

‘Non multa, sed multum’: EU Roma Policy and the Challenges of Roma Inclusion

Abstract

The Roma face widespread discrimination and marginalisation in the EU. To address these, the Commission adopted an EU Roma policy – ‘EU Framework for National Roma Integration Strategies’ (2011) – which is implemented with the support of EU legal, financial and soft law instruments. This paper investigates the effectiveness and implications of EU Roma policy in addressing the social exclusion and discrimination faced by the Roma by assessing the policy framing, the key EU instruments and whether they address the root causes of Roma marginalisation. It is argued that the socio-economic framing of Roma exclusion – underpinning the EU Roma policy – along with the EU instruments upholding its implementation, both blurred the responsibility boundaries for Roma inclusion between the EU and national levels, and also proved ineffective and ill-designed in addressing the root causes of Roma exclusion and discrimination.

Key words: discrimination, Roma, policy framing, anti-Gypsyism, EU Roma policy

Introduction

The Roma constitute the largest ethnic minority in Europe. The key problems faced by the Roma community are socio-economic marginalisation and structural discrimination. Even after the end of the Decade of Roma Inclusion¹, the integration of Roma communities into the mainstream society still constitutes a challenge for both European and national policymakers. The Roma are considered the biggest ‘losers of the transition’ from communism since 1989 (Sigona and Trehan 2009), and thus, the degree of exclusion faced by this minority is the most pressing human rights issue currently facing the European Union (EU) (O’Nions 2014). Despite being Europe’s most vulnerable citizens (Rubin *et al.* 2014), the Roma are denied ‘active citizenship’ at all levels (O’Nions 2007) and some Member States even decided to ‘securitise’ the Roma by describing them as a collective threat (Parker 2012) to justify their deportation from countries such as France and Italy. Policy debates concerning the Roma are often polarised between security or migration control and the need to fight discrimination, including promotion of social inclusion (Sigona and Vermeersch 2012).

More recently, the European Commission has attempted to address the plight of this minority by adopting a specific EU Roma policy – the ‘EU Framework for National Roma Integration Strategies up to 2020’ (2011, thereafter the Roma Framework) – the implementation of which relies on a set of EU legal, financial and soft law instruments. The Roma Framework is the lynchpin for addressing the socio-economic exclusion of the Roma in four key sectors at the

¹ The Decade of Roma Inclusion 2005–2015 was a political commitment by European governments to eliminate discrimination against Roma and close the gaps between Roma and the majority population. See the official website: <http://www.romadecade.org/index>.

national level: education, health, employment and housing². The key objective of the Commission-driven Roma policy is to bridge the increasing gap between the Roma and non-Roma communities in accessing public services, the labour market and, therefore, to support their integration into the mainstream society (European Commission 2011). To render this policy effective, the Commission coupled the implementation of the Roma Framework with the use of EU Structural and Investment Funds. Soft law instruments, such as the Open Method of Coordination³ (OMC), are also indirectly supporting the achievement of the Roma Framework's objectives.

This paper investigates the effectiveness and implications of EU Roma policy in addressing the social exclusion and discrimination faced by the Roma by assessing the policy framing of the Roma 'issue'⁴, the key EU instruments and the extent to which they address the root causes of Roma marginalisation. It is argued that the socio-economic framing of the Roma 'issue' – underpinning the EU Roma policy – along with the EU instruments upholding its implementation, both blurred the responsibility boundaries for Roma inclusion between the EU and national levels, and also proved ineffective and ill-designed in addressing the root causes of Roma exclusion and discrimination. The EU has made inroads into tackling Roma's plight by deploying multiple instruments, however, what it lacks is the 'muchness' of its actions: namely doing less, but better, and above all, focusing on the underlying causes of the Roma 'problem', rather than its effects. Methodologically, the empirical findings of this article draw on an extensive set of qualitative interviews with EU officials and Roma civil

² These are policy sectors that had been also targeted by the Decade of Roma Inclusion.

³ The OMC provides an intergovernmental framework for cooperation between the EU countries, whose national policies can thus be directed towards certain common objectives. As a soft law instrument, the OMC covers policy sectors that fall under the jurisdiction of the Member States.

⁴ The 'Roma issue' or 'Roma problem' generically denotes here the wide set of problems, among which key are structural discrimination, poverty and exclusion, faced by the Roma communities across Europe. See for instance 'European Union Confronts Its Roma Problem' (2014) *Wall Street Journal*, April 22.

society stakeholders⁵, as well as primary and secondary documentary analysis. Triangulation is employed to validate the empirical findings. The first two sections examine the EU's framing of the Roma 'issue', along with the EU instruments supporting the policy implementation. The third section scrutinises the main shortcomings of the EU Roma policy and the blurring of responsibility between national and European levels for policy delivery, while the last section demonstrates that the nature of the EU Roma policy framing fails to target the root causes of Roma exclusion. The key analytical and empirical contributions of this article is that it demonstrates *how* and with *what implications* the socio-economic framing of Roma exclusion advanced by the EU Roma policy – along with the EU instruments upholding its implementation – generated a responsibility vacuum for Roma inclusion between the EU and national levels, and also failed to target the root causes of Roma marginalisation and discrimination.

