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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL RECOMMENDATION on Roma equality, inclusion and participation

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## **COUNCIL RECOMMENDATION**

**of ...**

**on Roma equality, inclusion and participation**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Directive 2000/43/EC<sup>1</sup> lays down a framework for combating discrimination on the grounds of racial or ethnic origin throughout the Union in relation to employment, education, social protection, including social security and healthcare, social advantages and access to and the supply of goods and services, including housing. One purpose of this Recommendation is to contribute to the effective implementation of that Directive, without prejudice to the competences of the Member States.

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<sup>1</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

- (2) Council Framework Decision 2008/913/JHA<sup>1</sup> obliges Member States to criminalise public incitement to violence or hatred on the grounds of race, colour, religion, descent or national or ethnic origin and to ensure that racist and xenophobic motivation is considered an aggravating circumstance or, alternatively, that it may be taken into consideration by national courts in the determination of the penalties. This Recommendation is designed to strengthen the measures taken against hate speech, hate crime and violence directed against Roma people. In line with Directive 2012/29/EU of the European Parliament and of the Council<sup>2</sup>, this Recommendation also aims to promote support to Roma victims of such crimes.

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<sup>1</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55).

<sup>2</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

- (3) The European Pillar of Social Rights expresses principles and rights which aim to support and increase social fairness, irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Universal measures complemented by targeted measures to protect and support groups at high risk of discrimination or social exclusion such as those set out in this Recommendation are key for the implementation of the Social Pillar principles. Delivering on the Pillar is a shared political commitment and responsibility. It should be implemented both at Union and at Member State level in line with the respective competences, taking due account of different socio-economic environments and the diversity of national systems, including the role of the social partners, while fully respecting the principles of subsidiarity and proportionality.
- (4) This Recommendation also contributes to the sustained development of equal and inclusive democratic societies in line with the United Nations' Sustainable Development Goals.

- (5) The Commission has submitted proposals to the European Parliament and the Council for the Common Provisions Regulation for 2021-2027, the European Social Fund Plus for 2021-2027 ('ESF+ for 2021-2027'), and the European Regional Development Fund and Cohesion Fund for 2021-2027'. Those proposals refer to equality and non-discrimination as horizontal principles that should be adhered to in the implementation of those Funds. The proposal for the ESF+ for 2021-2027 specifically calls on Member States and the Commission to ensure equality and non-discrimination in the implementation of Union programmes and refers to the promotion of the socio-economic integration of third country nationals and the inclusion of marginalised communities such as the Roma, which is linked to the enabling condition of a national Roma strategic framework. Pending adoption of those proposals, this Recommendation contributes to their effective future implementation.
- (6) The Commission Communication of 3 March 2010, entitled 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (the 'Europe 2020 strategy'), has given significant impetus to the fight against poverty and social exclusion by setting common European targets to reduce poverty and social exclusion and raise school attainment and employment levels. Those targets cannot be achieved without improving equality, inclusion and participation of Roma, on which this Recommendation offers specific guidance.

- (7) The Commission Communication of 5 April 2011, entitled 'An EU framework for national Roma integration strategies up to 2020', which encourages Member States to comprehensively advance the social and economic inclusion of Roma and establishes goals in the fields of education, employment, healthcare and housing, was endorsed by the Council on 19 May 2011. Despite limitations in the initial design, the EU framework had an important added value on which the current Recommendation further builds, inter alia by integrating the lessons learned from the framework's implementation.
- (8) Council Recommendation of 9 December 2013<sup>1</sup> was designed to step up national Roma integration measures. In it, the Council called on the Member States to inform the Commission annually of any measures taken in line with the Recommendation and any progress with implementing their national Roma integration strategies (NRIS). This Recommendation builds on that experience, and reviews and expands the measures to be taken.
- (9) In its conclusions of 8 December 2016 on 'Accelerating the Process of Roma Integration' the Council called on the Commission to carry out a mid-term evaluation of the EU framework for national Roma integration strategies for 2020 ('in-depth evaluation') and to propose, on that basis, a post-2020 initiative. While the in-depth evaluation undertaken acknowledges the added value of the framework, it notes that Roma people in Europe continue to face discrimination and social and economic exclusion.

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<sup>1</sup> Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (OJ C 378, 24.12.2013, p. 1).

- (10) The in-depth evaluation and the conclusions drawn from it by the Council, the European Parliament and several Europe-wide and national civil society organisations show the need for a renewed and stronger commitment to Roma equality and inclusion. That commitment should ensure a specific focus on non-discrimination, including by tackling antigypsyism – a specific form of racism against Roma people – and focusing on the four socioeconomic inclusion areas of education, employment, health and housing. It should also reflect the needs of specific groups and the diversity of the Roma population; involve Roma in the design, implementation, monitoring and evaluation of Roma equality and inclusion strategies; improve target setting, data collection, monitoring and reporting; and make mainstream policies more sensitive to Roma equality and inclusion. When designing measures, special attention should be paid to the gender perspective.
- (11) This Recommendation also builds on various findings previously set out in the relevant European Parliament resolutions of 15 April 2015 and 12 February 2019, in the Council conclusions of 8 December 2016 and in the Commission's annual reports since 2013.



