; requiring protocols of participation in the work of NRCPs;
- enriching and diversifying the regular policy consultation platforms established in 2011-2020 at the EU and national levels in cognizance of the fact that more advanced and issue-specific forms of **partnership** may require different institutional mechanisms;
- devising tools and **resources for capacity building** to civil society organizations dedicated to contributing to Roma inclusion policy formations in view of that national governments are differently committed to Roma inclusion and the status and recognition of civil society actors show diversity across Europe;
- encouraging Roma civil society actors to reflect and act upon the **diversity of the Roma** in the specific domestic contexts and across Europe, and to build the principle of diversity and inclusiveness in their own mechanisms of operation;
- encouraging **regular reviews** and discussions on some **outstanding challenges** of policy participation such as the credibility and trust along the process of NGOization, the co-optation mechanisms often intertwined with political clientelism, compromise in mission due to financial dependency, and power balance among the Roma and mainstream civil society organizations (e.g. transnational civil society and independent expert platform or chapter of the EU Roma platform);
- acknowledging and empowering the civil society actors as **advocates and safeguards of basic democratic principles** in society (at times of organized

transnational attacks on democratic principles) in addition or parallel to their policy making participation;

- enriching the independent **civil society monitoring mechanisms** and capacities of assessing national governments' policy performance;
- promoting the participation of Roma in the administrative personnel of the EU and Member States by positive actions.

In this discussion, we wish to explore:

- ➔ How can Roma empowerment avoid “minoritizing” or “ghettoizing” the politics of Roma equality?
- ➔ Should participation be a policy matter at all?

### 3. DIVERSITY

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The potential post-2020 EU initiative should take stronger account of the diversity within the Roma population in order to increase its effectiveness. Particularly, the specific needs of at least three types of diversity groups within the Roma community have to be recognized: Intersectionality; mobility; and social stratification.

**1. Roma women, youth and children** meet specific challenges that have not been properly addressed until now. They face a multiple vulnerability, for being Roma and belonging to a disempowered societal group. The concept of “Intersectionality” addresses multiple discriminations and empowerment of Roma women, youth and children, and also Roma migrant groups, LGBTQI and dis/ability groups. Specifically, the potential new EU policy initiative will have to respond to challenges such as:

- low employment rates of Roma women: compared not only to the respective national average but also to the employment rate of Roma men;
- higher early school leaving and dropout rate of Roma girls: especially among the most conservative groups;
- child/early marriages and other patriarchal habits which still exist among some groups, although their extent has significantly decreased;
- the access of Roma children to early childhood education and care (ECEC);
- youth participation, school drop-out, school-to-work transitions and Roma NEETs (youth not in employment, education or training).

In the fields of both Roma inclusion and gender equality, the co-called ‘dual approach’ (or ‘twin tracking’) that combines targeted initiatives with the transformative strategy of mainstreaming proved to be the most effective one. The 10 Common Basic Principles on Roma Inclusion of the European Commission, published in 2010, require awareness of the gender dimension; i.e. taking into account the needs and circumstances of Roma women.<sup>14</sup> Nevertheless, the Roma Civil Monitoring (RCM) reports show that the NRISs “acknowledge

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<sup>14</sup> EC 2010: The 10 common basic principles on Roma inclusion – Vademecum, Brussels <https://publications.europa.eu/s/mNVb>

the generally gendered organisation of intra-and inter-group relations in Roma families and communities ... however, the gender perspective is hardly ever applied when it comes to the implementation of the strategies.”<sup>15</sup>

Concerning children’s rights, national child protection systems need to be more sensitive to the situation of Roma children.<sup>16</sup> Together with the general concern about child poverty, child protection is particularly urgent in the areas of violence against children, children without parental care, and children in conflict with the law. More effort is needed to build trust and shift from a controlling to a supporting approach.<sup>17</sup>

A post-2020 EU initiative would bring strong added value through:

- Setting specific EU goals regarding Roma women, youth and children, together with requiring awareness of the gender dimension and child rights in all the other fields.
- Encourage MS to make full use of available funding opportunities, and especially European Social Fund, to address the needs of Roma women, youth and children;
- Reinforcing the focus on Roma women, youth and children by linking the implementation to obligations derived from the European *acquis* such as the Gender Equality Directive and the implementation of the UN Convention on the Rights of the Child.<sup>18</sup>

**2. Intra-EU mobile Roma and migrant Roma as development resource:**<sup>19</sup> Although precise data is missing, it is widely acknowledged that the size of EU-mobile Roma and migrant Roma is significant, both in terms of the share in respect to their communities of origin, as well as to the share of all Roma in the respective countries of residence. On the one side, Roma encounter many problems of discrimination and often their fundamental rights are abused. On the other side, Member States and the EU don’t use the potential of EU-mobile Roma and Roma migrants for the development of both their countries of origin and of residence.