1. Policy framing and the Roma

How issues are framed can determine the type of action(s) taken and policy instruments adopted in relation to a specific policy problem. Framing is defined as a way of naming, selecting and storytelling (Rein and Schön 1977) of complex issues in order to provide guidelines for interpreting, analysing and acting (Rein and Schön 1991). Policy frames represent 'underlying structures of belief, perception and appreciation' (Schön and Rein 1994:23). A frame, therefore, defines the nature of the issue-area – or the policy problem – and shapes the key aspects of policymaking, such as which problem is being addressed,

⁵ The findings of this article are based on an extensive set of 35 qualitative interviews conducted with European Commission officials (DG Justice, DG Employment, DG Education) and Roma NGOs and experts in Brussels and London between May-July 2015 as part of a project 'Human Rights in Times of Crisis' funded by the Strategic Interdisciplinary Research Development Fund (School of Social Sciences award,).

which actors are involved and which policy instruments are the most appropriate to address the policy problem. Essentially, a policy frame provides a solution to a policy problem, or an answer to a policy question. This is extremely significant because ‘the questions we ask shape the answers [i.e. policy solutions] we get’ (Rein and Schön 1977:236). By shifting the attention to specific aspects of complex policy issues ‘frames give direction to policymaking and help account for policy outcomes’ (Bleich 2011: 60). Put briefly, there is a clear link between how an issue is framed and the instruments deployed to address it, along with the policy solutions.

As frames direct attention to specific policy outcomes, they also assign responsibility for delivering them. However, often the levels of responsibility become blurred between various actors if they perceive distinctly the nature of the problem, which then translates into distinct policy solutions. As Schön (1971:210-211) put it ‘the nature of the public problem appears to different actors in different and often incompatible ways’ because various policy actors have distinctive roles, perspectives and interests. EU policy frames, particularly of complex issues, such as the Roma inclusion, can justify why the EU promotes certain policy instruments in support of those policy frames, or how the EU envisages its role and responsibility in addressing those policy issues.

Policy framing processes are particularly relevant in relation to how the EU approaches and engages with the Roma ‘issue’. The problems faced by the Roma are complex, multi-layered and often entrenched. The Roma ‘issue’ manifests itself both as a cultural-ethnic matter (via discrimination) and socio-economic exclusion (as extreme poverty): these constitute two

sides of the same coin⁶. These are manifested as poor health, low levels of literacy, poor accommodation standards, unemployment or lack of access to quality education. Nevertheless, more recently there have been widespread manifestations of what has been labelled as ‘anti-Gypsyism’, which amounts to a ‘specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination’ (ECRI 2011:3). We are currently witnessing the rise and expansion of violent forms of anti-Gypsyism (Sigona and Trehan 2009), along with a surge in Romaphobia (McGarry 2017), namely the fear and hatred of those individuals perceived as being Roma. The EU usually framed Roma as a group in need of special attention (Vermeersch 2012). However, the question raises as to what extent the adopted EU Roma policy frame addresses the root causes conducive to Roma’s marginalisation and discrimination. Furthermore, policy framing vis-à-vis the Roma can be deployed to divert attention from specific aspects of the policy issue. This focus shifting is crucial as it shows how the policy solutions – such as measures, laws, action plans etc. – contained in the policy frame do indeed provide effective solutions to the identified policy problem. In essence, policy frames could be employed to divert the attention in a manner that overlooks the underlying causes of the policy problem.

Given the complexity and entrenched character of Roma’s marginalisation, it has been suggested that the Roma ‘issue’ poses a dilemma for EU policymakers: namely the EU institutions struggle regarding how to address the redistribution/recognition dilemma (McGarry 2012) as evinced by the economic and cultural injustices faced by the Roma. Nevertheless, the Union’s balancing act between recognition and redistribution is limited as it

⁶ According to Roma NGOs, the dire poverty suffered by the Roma is a consequence of their discrimination, and at the same time, the Roma’s poverty is conducive to their discrimination. Author’s interviews with Roma NGOs, Brussels, May 2015.

fails to address the effective ways of Roma representation and participation in politics (Vermeersch and Van Baar 2017). Indeed, policy initiatives addressing the participation of Roma in decision-making processes (McGarry and Agarín 2014) have lacked. Therefore, how the EU frames Roma's exclusion is paramount as this determines what policy instruments and measures the EU will deploy in order to address the problems faced by this minority. Moreover, the nature and scope of EU policy frames can assign clear responsibility and ownership for the Roma integration, a matter still widely contested in Europe: namely the extent to which the inclusion of the Roma into mainstream society is deemed to be either a national or an EU responsibility matter. Some have argued that Roma EU citizens are caught between EU and national levels (Juverdeanu 2016) in terms of the responsibility for tackling their plight. In brief, how the EU decides to frame the Roma issue, shapes both the breadth (*in terms of how many measures/instruments*) and depth (*in terms of how deeply they address the problems*) of EU policy interventions in relation to this minority.