(12) Following the 'EU framework for national Roma integration strategies up to 2020', on 7 October 2020 the Commission adopted a package comprising the proposal for this Recommendation and the Communication 'A Union of Equality: EU Roma strategic framework for equality, inclusion and participation' ('the Communication of 7 October 2020'). The Communication of 7 October 2020 sets EU level objectives and, where relevant, targets and minimum commitments for all Member States, possibly complemented by additional national efforts and Union support depending on the national context and size of the Roma population. Recent data show that six out of ten Europeans still believe that discrimination against Roma people is widespread in their country, while more than six out of ten Europeans agree that society could benefit if the Roma were integrated better<sup>1</sup>. The overarching objective of this Recommendation is to help promote equality and combat the exclusion of Roma, with their active involvement.

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<sup>1</sup> Special Eurobarometer 493. Discrimination in the EU (first results released in September 2019).

- (13) During the COVID-19 pandemic, excluded and disadvantaged Roma communities have been exposed to severe negative health and socioeconomic impacts, which risks further aggravating existing inequalities and the risk of poverty and social exclusion. This Recommendation advocates reducing structural inequalities faced by Roma by tackling, where relevant, limited access by Roma to clean water, sanitary infrastructure and healthcare services, including vaccination services, and the lack of facilities and digital skills that would enable Roma to actively participate in society, including in distance education, as well as by eliminating the high levels of economic precariousness, overcrowded households, segregated settlements or camps.

- (14) In the context of rising populism and racism within the Union<sup>1</sup>, there is a need to focus on combating and preventing discrimination, including by tackling antigypsyism, which is a root cause of and exacerbates discrimination and exclusion. The EU anti-racism action plan 2020-2025 of 18 September 2020 therefore sets out a range of concrete actions to combat racism. Antigypsyism is an unusually prevalent<sup>2</sup> form of racism, which has its origins in how mainstream society views and treats those considered as 'gypsies' in a process of historical 'othering'<sup>3</sup>, which builds on stereotypes and negative attitudes that may sometimes be unintentional or unconscious<sup>4</sup>.

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<sup>1</sup> Widespread racism continues to plague Europe. EU Agency for Fundamental Rights, 20 June 2019, publication based on Fundamental Rights Report 2019, EU Agency for Fundamental Rights, 6 June 2019.

<sup>2</sup> European Commission against Racism and Intolerance ('ECRI')'s General Policy Recommendation no 3 on the fight against racism and intolerance against Roma/Gypsies, adopted on 6 March 1998. The preamble of their General Policy Recommendation no. 13 on combatting anti-Gypsyism and discrimination against Roma, reiterated, 'anti-Gypsyism is an especially persistent, violent, recurrent and commonplace form of racism'.

<sup>3</sup> Alliance Against Antigypsyism Reference Paper of 2017. Retrieved from [http://antigypsyism.eu/?page\\_id=17](http://antigypsyism.eu/?page_id=17)

<sup>4</sup> EU High Level Group on combating racism, xenophobia and other forms of intolerance conclusion paper of November 2018. Antigypsyism: Increasing its recognition to better Understand and address its Manifestations.

Since 2005, the European Parliament has been using the term antigypsyism in its reports and resolutions of 28 April 2005, 15 April 2015, 25 October 2017 and 12 February 2019. Several international and civil society organisations have recognised the phenomenon, also known as anti-Roma racism, romaphobia and antiziganism. In its conclusions of 8 December 2016, the Council acknowledged the need to 'fight all forms of racism against Roma, sometimes referred to as anti-Gypsyism, as it is a root cause of their social exclusion and discrimination'. On 8 October 2020, the International Holocaust Remembrance Alliance (IHRA) adopted a non- legally binding definition<sup>1</sup> of antigypsyism/anti-Roma discrimination.

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<sup>1</sup> <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antigypsyism-anti-roma-discrimination>

- (15) When targeting the Roma population, it is important to acknowledge the specific needs or vulnerabilities of certain groups<sup>1</sup>, including Roma women, young Roma, Roma children, LGBTI Roma, elderly Roma, Roma persons with disabilities, those who are third country nationals or stateless, and EU mobile Roma. This Recommendation therefore takes account of the importance of addressing multiple discrimination<sup>2</sup>. It proposes measures to better protect and include Roma children, who are particularly exposed to discrimination and segregation.

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<sup>1</sup> Pertaining to various contexts, for example, concerning trafficking in human beings, whose victims are mainly Roma women and children.