Incorporating the needs of EU-mobile Roma is a precondition for advancing Roma equality and inclusion. Migration is a driving force for fostering economic progress, social integration and cultural opening of the Roma community itself. But, managed adequately, migration can also accelerate the development of the European Union as a whole. Circular

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<sup>15</sup> Centre for Policy Studies CEU. RCM, *Policies and measures addressing specific needs of Roma women, children and youth*, p. 2

<sup>16</sup> See the 10 European [Principles for integrated child protection systems](#)

<sup>17</sup> Much promising research has been undertaken recently, such as Byrne & Szira (2018). [Mapping of research on Roma children in the European Union](#). Brussels and Vandekerckhove et al. (2019). [The role and place of ECEC in integrated working, benefitting vulnerable groups such as Roma](#). Luxembourg.

<sup>18</sup> See the [European acquis](#) on the right of the child. Currently a European “[Child Guarantee](#)” is discussed as flagship policy measure. This has been taken up in the [inaugural discourse](#) of the Commission president-elect, Ursula van der Leyen. Roma children are being studied as one of the potential beneficiaries of such measure.

<sup>19</sup> “Intra-EU mobile Roma” refers to Roma citizens from EU member states that make use of their right to mobility within EU member states. “Migrant Roma” refers to citizens from third countries – mostly from enlargement countries in the Western Balkans, but as well from other East European countries and Turkey.

migration has turned into a driving force for European integration and progress in the three dimensions of economic growth, social convergence and political development.<sup>20</sup>

The potential future EU initiative should include a *transnational* component of Roma inclusion. This could entail setting up transnational cooperation mechanisms that connect places of origin (Eastern Europe) with places of destination (in Western Europe) in order to facilitate inclusion processes forth and back, promoting cooperating networks of schools, etc. To that end, multilateral organizations, namely CoE, OSCE and the World Bank should be strategically involved.

More than a decade ago, mobility has been one of the triggers for the conception of a European framework. Nevertheless, today, the policy practice in all Member States has omitted the need for tackling the specific situation of EU-mobile Roma. This weakness has influenced to a great extent the scarce level of national political concern and commitment towards the particular needs of this group of EU citizens and the opportunities that could be unleashed.<sup>21</sup> A potential post-2020 EU initiative for Roma integration would bring strong added value through: (1) at EU level: setting specific EU goals regarding EU-mobile Roma and migrant;<sup>22</sup> (2) at MS level: calling upon Member States, both countries of origin and countries of destination, to include specific goals, actions and indicators regarding EU-mobile Roma and migrant Roma in the respective NRIS, and allocate funding; and (3) transnationally: incorporating Roma mobility needs and opportunities in the EU transnational cooperation processes.

**3. Social diversity and stratification within Roma community:** As explained in many European Union documents, the term “Roma” is used as an umbrella term. It includes groups of people who have more or less similar but not one and the same cultural and social characteristics. However, their self-identification could be different. Differences among social groups within Roma community along language, tradition, location (urban/rural), mobility, socio-economic status, etc., (patriarchal / conservative, modernized, marginalized groups) make a one-framed approach ineffective and require specific attention. In addition, many Roma – especially better educated and relatively well integrated ones – prefer to hide their identity. This is one of the most significant problems regarding the further development and integration of the Roma community.

It is necessary to consider this stratification both in the design of social inclusion strategies – in order to ensure that the most vulnerable are reached – as well as in the processes of political participation and policy consultation, to guarantee that a cross-section of all groups with their respective self-definition and living conditions can make use of their voice and spaces of deliberation and decision-making are not captured by Roma elites.

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<sup>20</sup> See the recently published compendium on Roma Migration: Magazzini & Piemontese (2019). [Constructing Roma Migrants](#). Cham. The 2010 OSCE report remains instructive, see Cahn & Guild (2010). [Recent Migration of Roma in Europe](#). Vienna.

<sup>21</sup> Fundacion Secretariado Gitano, RCM, *Addressing challenges and opportunities of intra-EU mobility and integration of third-country Roma in Member States*, p. 1.

<sup>22</sup> More research and policy development is required to foster the opportunities of circular migration and remittances.

The potential post-2020 EU initiative for Roma integration and the respective NRIS would highly benefit from reaching and engaging all social strata through a mix of measures and approaches. Articulating responses to the increasing diversity most importantly should be based on the perspectives and recommendations of the Roma movement in each domestic context, both at national and local level.

#### **Questions for discussion**

- ➔ What are the key challenges met by Roma women, children and youth that should be addressed by a post-2020 EU initiative and/or future NRIS? And how should this be done?
- ➔ What challenges met by EU-mobile Roma and migrant Roma should be addressed by a post-2020 EU initiative and/or future NRIS and how?
- ➔ Past Roma activism has strived to constitute the Roma as a single entity of a “European minority”. How can a potential post-2020 EU initiative safeguard this achievement of recognition of the “sameness”, whilst, at the same time, fine-tune responses to the “diversity” of different Roma-groups, so that no one is left behind and all voices are heard?