2. EU Roma Policy

After the Roma deportations⁷ from Italy in 2008 and France in 2010 the Commission adopted in 2011 the Communication 'An EU Framework for National Roma Integration Strategies up to 2020'. Getting the Roma onto the EU agenda was a much bigger 'prize' for Roma activists than getting other organisations, such as the Council of Europe, to take up the issue (Ram 2010). Taking up the Roma 'question' at the EU level demonstrates both the failure of EU accession policy to influence Roma integration in Eastern Europe (Spirova and Budd 2008) and also the construction of a transnational identity aimed at articulating their demands to the

⁷ The Italian and French governments deported Bulgarian and Romanian citizens perceived as 'Roma'.

EU institutions (McGarry 2011). The current situation of the Roma can be explained as an upshot of the ineffective application of the Copenhagen accession criteria – the minority protection criterion – during the Eastern enlargement process⁸. In the same vein, Roma's transition from outsiders to European citizens occurred by making claims, i.e. by squatting in church and park, to prove their collective political subjectivity and assert their European citizenship rights (Isin and Saward 2013).

The Framework constitutes the first overarching EU Roma policy that aims to provide clear, yet broad, objectives to be achieved by national governments to tackle the plight of the Roma, by including policy targets in four key sectors: education, employment, healthcare and housing, to reduce the existing disparities with the majority population (European Commission 2011). The Member States endorsed the EU Roma Framework by adopting in December 2013 the Council Recommendation on 'Effective Roma Integration Measures in the Member States', which commits them to achieving in practice the Roma policy targets outlined in the Framework. As the Framework is a soft law instrument, it relies heavily on Member States' willingness to deliver the policy objectives contained in it. Therefore, the Council Recommendation acts as a proof of national governments' commitment to meet the goals of the EU Roma policy, and as such, assigns responsibility to national authorities for achieving the Roma Framework objectives.

The overarching goal of the EU's Roma policy is to make a tangible difference to Roma people's lives by closing the gap between the Roma and non-Roma in accessing education,

⁸ According to both Commission officials and Roma NGOs, the EU accession policy failed to tackle successfully the inclusion of the Roma in Central and Eastern Europe. Author's interviews with Commission officials and Roma NGOs, Brussels, June. 2015.

employment, healthcare and housing (European Commission 2011: 3-4). Put tersely, the focus of the EU Roma Framework is on promoting the socio-economic integration of the Roma, which can be conducive to both the Roma's social inclusion and the elimination of discrimination (European Commission 2011). However, what transpires from the Commission's approach to the Roma 'question' is that the Roma's socio-economic situation – as evidenced by the focus on the four policy sectors – is prioritised over their entrenched racial discrimination. The Commission envisages that the crux of Roma's exclusion is primarily socio-economic, and therefore the EU policy instruments and solution(s) adopted have to target the identified nature of this problem.

The socio-economic framing of the Roma 'issue' is reflected both by the EU's policy objectives and the instruments deployed to support its implementation. This socio-economic focus prioritizes aspects of social policy such as the improvement of living and working conditions, promotion of employment, access to housing and healthcare, provision of quality education in order to eradicate Roma's poverty and social exclusion. By highlighting the poor socio-economic conditions faced by the Roma (European Commission 2011:2), the Commission proposes the implementation of measures conducive to Roma's socio-economic integration and consistent with the EU's Europe 2020 strategy for smart, sustainable and inclusive growth (see more on this below). To reinforce the reasons for Roma's socio-economic inclusion, the Framework cites empirical evidence which outlines the clear financial gains for the EU and the Member States if Roma were socio-economically integrated at the national level⁹. The EU Roma policy is designed as a soft law initiative,

⁹ According to Commission evidence the 'full Roma integration in the labour market could bring economic benefits estimated to be around € 0.5 billion annually [...] the tax benefits of Roma integration in the labour market are estimated to be around € 175 million annually per country' (European Commission 2011:3).

namely the EU Roma Framework, due to the focus on socio-economic issues, which still constitute the purview of the Member States.

The EU's framing of the Roma issue seems to be guided by the question '*how can the Roma be integrated?*' rather than by '*what factors cause the Roma's exclusion in the first place?*'. Therefore, the EU-designed policy solution tackles the socio-economic exclusion of the Roma 'issue' without necessarily addressing the key causal factors conducive to Roma's exclusion and discrimination in the first place. The Commission contends that the socio-economic focus vis-a-vis Roma's integration would also indirectly address their discrimination and segregation (European Commission 2011). Thus, the Roma policy frame adopted by the Commission seems to be a 'one size fits all' approach, while the overall responsibility for the integration of the Roma, as the Commission clearly puts it, still rests with the Member States (European Commission 2011:3).