<sup>2</sup> The term 'multiple discrimination' is used as an overarching notion for all instances of discrimination on several grounds of discrimination and manifesting itself in two possible ways. These can take the form of 'additive discrimination', where discrimination takes place based on several grounds of discrimination operating separately, and that of 'intersectional discrimination', where two or more discrimination grounds operate and interact with each other in such a way that they are inseparable or inextricable. Tackling Multiple Discrimination. Practices, policies and laws. Report from the European Commission (2007). Multiple Discrimination in EU Law: Opportunities for Legal Responses to Intersectional Gender Discrimination. European Network of Legal Experts in the Field of Gender Equality. European Commission (2009).

In line with the Council conclusions of 8 December 2016, it also looks at creating opportunities and using the untapped potential of young Roma people by increasing their active participation in programmes and measures targeting the young such as those referred to in the Commission Communication of 1 July 2020, entitled 'Youth Employment Support: a Bridge to Jobs for the Next Generation'.

- (16) Acknowledging the diversity that exists among Roma, the term 'Roma' is used as an umbrella term to refer to a number of different groups of Romani origin such as Roma, Sinti, Kale, Gypsies, Romanichels and Boyash/Rudari. It also encompasses groups such as Ashkali, Egyptians, Eastern groups (including Dom, Lom, Rom, and Abdal), as well as traveller populations, including ethnic Travellers, Yenish or those designated under the administrative term 'Gens du voyage', and people who identify themselves as Gypsies, Tsiganes or Tziganes, without denying the specific characteristics of those groups.

- (17) In the context of intra-Union mobility, it is necessary to respect the right to free movement of the citizens of the Union and the conditions for its exercise. Those conditions include the possession of sufficient resources and a comprehensive sickness insurance cover, in accordance with Directive 2004/38/EC of the European Parliament and the Council<sup>1</sup>. At the same time, it is necessary to seek to improve the living conditions of Roma and to pursue measures to promote their economic and social inclusion in their Member States of origin as well as in their Member States of residence.

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<sup>1</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

- (18) While acknowledging that Member States should choose their own monitoring methods, including appropriate methods for data collection and taking into account the fact that collecting information related to ethnicity is a sensitive matter and not possible in certain Member States, this Recommendation highlights the importance of collecting data as necessary background for the design of measures that effectively improve the situation of the Roma population, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup> and the 2018 Guidelines on improving the collection and use of equality data published by the subgroup on equality data of the High-Level Group on Non-Discrimination, Equality and Diversity<sup>2</sup>. This Recommendation also acknowledges the importance of indicators as a monitoring method. The Communication of 7 October 2020 explains that Member States are able to choose indicators from a portfolio of indicators for measuring Roma equality, inclusion and participation, put together jointly by the European Union Agency for Fundamental Rights, the Commission and the Member States.

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

<sup>2</sup> Guidelines on improving the collection and use of equality data (2018). The European Court of Auditors recommended the development of appropriate methodologies to collect relevant data on Roma inclusion in all Member States. EU Policy Initiatives and Financial Support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground. Special Report No 14/2016.



- (19) This Recommendation explicitly focuses on measures to promote the equality, inclusion and participation of Roma without aiming to exclude other disadvantaged groups. Those measures should be based on the same principles in comparable situations. In this respect, the common basic principles for Roma inclusion remain relevant<sup>1</sup>. Measures should also mainstream Roma equality, inclusion and participation in both Union and national policy initiatives, paying special attention to intersectionality and the gender dimension. The Communication of 7 October 2020 provides further guidelines on planning and implementing national Roma strategic frameworks.
- (20) One of the purposes of this Recommendation is to confirm a long-term commitment to the shared objectives on Roma equality, inclusion and participation and to provide renewed and strengthened guidance by setting out measures that Member States may adopt towards those objectives.

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<sup>1</sup> The Common Basic Principles were discussed at the first European Platform for Roma Inclusion in April 2009 and endorsed by the EPSCO Council on 8 June 2009 in a set of conclusions that called on Member States to take into account the Common Basic Principles, where appropriate, when designing and implementing policies. EPSCO Council Conclusions on Inclusion of the Roma (8 June 2009).

- (21) This Recommendation fully respects the principle of subsidiarity and Member States' primary responsibility in this area. It is without prejudice to principles of national procedural law and the legal traditions of the Member States. A common, but differentiated approach should be applied with due regard to national circumstances, such as the number and share of Roma people in the total population, the general economic context, the specific characteristics of the target populations within each Member State and the possibility to establish policies targeting a specific ethnic group. National approaches and relevant measures to promote Roma inclusion, equality and participation should be tailored and selected in accordance with the specific circumstances and needs on the ground, which include the need to address disadvantaged groups, such as Roma, in a broader context. Mainstream measures should be designed to ensure that Roma people are reached effectively.
- (22) A national Roma strategic framework refers to national Roma strategies and/or integrated sets of policy measures within a broader socio-economic context, which are relevant for Roma equality, inclusion and participation,

HEREBY RECOMMENDS AS FOLLOWS:

1. Member States should adopt national Roma strategic frameworks within their broader social inclusion policies improving the situation of Roma, and communicate them to the European Commission, preferably by September 2021. In accordance with national and Union law, available resources and national circumstances, Member States should, as appropriate, consider the relevance to the national context of the measures set out in this Recommendation and implement them, in a proportionate and selective manner, in close cooperation with all relevant stakeholders. When assessing that relevance, Member States are encouraged to be guided by voluntary minimum commitments and, depending on the national context, by possible additional efforts, as provided for in the Communication.