2.1. EU instruments

The EU Roma Framework advances a socio-economic framing of the Roma 'issue' by prioritizing their need for social and economic inclusion. Viewing the Roma issue exclusively through this socio-economic lens¹⁰ allows the EU to link it to the EU funds and the objectives of Europe 2020, the EU's economic growth strategy. The Commission drew a strong link

¹⁰ In 2010 the World Bank published an influential study – *Roma Inclusion: An Economic Opportunity for Bulgaria, Czech Republic, Romania and Serbia* (<http://documents.worldbank.org/curated/en/196921468261335364/pdf/696550ESW0P1180Economic0Opportunity.pdf>)-in which it provided empirical evidence supporting Roma's socio-economic integration at the national level. It has been argued that the World Bank study was influential in providing the Commission with the necessary evidence for embracing the socio-economic approach to Roma integration. Author's interviews with Commission officials and Roma NGOs, June 2015.

between the EU Roma policy goals and the objectives of the Europe 2020: Roma inclusion in the four policy sectors in the Roma Framework is deemed to contribute to the attainment of Europe 2020 targets (European Commission 2011:4). Put simply, the socio-economic integration of the Roma at the domestic level is directly conducive to the achievement of the EU's economic goals.

The deployment of the EU Structural and Investment Funds for 2014-2020 is explicitly connected to the implementation of EU Roma policy at the national level. The EU was strongly criticised for the failure to connect the EU's financial instruments to its social policy objectives in the past: Roma NGOs highlighted that the Structural Funds had been misused and failed to reach the disadvantaged groups they targeted¹¹. To address these critiques, the new regulations governing the employment of the EU Funds – the ESF (European Social Fund) Regulation No 1304/2013 and the Common Provisions Regulation No 1303/2013 – include provisions that link explicitly the employment of EU funds to the implementation of national Roma strategies. By targeting the social inclusion and poverty reduction of ‘marginalised communities’¹², EU funds advance the socio-economic framing of the Roma integration. To access ESF funding, national authorities have to comply with the legally binding condition – the so-called *ex ante conditionality* – which requires them to adopt national Roma integration strategies, whose implementation should be supported by the ESF. The *ex ante conditionality* demands that the Member States have in place monitoring mechanisms for the implementation of the national Roma integration strategies, and that they engage with Roma NGOs in the delivery of national Roma strategies’ objectives. In essence, national authorities need to demonstrate that they are committed – at least on paper – to

¹¹ Author's interview with Roma NGOs, Brussels, May 2015.

¹² Under the same investment priority, the European Regional Development Fund (ERDF) can support investment in health care and social infrastructure (according to the Common Provisions Regulation).

supporting the Roma inclusion by delivering the objectives contained in the Roma Framework.

The technical guidance¹³ – issued by the Commission – accompanying the use of EU funds – places the so-called ‘principle of desegregation’ (European Commission 2015b), with respect to education and housing, at the heart of EU cohesion policy. Although these technical guidelines do not impose legal obligations on how the EU funds should be used, they provide recommendations intended to address simultaneously both the social inclusion and the segregation dimensions of the Roma issue. Public authorities are urged to follow the guidelines by designing both targeted and mainstreaming actions – supported by the EU funds – that would tackle the exclusion and segregation faced by the Roma (European Commission 2015b). However, in practice, the national authorities do not have to follow these recommendations, as the most recent evaluation of the Roma Framework shows (see more below) that Roma’s discrimination and segregation are not targeted in practice. There is no EU legal tool to prevent the use of EU funds to support projects and activities which can be conducive, directly or indirectly, to Roma’s discrimination. Recent evidence has unearthed the limitations in national and EU funding levels for Roma inclusion, as well as weak alignment between Roma policies and funds (Bartlett *et al.* 2015).

The inclusion of the Roma is also addressed, indirectly, via the social and education OMCs. The OMC is a voluntary process of intergovernmental cooperation based on agreeing common goals and assessing progress towards these goals by using common benchmarks. To

¹³ ‘Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation’, EGESIF 15-002401, 2005, available from http://ec.europa.eu/regional_policy/en/information/publications/guidelines/2015/guidance-for-member-states-on-the-use-of-european-structural-and-investment-funds-in-tackling-educational-and-spatial-segregation

this end, the OMC assigns crucial role to the Member States for the achievement of policy coordination. The social OMC covers social protection and social inclusion, which are relevant for the Roma. The focus of these sectors is on communities who are at risk of poverty and exclusion – using indicators such as material deprivation, jobless household etc. – while the Member States set their targets on the basis of the most appropriate indicator for their national circumstances (Council of the EU 2010). While not targeting the Roma in particular, the social OMC addresses the social inclusion of the Roma minority as part of the broader social inclusion objectives agreed by national governments. The education OMC, closely linked to the Europe 2020 goals¹⁴, addresses Roma's inclusion into education as part of its strategic objective to 'promote equity, social cohesion and active citizenship' (Council of the EU 2009:3). Thus, the education OMC addresses educational disadvantage by providing high quality early childhood education and inclusive education to those from disadvantaged backgrounds. Both the social and education OMCs, as mechanisms that place the responsibility for policy coordination and peer learning on the Member States, attempt to narrow the gap between disadvantaged groups, including the Roma, and the majority population. As these policy coordination tools pre-date the Roma Framework, they are only indirectly – via common objectives – linked to the policy targets of the EU Roma policy.

Nevertheless, this combination of legally binding and soft law instruments, as the socio-economic framing of the Roma issue entails, also diffuses the responsibility for addressing the plight of the Roma: while the Member States retain the primary responsibility for achieving the objectives of the EU Roma Framework – by adopting and implementing their national Roma integration strategies – the EU is responsible for ensuring that the legal

¹⁴ For instance, Europe 2020 prioritises education with the aim of reducing the rate of early school leaving to below 10% and ensuring that at least 40% of young adults have completed higher education (European Council 2009).

requirements attached to the use of EU funds are actually met by national authorities. As shown below, the range of EU-designed policy and accompanying instruments generate the diffusion of responsibility between the EU and national levels for the integration of the Roma.

3. Policy shortcomings and blurred responsibility

The EU Roma policy, as advanced by the Roma Framework along with the EU funds, has some significant shortcomings, mainly facilitated by the socio-economic framing of Roma inclusion, but also due to policy design deficiencies that blur the division of responsibility for Roma integration. The blurred fault lines for policy responsibility overshadow the ineffectiveness of the EU's initiatives to address the root causes of Roma's exclusion, as the last section discusses.

3.1.EU Roma Framework

There are some inherent problems that render the EU Roma Framework less effective in achieving its objectives and having positive outcomes on the ground. First of all, the EU Framework is a soft law instrument, and therefore there are no legal obligations on the Member States to meet the requirements in the Roma Framework. The Member States adopted on paper ambitious national objectives as part of their national Roma integration strategies to address the plight of the Roma, yet most of these objectives failed to materialise in practice (European Commission 2016). Second, the lack of ethnically desegregated data collected at national level as well as the lack of evaluation indicators used by the Commission

to assess the progress of the Roma Framework, meant that assessing policy impact accurately has been difficult. The Commission can only rely on what national authorities report back with respect to how they meet the targets set in the four policy sectors of the Roma Framework. Furthermore, the Roma Framework also lacks EU monitoring and enforcement mechanisms of national Roma integration strategies¹⁵, which, along with the lack of monitoring indicators and benchmarks, renders the assessment of progress particularly challenging. No wonder, therefore, that since its adoption in 2011, the Roma Framework has achieved little progress on the ground (European Commission 2015a, 2016, 2017). The Commission's latest assessment of the implementation of the Roma Framework objectives concludes that there is 'still limited impact of the EU Framework in improving the situation of the Roma' (European Commission 2017: 15). The Commission evaluates¹⁶ annually the policy measures adopted by the Member States in relation to the Roma Framework targets, however, what the Commission lacks is control over the actual policy changes in practice and their relevance for the Roma¹⁷. As Bartlett *et al.* (2015) found, the Roma Framework has some serious shortcomings, such as unrealistic and untailored targets, weak evaluation procedures as well as absence of sanctions for non-performance, which all impact negatively on the implementation of the EU Roma policy at the national level.

¹⁵ The Roma Framework demands that the Member States put in place specific mechanisms for monitoring and assessing the implementation of the Roma strategies, yet these mechanisms lack in most of the Member States (European Commission 2016).

¹⁶ The Commission's evaluation draws on data collected by the Commission itself, Member States' reporting back, as well as on input from civil society organisations (some of the inputs are accessible at <https://cps.ceu.edu/roma-civil-monitor-civil-society-monitoring-reports>)

¹⁷ According to Commission officials in DG Justice. Author's interview with Commission officials, Brussels, June 2015.