Horizontal objectives: equality, inclusion and participation

2. Member States should consolidate efforts to adopt and implement measures to promote equality and effectively prevent and combat discrimination, antigypsyism, and social and economic exclusion, as well as their root causes. Those efforts should include measures such as the following:
  - (a) measures to effectively fight direct and indirect discrimination, including by tackling harassment, antigypsyism, stereotyping, anti-Roma rhetoric, hate speech, hate crime and violence against Roma, including incitement thereto, both online and offline, in particular in the context of the transposition, implementation and enforcement of Directive 2000/43/EC, Framework Decision 2008/913/JHA and Directive 2010/13/EU of the European Parliament and of the Council<sup>1</sup>;
  - (b) measures to develop and promote a comprehensive system of support for victims, in line with Directive 2012/29/EU, and to deliver assistance to Roma victims of hate crimes and discrimination;

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

- (c) measures to fight multiple and structural<sup>1</sup> discrimination against Roma and, in particular, against Roma women, young Roma, Roma children, LGBTI Roma, elderly Roma, Roma with disabilities, stateless Roma and EU mobile Roma<sup>2</sup>;
- (d) measures to raise awareness of the fact that efforts to combat discriminatory practices are interwoven with efforts to tackle antigypsyism and social and economic exclusion, as part of a common drive to promote the broader objective of equality;
- (e) measures to analyse and acknowledge the existence of antigypsyism and discrimination against Roma and raise awareness of those phenomena, the forms they take and their harmful consequences, through the media, school curricula and by other means, and for example by raising awareness among civil servants and other stakeholders of the need to identify and tackle them;
- (f) measures to promote multi-cultural awareness-raising activities and campaigns in schools;

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<sup>1</sup> Systemic or structural discrimination is understood as being evident in the inequalities that result from legislation, policy and practice, not by intent but resulting from a range of institutional factors in the elaboration, implementation and review of legislation, policy and practice. 'Roma and Traveller Inclusion: Towards a new EU Framework, Learning from the work of equality bodies', Equinet Perspective', June 2020.

<sup>2</sup> EU citizens of Roma ethnicity exercising their right to free movement within the European Union.

- (g) measures to promote awareness of Roma cultures, language and history, including the memory of the Roma Holocaust and reconciliation processes in society, *inter alia* through action providing relevant training for teachers and designing appropriate school curricula, since this awareness is vital for reducing prejudice and antigypsyism as important causes of discrimination;
  - (h) measures to foster positive narratives about Roma and Roma role models, and a better understanding of the challenges that Roma face, including by means of support for inter-community encounters and inter-cultural learning.
3. Member States should combat the extremely high at-risk-of-poverty rate and material and social deprivation among the Roma population, in order to provide effective support for Roma equality, inclusion and participation. Where relevant, Member States should pursue an integrated approach which focuses on all relevant policy fields. Those efforts could be attained by means of measures such as the following:
- (a) measures to ensure adequate investment in human capital, infrastructure development and housing, as well as social cohesion policies, and to improve the targeting of such investment;
  - (b) measures to ensure access to adequate social protection schemes, including both income support and in kind benefits and service provision, for disadvantaged Roma;

- (c) measures to combine income support with activation measures to promote labour market participation and with employment support, particularly for Roma women and EU mobile Roma and to provide information on the existing legal eligibility requirements to take up benefits accompanied by activation and enabling services;
- (d) measures to ensure that particular attention is devoted to preventing and combating child poverty, including by taking effective national measures that take account of the mechanisms that perpetuate multigenerational poverty and the need to support Roma children and their families in the interrelated fields of employment, social services, education and early childhood education and care, health, housing and access to essential services, nutrition, and access to leisure activities;
- (e) measures to support financial literacy for young adults and families, including better decision-making and planning skills as part of empowerment and financial inclusion measures.

4. Member States should, as appropriate, step up meaningful participation by and consultation of Roma people, including women, children, young people, elderly people, and persons with disabilities, in order to provide effective support for Roma equality and non-discrimination. This should include measures such as the following:

- (a) measures to support active citizenship by promoting social, economic, political, cultural and civic participation, particularly for Roma women and young people;

- (b) measures to promote capacity building and leadership in Roma civil society to enable Roma people to participate in all stages of the policy cycle and public life in general;
- (c) measures to promote employment of Roma in public and private institutions in order to support diversity and expertise within the policy process and in order to provide role models;
- (d) measures to raise awareness of human rights and citizens' rights and responsibilities among the members of disadvantaged Roma communities;
- (e) measures to coordinate resources, networks and expertise across sectors to increase the involvement of young Roma people in decision-making processes and help amplify their leadership.

#### Sectoral objectives

##### Access to quality inclusive mainstream education

5. Member States should ensure that all Roma have effective equal access to and are able to participate in all forms and stages of education, from early childhood education and childcare to tertiary education, including second chance education, adult education, and lifelong learning.



6. Member States should improve equal access to quality and inclusive education of Roma pupils, including by means of measures such as the following:
- (a) measures to prevent and eliminate any form of segregation in education and to ensure that the potential of all pupils is supported;
  - (b) measures to prevent and eliminate misdiagnosis leading to inappropriate placement of Roma pupils in special needs education and to ensure that the allocation of special needs education is based on a transparent and lawful procedure;
  - (c) measures to provide effective methods for recognition and reparation of past injustices in the field of education, including segregation, the inappropriate placement of Roma pupils in special schools and unequal treatment;
  - (d) measures to promote equity, inclusiveness and diversity in the education system and the classroom, for example, through professional development programmes, mentoring and peer learning activities;
  - (e) measures to encourage effective parental involvement in the education of Roma pupils and foster links between the schools and local communities, including through mediators and teaching assistants;
  - (f) measures to support the equal participation and active engagement of all pupils, including children with disabilities, in mainstream educational activities and processes;

- (g) measures to combat school bullying and harassment, both online and offline, in order to protect all pupils, including Roma;
- (h) measures to raise awareness among teachers and other school staff of Roma history, Roma cultures and methods for recognising and combating discrimination and its root causes, including antigypsyism and unconscious bias, and of the importance of non-discriminatory education and effective equal access to mainstream education;
- (i) measures to support efforts to ensure that Roma pupils acquire skills in line with current and future labour market needs.

7. Member States should work towards overcoming all discrimination, inequality and disadvantages in terms of educational opportunities, outcomes and attainment, including where relevant by means of measures such as the following:

- (a) measures to ensure access to quality early childhood education and care with special focus on early inclusion of Roma children, including disadvantaged Roma children;
- (b) measures to provide individualised support and mediation to compensate for linguistic, cognitive and educational gaps, in close cooperation with the families of Roma pupils, and encourage second chance and adult education;

- (c) measures to prevent early school leaving and drop out at all levels of education, including with a specific focus on Roma girls,<sup>1</sup> for example through cooperation between schools, mediators and social protection services;
- (d) measures to acknowledge the vulnerability of children of parents who have gone abroad and to provide priority access to after-school programmes and individualised support;
- (e) measures to increase Roma social mobility, for example through positive action, dedicated scholarships in vocational, secondary and higher education and in teacher training, and career guidance;
- (f) measures to ensure a smooth transition between educational levels and promote upper-secondary and tertiary education completion, including through career guidance, counselling, mentoring and financial support schemes;
- (g) measures to support participation in non-formal learning and extracurricular activities, including youth, sport and cultural activities within the framework of health and civic education, and other activities that enhance self-development, psychological resilience and well-being;

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<sup>1</sup> Roma women in nine EU Member States (2019), a report by the European Union Agency for Fundamental Rights, describes the challenges faced by Roma women and girls.

- (h) measures to promote, where relevant, the acquisition of digital skills, broadband access, adequate digital infrastructure and the provision of teaching material equipped for distance learning both in formal and non-formal educational settings, so as to prevent the digital exclusion of socioeconomically disadvantaged pupils, their teachers and parents, and ensure outreach to Roma pupils, including those living in rural or segregated areas.

#### Access to quality and sustainable employment

- 8. Member States should promote effective equal access for Roma, in particular young Roma, to quality and sustainable employment, including, where relevant, by means of measures such as the following:
  - (a) measures to reach out to young Roma<sup>1</sup> in order to raise their awareness of the available, preferably integrated, employment and social services, as well as to link them to those services.
  - (b) measures to address the needs of young Roma who are unemployed and inactive Roma by tailoring individualised, holistic action plans for them, that take into account their preferences and motivation, barriers and disadvantages, and reasons for being unemployed or inactive.

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<sup>1</sup> In line with what has been described in the Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (OJ C 372, 4.11.2020, p. 1).