3.2. EU Funds

The EU funds are intended to address the socio-economic exclusion of the Roma community, however, the EU cannot prevent their employment for projects conducive, at least indirectly, to Roma discrimination. The Commission lacks the leverage to prevent the use of EU Structural Funds for projects and actions that could generate the segregation of the Roma, as it often occurred in the past. The main legal lever, the *ex ante conditionality* in the EU funding regulations, still leaves Member States with significant leeway regarding the type of actions and projects that get funded: their main responsibility is to demonstrate that the national Roma integration strategies have been adopted on paper and that EU funding would be used to deliver them. The Commission's monitoring of how the *ex ante conditionality* is met mainly focuses on policy intentions, rather than on what actually is delivered in practice. There are no specific EU requirements for national authorities to ensure that the Roma strategies and their respective Action Plans are actually implemented effectively on the ground, with the support of EU funds. As Roma NGOs suggested, the Commission generally checks the relevance of Roma integration strategies only on paper, most of which often lack effective Action Plans and implementation measures¹⁸. The upshot of linking the EU Roma policy to the EU funds and the Europe 2020 objectives is that the success of EU funds in promoting Roma inclusion will be assessed only in terms of meeting the economic targets of Europe 2020, rather than the broader policy outcomes relevant to the situation of the Roma.

¹⁸ Authors' interview with Roma stakeholders, Brussels, May 2015.

3.3.Blurred responsibility

The EU Roma policy, along with the EU financial instruments, renders the allocation of responsibility for promoting Roma integration blurred. This is further reinforced by the disconnect between the anti-discrimination legal framework¹⁹ and the EU Roma policy. The Commission's contention was that that the EU Roma policy and the anti-discrimination legal framework would be pursued separately, and that they would both complement each other: however, in practice this is not the case, given that, as discussed above, the EU funds could still be deployed to finance projects conducive to discrimination and segregation.

The Roma Framework states clearly that the responsibility for achieving the minimum standards set for the four policy sectors rests with the Member States (European Commission 2011). The role of the Commission is to monitor and assess the extent to which those standards have been adopted, both legally and on the ground. Nevertheless, this responsibility becomes diffused as the Commission lacks monitoring and progress evaluation benchmarks and indicators. At the same time, national authorities have been sluggish in enhancing the transparency and accountability for the implementation of the national Roma strategies as they still lack the relevant mechanisms overseeing policy implementation. The deficient monitoring and progress assessment mechanisms at EU and national levels render the evaluation of the policy implementation difficult, particularly as it is not clear who should be held to account for the lack of progress on the ground: the Member States, for failing to meet the non-existent EU indicators or the Commission, for failing to assess progress accurately on

¹⁹ The two main legal instruments are the Employment Equality Directive 2000/78/EC and the Racial Equality Directive 2000/43/EC (RED). In the case of the Roma, the RED is particularly relevant and applicable in relation to instances of discrimination faced by them.

the ground²⁰. In light of this responsibility vagueness, it becomes easier for the Roma to be held responsible for their position of inferiority.

The *ex ante conditionality* included in the use of EU Structural Funds clearly assigns a legal responsibility to the EU for ensuring that the EU funds are used to assist with the implementation of national Roma strategies. However, the responsibility for addressing the Roma integration via the use of EU funding is blurred due to two factors: first, as mentioned above, the Commission only checks whether the *ex ante* conditionality is met on paper, namely whether there are Action Plans accompanying the national Roma strategies. Secondly, the Structural Funds focus on policy outputs not outcomes²¹; therefore, the Commission is responsible for ensuring that the legal conditionality is met on paper, i.e. with respect to the policy outputs rather than the actual changes on the ground, i.e. policy outcomes, which falls under the purview of the Member States. The advantage of this accountability vacuum, from the perspective of both EU and national policymakers, is that if the policy fails to attain its objectives, then it becomes difficult to assign blame and culpability for this lack of progress. In the same vein, the achievement of the OMC objectives rests with national governments, yet what lacks vis-à-vis these OMCs is leadership and political will to address the Roma ‘issue’ (O’Nions 2015:106). The lack of clear differentiation between EU and national roles for policy delivery renders the responsibility for addressing Roma inclusion extremely blurred, and overshadows the failure to address the root causes of Roma marginalisation, as discussed below.

²⁰ Some Roma NGOs have claimed that the Commission’s evaluations have not been critical enough primarily in order to not upset the Member States vis-a-vis their record on Roma protection. Author’s interviews with Roma NGOs, Brussels, May 2015.

²¹ As one of the interviewees made it clear: this constitutes one of the main shortcomings of the EU funds. Authors’ interview with Roma NGOs, Brussels, May 2015.

4. Root causes of Roma exclusion

The EU's Roma policy and instruments fail to target the root causes that lead to Roma's exclusion and discrimination in the first place: these are the entrenched attitudes and prejudices of the majority population towards the Roma, usually described as anti-Gypsyism. There are two key aspects underlying this failure of the EU Roma policy: first, the Roma policy fails to embrace an anti-discrimination approach, while second, the policy and the accompanying instruments fail to target anti-Gypsyism altogether. These are spelt out below.