- (c) measures to support first work experience, job placements, apprenticeships and career development;
- (d) measures to facilitate the transition from education to employment through coaching, mentoring, vocational training, traineeships, business incubators, and dual education;
- (e) measures to support the acquisition of digital skills by Roma people, in order to be better equipped for labour market demand and exploit the opportunities offered in daily life by existing and new digital tools and trends;
- (f) measures to support on-the-job training, skills development, acquisition and updating of professional qualifications, and second chance education;
- (g) measures to promote genuinely equal access to self-employment and entrepreneurship, including social entrepreneurship, through targeted support;
- (h) measures to promote equal access to employment in both the public and the private sector through measures such as positive action and support schemes for employers, as well as improve the access to employment services including active labour market policies;
- (i) measures to support labour market mobility, particularly for those living in rural and segregated areas with limited job opportunities.

- (j) measures to combat, reduce and eliminate discrimination by enhancing awareness-raising concerning non-discriminatory employment and access to employment and activation measures, and to train employers in methods for recognising and tackling discrimination and its root causes, including antigypsyism and unconscious bias.

#### Health and access to quality healthcare and social services

9. Member States should ensure effective equal access without barriers to quality healthcare and social services, especially for those groups that are most at risk or those living in marginalised or remote localities, where relevant by means of measures such as the following:

- (a) measures to promote and facilitate equal access for:
  - (i) Roma women to quality medical check-ups, screening, prenatal and postnatal care, counselling and family planning, as well as sexual and reproductive healthcare, as generally provided by national healthcare services;
  - (ii) Roma women to support services for victims of gender-based violence;
  - (iii) Roma children to quality primary health care, including primary prevention programmes, such as vaccination;

- (iv) vulnerable Roma populations, such as elderly Roma people, Roma with disabilities, LGBTI Roma, EU mobile Roma, Roma who are third country nationals, and stateless Roma, to quality health care;
- (b) measures to raise awareness among Roma people of primary prevention measures, such as programmes for promoting a healthy lifestyle and for the prevention of substance abuse, and to improve access to mental health services, where relevant, through health mediation;
- (c) measures to prevent and combat discrimination against Roma people through awareness-raising concerning non-discriminatory access to health services and health-care provision, and by training health practitioners, medical students and health mediators in methods for recognising and tackling discrimination and its root causes, including antigypsyism and unconscious bias;
- (d) measures to fight digital exclusion of all Roma people in access to healthcare services by means including bridging the digital skills divide in access to health information;
- (e) measures to prevent and eliminate segregation in the area of healthcare services;
- (f) measures to ensure recognition of and reparation for past injustices in the area of healthcare, including the forced, coercive and otherwise involuntary sterilisation of Roma women;

- (g) measures to promote equal access to medical studies for Roma people and encourage recruitment of Roma as health practitioners and mediators, particularly in regions with a significant Roma population;
- (h) measures to combat and prevent potential outbreaks of diseases in marginalised or remote localities;
- (i) measures to ensure access for Roma to community and family-based services for people with disabilities, elderly people and children deprived of parental care, for example, development services, social housing, day centres for people with disabilities and networks of foster parents;
- (j) measures to prevent institutionalisation and promote a shift from institutional to community, family-based care, by providing support for families in precarious situations, for example, advisory services and financial incentives, food aid distribution, assisted housing and development services;
- (k) measures to promote the exchange and transfer of best practices related to public health for Roma people, for example by using the public health framework of the Commission and the Member States in the Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases;
- (l) measures to promote research on and the prevention of diseases that are more prevalent among persons at risk of poverty.



## Access to adequate desegregated housing and essential services

10. Member States should ensure equal treatment of Roma people in access to adequate desegregated housing and essential services, including by means of measures such as the following:
- (a) measures to ensure access to essential services – such as tap water, safe and clean drinking water<sup>1</sup>, adequate sanitation, waste collection and management services, environmental services, electricity, gas, transport, financial services and digital communications – and physical infrastructure, by safeguarding continuity of basic utility services, both under normal conditions and during pandemics, ecological catastrophes and other crises;
  - (b) measures to monitor, prevent and combat any spatial segregation and promote desegregation by drawing up concrete plans to tackle housing issues with the involvement of local communities and affected Roma communities;
  - (c) measures to support and strengthen the public authorities generally responsible for housing, essential services and environmental standards, as well as other relevant actors in those fields, for example by providing them with the necessary mandate and resources to map housing needs, monitor segregation and implement comprehensive regulatory or support measures where necessary;

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<sup>1</sup> See Article 16, in conjunction with Recital 31, of Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).

- (d) measures to prevent forced evictions by promoting early warning and mediation, to organise support for people at risk of eviction and, when necessary, to provide adequate alternative housing, focusing particularly on families;
- (e) measures to improve the living conditions of Roma people, to prevent and to tackle the negative health impact of exposure to pollution and contamination;
- (f) measures to provide social support and access to mainstream services for homeless Roma people;
- (g) measures to ensure equal access to housing assistance and to take into account the specific needs of individuals and families;
- (h) measures to support integrated housing schemes targeting marginalised Roma people through measures such as combining micro-loans for building and maintaining housing with financial literacy and saving schemes, construction trainings and activation measures;
- (i) measures to support the construction and maintenance of halting sites for Travellers.

## Partnerships and institutional capacity

### Involving and supporting national Roma contact points

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

## Involvement of the bodies for the promotion of equal treatment

14. Member States should, within their respective national legal frameworks, support bodies for the promotion of equal treatment ('equality bodies') so that they can, within the scope of their mandates, function effectively and independently and cooperate with all relevant actors, including national Roma contact points, public authorities, civil society organisations and the private sector. Such support should include, where applicable, enabling equality bodies to:
- (a) pursue cases of discrimination, hate speech and hate crimes, and pursue strategic litigation;
  - (b) address underreporting of discrimination, hate speech and hate crimes, and raise awareness of rights among Roma;
  - (c) conduct research into and collect data on equality of and discrimination against Roma;
  - (d) build the capacity of and cooperate with Roma civil society, with a focus on access to justice and enforcing equality legislation;
  - (e) provide guidance and training to the general public as well as public and private organisations.

15. Member States should enable equality bodies to be closely involved in and to contribute effectively to the design, implementation, monitoring and review of national Roma strategic frameworks for equality, inclusion and participation and relevant Union funds programmes, where relevant, including by:
- (a) relying on advice from equality bodies on standards for implementing national strategic frameworks to ensure a stronger focus on combating and preventing discrimination, including by tackling antigypsyism, in their design and implementation, including efforts to dismantle structural discrimination;
  - (b) enabling equality bodies to be involved in structures set up to oversee the implementation, monitoring and review of national Roma strategic frameworks, and in committees for monitoring relevant Union funds.

#### Mobilising local and regional stakeholders

16. Member States should involve regional and local authorities and local civil society in the design, implementation, monitoring and review of national strategic frameworks as relevant.

17. Member States should encourage regional and local authorities, within their respective remits, to develop or update their local action or desegregation plans or Roma strategic frameworks for equality, inclusion and participation. Those local plans or strategic frameworks should, to the extent possible, include measures, baselines, benchmarks, measurable objectives and funding allocation.
18. Member States should ensure cooperation between central and local authorities in the design and implementation of Union funding programmes relevant for preventing and combating discrimination of the Roma, in order to ensure Roma equality, inclusion and participation are envisaged throughout the preparation, implementation, monitoring and evaluation of programmes, and to enhance better channelling of Union funds to the local level.
19. Member States should promote inclusiveness and diversity through appropriate measures, such as positive action to ensure equal access to employment for Roma in public institutions at local and regional level.
20. Member States should promote the empowerment and recognise the representation of Roma women and men at local level.

#### Cooperation with civil society

21. Member States should promote social innovation, partnership and cooperation between public authorities and Roma and pro-Roma civil society.

22. Member States should make full use of the national Roma platforms or any other channels of cooperation and dialogue in the Member States to engage Roma and pro-Roma civil society and other stakeholders, transparently and inclusively, in the design, implementation, monitoring and review of national Roma strategic frameworks and local action plans.
23. Member States should support civil society in monitoring and reporting hate crimes and hate speech as well as other crimes against Roma and assist victims in reporting hate crimes and hate speech.
24. Member States should ensure funding to support the plurality and independence of Roma and pro-Roma civil society, including Roma youth organisations, thus enabling them to report on and monitor national Roma strategic frameworks, as independent watchdog organisations, and to maintain their administrative capacity.
25. Member States should involve civil society and Roma communities throughout the Union funds' programme cycle, at national, regional and local levels including as members of relevant Union fund monitoring committees.
26. Member States should promote capacity building and leadership in Roma civil society, including youth organisations, to enable the bodies and organisations concerned to participate in all stages of the policy cycle and in public life in general.

27. Member States should promote cross-sectoral work and broader alliances for equality and inclusion, engaging government, civil society, business and industry, academia and research. This could lead to joint actions among entities promoting gender equality, combating racism, discrimination on grounds of racial or ethnic origin, xenophobia and related intolerance, or working in favour of the rights of children, older people, Roma, LGBTI persons, persons with disabilities, asylum seekers, refugees and other migrants, and stateless people.

#### Transnational cooperation

28. Member States should step up cooperation and peer learning on the most effective ways of mainstreaming Roma equality, inclusion and participation in the implementation of all relevant major Union initiatives.
29. Member States should foster transnational partnership and exchange by supporting the network of national Roma contact points, the EURoma network, the European Roma Platform.



30. Some EU mobile Roma citizens who establish themselves in Member States other than their Member State of origin, or stay in such a Member State temporarily, including in order to take up seasonal or short-term employment opportunities, are in vulnerable situations. Where relevant, Member States should encourage the establishment of, and active participation in, appropriate forms of transnational cooperation at national, regional or local level, including bilateral or multilateral projects and agreements, while respecting the legal framework of the Union and national law in place. This could include, for example, cooperation on questions related to educational access, experience and outcomes among Roma children, and municipality-level needs and challenges. This cooperation should include the participation of Roma themselves.