One of the main shortcomings of the Roma Framework is its failure to target the discrimination dimension. Leading Roma NGOs and human rights organisations were quick to signal this significant drawback. For instance, the European Roma Policy Coalition publicly stated that it is 'deeply disappointed' as the Framework 'fails to specify measures to combat discrimination, intimidation, anti-Gypsyism hate speech or violence against Roma' (ERPC 2011). This failure is particularly important within the context of addressing the integration of the Roma, given that there's EU binding anti-discrimination legislation which has to be enforced at the national level. As Roma NGOs have pointed out, the socio-economic framing of the EU Roma policy constituted another missed opportunity to address the entrenched discrimination at the national level. By lacking a strong anti-discrimination approach, the EU Roma policy, coupled with the EU funds, both fails to address Roma's discrimination, and furthermore, can indirectly uphold actions conducive to their segregation and discrimination²². Recently the Commission launched the infringement procedure against

²² The EU funds, as a Roma NGO put it, can still be employed to perpetuate the segregation of Roma communities, as 'one of the most effective ways to address discrimination is via sanctioning the misuse of EU

the Czech Republic, Slovakia and Hungary for the segregation of Roma children in schooling settings, and therefore, for breaching the EU anti-discrimination legislation. While the outcomes of this legal action are still pending, it should be noted that the pursuit of the anti-discrimination framework in education occurred outside the EU Roma Framework, given that the EU Roma policy lacks an anti-discrimination focus.

The factors that cause Roma's exclusion are far more complex and multifaceted. The overall exclusion faced by the Roma community is caused by a combination of structural discrimination and poverty, which mutually reinforce each other. However, these constitute just manifestations of far more complex and entrenched factors, such as anti-Gypsyism. Anti-Gypsyism is a type of racist ideology (Nicolae 2006) which has been described 'as an ideology of racial superiority, a form of dehumanisation and of institutionalised racism' (Nicolae 2006:7). This is manifested, among others, 'by violence, hate speech, exploitation, stigmatisation and the most blatant form of discrimination' (ECRI 2011:3, European Parliament 2017). Recent research has shown that the Roma community faces the highest levels of expressed intolerance across all Western European countries, and therefore they 'represent a group that may benefit significantly from policy interventions aimed at reducing intolerance' (RAND Europe 2014: xii). Clearly, anti-Gypsyism was caused by historical discrimination and fuelled by both cultural and racial stereotypes and prejudices against the Roma. As a recent European Parliament Resolution²³, supported by MEP Soraya Post, puts it, anti-Gypsyism is ubiquitous and entrenched as 'different forms of anti-Gypsyism can be

funds for projects that contribute to the segregation of Roma communities'. Author's phone interview with Roma NGOs, June 2015.

²³ *European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism*, available from <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0413&language=EN&ring=A8-2017-0294>

identified in the work and workings of public authorities and institutions in almost all spheres and at all levels in the Member States’, while at the EU level ‘inadvertent anti-Gypsyism can even be observed in the workings of the EU institutions, as numerous EU programmes and funds that could have a positive impact on the living conditions and life prospects of Roma do not reach them’ (European Parliament 2017:4).

Anti-Gypsyism is the underlying factor conducive to Roma’s poverty, exclusion and structural discrimination²⁴. For instance, the European Parliament’s Resolution (2015) clearly acknowledged that ‘anti-Gypsyism is one of the main causes of the discrimination and marginalisation that the Roma people have suffered historically in many European countries’ (European Parliament 2015). A significant manifestation of this racist ideology is Romaphobia, which consists of the negative ascription of group identity and can result in marginalisation, persecution and violence (McGarry 2017). Therefore, any attempt to address Roma’s socio-economic situation must grapple with the root causes of Romaphobia, and the broader Roma anti-prejudice. As recent surveys show²⁵, anti-Gypsyism – manifested as discrimination, hate speech, hate crime and social exclusion of the Roma – has surged due to the general radicalisation of European societies (Council of Europe 2016:11) in the context of refugee crisis and rise in nationalist, populist and extreme-right political rhetoric²⁶. Against this backdrop, the Roma people ‘are among the first to be attacked, mocked and abused’ (ERGO Network Press Release 2016).

²⁴ This is a view widely shared by the majority of Roma NGOs and experts.

²⁵ According to recent European surveys, the majority population (for example 85 % in Italy, 66 % in France, 53 % in Greece, 50 % in UK) hold unfavourable views of Roma (Global Attitude Survey, 2014).

²⁶ According to Justice Commissioner Vera Jourova ‘The Romani minority is the first to be afflicted by the deteriorating situation in Europe’ (<http://www.romea.cz/en/news/world/eu-justice-commissioner-says-situation-of-romani-people-is-not-improving>).