#### Funding

31. Member States, in particular those with greater challenges in the area of Roma equality, inclusion and participation and/or larger Roma communities, should make full and optimal use of mainstream and targeted Union and national funds relevant for preventing and combating discrimination of the Roma, which may include selecting specific objectives of promoting socioeconomic integration of disadvantaged groups and marginalised communities such as the Roma<sup>1</sup>, and ensuring effective coordination between Union and national funding sources relevant for equality and socioeconomic inclusion of the Roma.

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<sup>1</sup> See, in particular, Article 4(1) (v and viii) of the proposal for ESF+ for 2021-2027.

32. Member States should facilitate the participation of regional, local, urban and other public authorities, economic and social partners and relevant bodies representing civil society, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights and non-discrimination throughout the preparation, implementation, monitoring and evaluation of Union programmes, including participation in monitoring committees.
33. Member States should allocate adequate national resources for the implementation of the policy measures put forward by the EU Roma strategic framework for equality, inclusion and participation, and by national strategic frameworks, ensuring that they reflect Roma communities' actual needs and are commensurate with the size and challenges of Roma communities.
34. National Recovery and Resilience plans<sup>1</sup> should take into account and promote the rights of and equal opportunities for all and foster the inclusion of disadvantaged groups, including Roma and other people with a minority racial or ethnic background.
35. Member States should improve the design, implementation, monitoring and evaluation of Union programmes or structural reforms for the socioeconomic inclusion of minorities, for example by requesting technical assistance from the structural reform support programme.

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<sup>1</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

36. Member States should encourage the use of national and Union funds to build the capacity of, and enable good practice exchanges between authorities at central and local level and civil society organisations, so that those authorities and organisations can contribute to implement measures to combat Roma discrimination by accelerating equality and inclusion, including by combatting segregation and promoting Roma participation.
37. Member States should address funding needs of the local level, including those of urban areas, where relevant, in order to support EU mobile Roma, including by providing language training, quality early childhood education and care, schooling, public employment services, social workers, mediators, etc.

#### Monitoring and reporting on national Roma strategic frameworks

38. Member States should monitor and evaluate the implementation of the national strategic frameworks using, as appropriate, the portfolio of indicators developed by the European Union Agency for Fundamental Rights (the 'Agency'), national Roma contact points, national statistical offices and the Commission in the context of the working party on Roma indicators and reporting, coordinated by the Agency<sup>1</sup>. Member States can also use national indicators, in line with the development of their national legal frameworks and policy approaches and the situation of Roma people on their territory.

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<sup>1</sup> Annex 2 to the Communication of 7 October 2020, and Monitoring framework for an EU Roma strategic framework for equality, inclusion and participation – Objectives and indicators.

39. In the light of the Union objectives and headline targets set out in the Communication, Member States should, as relevant, include national quantitative and/or qualitative targets in national Roma strategic frameworks, tailored to national circumstances and to available equality data collection options, which can include, for example, either ethnically disaggregated data or relevant socio-demographic proxy data, or a combination of both.
40. Member States should notify the Commission of any measures taken in accordance with this Recommendation by June 2023. Thereafter, Member States should report to the Commission on a biennial basis on ongoing and new measures, including information on any progress achieved in each thematic area towards implementing national Roma strategic frameworks. The reports from Member States will be used to feed into the Commission biennial and evaluation reports to the European Parliament and the Council on the implementation of the EU Roma strategic framework for equality, inclusion and participation.
41. Member States should facilitate the full public disclosure of national reports on Roma equality, inclusion and participation in order to increase transparency and allow policy learning, and arrange, where relevant, for the national strategy and finalised implementation reports to be discussed in national parliaments.

42. The Agency should carry out a regular Roma survey for the years 2020, 2024 and 2028, to provide the data necessary for baseline, mid-term and end-term results, reflecting any change in the situation of the Roma. The Agency should also support Member States in their efforts to collect relevant equality data, support the Commission in monitoring and analysis, and support the national Roma contact points in reporting, with the assistance of the Working Party on Roma indicators and reporting.

HEREBY INVITES THE COMMISSION TO:

43. Ensure that the information provided by the Member States will serve as a basis for the preparation of its reports to the European Parliament and to the Council on the implementation of national Roma strategic frameworks.
44. Continue to make efforts to mainstream Roma equality, inclusion and participation in the design and implementation of all relevant major Commission initiatives and also continue to monitor policies for Roma equality, inclusion and participation within the framework of the European Semester and the European Pillar of Social Rights.
45. Continue to foster transnational partnership and exchange by supporting the network of national Roma contact points, the EURoma network, the European Roma Platform, the European Parliament Preparatory Action for civil society monitoring and the European Network of Equality Bodies (Equinet).

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

Done at Brussels,

*For the Council*

*The President*

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