Anti-Gypsyism has been employed to justify and legitimatise certain actions against the Roma and the existing social order in some countries (Nicolae 2006:6). Given their labelling as a ‘security issue’ (Council of Europe 2016), ‘reasonable anti-Gypsyism’²⁷ (Van Baar 2014) has been used to justify actions such as forced evictions in Italy and France or segregation in public spaces. In light of this, anti-Gypsyism is deemed a justifiable and socially accepted attitude that is prevalent among the majority population. Consequently, Roma’s inclusion is ‘not merely a question of economic empowerment by eradicating poverty’ (Council of Europe 2016:7), as the EU’s framing of the Roma ‘issue’ intends us to believe. On the contrary, economic deprivation and deep discrimination are rooted in and manifestations of anti-Gypsyism, which has intensified due to the rise in nationalist populism, hate speech and the refugee crisis (Council of Europe 2016; European Parliament 2015). As the ERPC chair put it in 2013 so far ‘the EU Framework has not improved the Roma’s socio-economic situation nor visibly decreased anti-Gypsyism’ (ERPC 2013).

To effectively address the Roma ‘issue’, the EU and national policymakers should seek deeper societal changes by targeting head-on anti-Gypsyism. As both Roma NGOs and Commission officials contend, social change vis-à-vis the majority population has to be triggered. There needs to be a national debate, involving both the majority population and the Roma, about how to fully integrate and protect the rights of this minority²⁸ over the long-term. Anti-Gypsyism should be challenged legally, institutionally, politically and culturally as a result of this national conversation and consensus. As the European Parliament Resolution (2017) proposes, tackling anti- Gypsyism effectively needs to start by creating mutual trust

²⁷ According to van Baar (2014:29) ‘The argument goes that you are rightfully entitled to act against them and treat them differently, because they cause inconvenience indulge in criminal activity and can generally be expected to cause trouble’.

²⁸ Author’s interview with Roma NGOs and Commission officials in DG Justice, June 2015.

between the Roma and majority population by means of reconciliation, Roma's meaningful participation in cultural, political, social and economic sectors and by educating the mainstream society to combat prejudices and stereotypes (European Parliament 2017:5-6). Thus, an integrated holistic approach is needed to address the multi-sectoral challenges faced by the Roma and the entrenched socio-cultural attitudes and prejudices underlying them.

In light of the above, it becomes clear that the current EU Roma policy fails to target the issue of anti-Gypsyism, the central root cause for Roma's marginalisation²⁹. It could be deemed that addressing the entrenched issue of anti-Gypsyism would be a complex and colossal task for the EU to embrace, particularly as the EU would need to have a clear mandate to do so. Nevertheless, the issue of legal competence can easily be interpreted in conjunction with the EU's anti-discrimination legal framework, and hence EU action – either as soft or hard law measures – could be justified. Furthermore, the blurred responsibility is present even here: namely it is still unclear whether it is the responsibility of the EU or of national governments to address anti-Gypsyism, by challenging the deeply entrenched cultural attitudes of the majority towards the Roma. Changing majority's racist attitudes towards the Roma is even more crucial at the local level, where EU policies and legal provisions are implemented. Unless strategic and comprehensive steps to address this matter will be taken by either the EU or national actors, then, as Gergely (2014) rightly put it, these 'policies will remain elusive [...] without addressing the root causes of the spectrum of Roma rights violations'. At the same time, the variety of EU policy and legal instruments convey the impression that the EU has taken a wide range of actions and initiatives to tackle Roma

²⁹ The European Parliament Resolution rightly highlights this major shortcoming by asking the Commission to 'place anti-Gypsyism in the focus of the post-2020 EU Framework in addition to social inclusion, and to introduce anti-discrimination indicators in the fields of education, employment, housing health, etc., as anti-Gypsyism undermines the successful implementation of National Roma Integration Strategies' (European Parliament 2017:14).

exclusion, although none of these addresses specifically the root causes of Roma's marginalisation, and as shown above, they generate responsibility fault lines for Roma inclusion between EU and national levels. This explains why the Roma still constitute one of the most marginalised communities in Europe despite all the EU and national actions taken to address it.

Conclusion

The EU Roma Framework has been hailed as a significant achievement for streamlining and prioritising the integration of the Roma at the national level. However, as most Roma experts and practitioners contend, the policy dimension of addressing the Roma issue is the responsibility of the Member States, while the legal dimension constitutes the purview of the EU³⁰. Although the Commission devised and promoted the Roma Framework and the targets that national government should meet, it is still the responsibility of national authorities to take the necessary action to meet the EU Framework objectives. Nevertheless, anti-Gypsyism underpins the implementation and enforcement of both the policy and legal dimensions of EU Roma measures at the national level. Without targeted and long-term EU and national actions aimed at eradicating anti-Gypsyism, both the legal and policy measures focusing on the plight of the Roma would be bound to fail in rooting out the key causal factors conducive to their exclusion and discrimination. The socio-economic policy frame embraced by the EU vis-à-vis the Roma prioritised quantity – namely the multiple and various EU instruments and measures employed – over quality, i.e. addressing the root causes of the Roma issue. It would

³⁰ Author's phone interview with Roma stakeholders, London, June 2015.

have served the Roma's inclusion better if the EU had endeavoured to do less, but better: as the Latin saying clearly puts it: 'non multa, sed multum'.

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