



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Consultation on the First Preliminary Outline of a European Pillar of Social Rights - Observations by Pavee Point Traveller and Roma Centre

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Pavee Point Traveller and Roma Centre is a non-governmental organisation committed to the attainment of human rights for Travellers and Roma. The organisation comprises Travellers, Roma and members of the majority population working in partnership to address the needs of Travellers and Roma, who as minority ethnic groups experience exclusion and marginalisation.

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Introduction

The European institutions and EU Member States have long highlighted the importance of addressing the socioeconomic marginalisation and exclusion of Roma and Traveller EU citizens, and have a joint responsibility in doing so.¹ This shared responsibility is enshrined within the communication on the economic and social integration of Roma in Europe² and the EU Framework for National Roma Integration Strategies up to 2020.³

The integration of Roma is an issue of human rights, but also has important economic benefits for the participating Member States. Yet, the situation remains stark:

“A significant part of the 10-12 million Roma in Europe live in extreme marginalisation in both rural and urban areas and in very poor socio-economic conditions. The discrimination, social exclusion and segregation which Roma face are mutually reinforcing. They face limited access to high quality education, difficulties in integration into the labour market, correspondingly low income levels, and poor health which in turn results in higher mortality rates and lower life expectancy compared with non-Roma. Roma exclusion entails not only significant human suffering but also significant direct costs for public budgets as well as indirect costs through losses in productivity.”⁴

This document provides observations on the proposed European Pillar of Social Rights to be considered for inclusion in Ireland’s response to the European Commission from a particular perspective of Roma EU citizens. The multiple and intersectional discrimination experienced by Roma and other minority ethnic groups must be explicitly acknowledged and become an integral component of each principle of the European Pillar of Social Rights. In this way, the Pillar can become a clear reference point from which to drive national reforms in participating Member States in relation to the integration of Roma and other marginalised and excluded groups.

The document begins by recalling some of the 10 Common Basic Principles for Roma Inclusion which are proposed to be integrated within the Pillar of Social Rights. It then highlights some of the identified gaps in the proposed principles in the preliminary outline of the European Pillar of Social Rights and proposes amendments to some of the key principles.

¹ EU institutions use ‘Roma’ as an umbrella term for people who self-identify as belonging to Roma, Sinti, Travellers, Ashkali, Manush and other groups- this includes Irish Travellers.

² European Commission, *the Social and Economic Integration of the Roma in Europe*, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, 2010.

³ European Commission, *The EU Framework for National Roma Integration Strategies up to 2020*, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, 2011.

⁴ European Commission, 2010 (2).

Recalling the 10 Common Basic Principles on Roma Inclusion within the European Pillar of Social Rights

Endorsed by the Council of Ministers and adopted by the European Commission, the 10 Common Basic Principles on Roma Inclusion provide guidelines for Member States when developing and implementing strategies for Roma inclusion.⁵ Any employment and social policy in a participating Member State should therefore incorporate these principles. The following principles highlighted are not only appropriate for driving reforms for the social and economic inclusion of Roma in the participating Member States, but other individuals and groups with a minority ethnic or marginalised background.

Principle 1. Constructive, pragmatic and non-discriminatory policies

Policies aiming at the inclusion of Roma and other marginalised groups shall respect human rights, dignity, equality of opportunity, and non-discrimination. In order to provide Roma with access to equal opportunities in participating Member States, Roma inclusion policies shall be integrated with mainstream policies, particularly in the fields of education, employment, social affairs, housing, health and security.

Principle 2. Explicit but not exclusive targeting

Roma shall be a target group in broader policy but not to the exclusion of other people who share similar socio-economic circumstances. Therefore, the conduct of employment and social policy in Member State policies should be geared towards disadvantaged groups with a clear mention that these groups include Roma.

Principle 3. Aiming for the mainstream

Employment and social inclusion policies in Member States shall aim to overcome the legacy of segregation of Roma and aim to include Roma in mainstream society.

Principle 4. Awareness of gender dimension

Member States' employment and social inclusion policies shall take account of the needs and circumstances of women, but shall also address the multiple and intersectional forms of discrimination that Roma and other minority ethnic women face.

Principle 5. Transfer of evidence-based policies

Social and employment policies shall be developed, implemented and monitored based on comprehensive and disaggregated data. This includes developing data collection systems across participating Member States that disaggregate data based on all equality grounds, including

⁵Council of Europe, *The 10 Common Basic Principles on Roma Inclusion*, nd, Available from:

http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf.

ethnicity and gender. The evidence collected, analysed and disseminated shall be in line with human rights principles and standards.

Principle 6. Use of European Union instruments

Participating Member States shall make full use of the number of European Union instruments to ensure equal social and employment opportunities for Roma and other marginalised groups. This shall include the full use of the EU legal instruments, financial instruments, and coordination instruments.

Principle 7. Involvement of civil society

Member States shall design, develop, implement and evaluate their social and employment policies in close cooperation with civil society actors, including non-governmental organisations, social partners, researchers and academics.

Principle 8. Active participation of Roma

Member States shall ensure close cooperation with Roma representative organisations at all stages of policy development, implementation, and evaluation in order to enhance the quality and effectiveness of social and employment policies.

Preliminary Outline of European Pillar of Social Rights: Chapter I. Equal Opportunities and Access to the Labour Market

Principle 1. Skills, Education and Lifelong Learning

The right to education for Roma in EU Member States is characterised by serious human rights shortcomings and violations. According to the European Union Agency for Fundamental Rights, Roma are one of the most disadvantaged groups in education across the European Union.⁶ Roma girls and women face additional disadvantage in education, training and lifelong learning.

Barriers to education can include poverty, racism, discrimination, poor housing and health conditions, and lack of access to employment and social protection. These factors contribute to poor educational outcomes for both Roma children and adults, including issues with literacy, numeracy and ICT skills, early school leaving, absenteeism, low educational attainment, and barriers to access further education and training. Pivotal for future employment prospects, addressing the educational disadvantage of Roma should be a key aspect of the Pillar.

Recommended amendment:

All persons shall have access to quality education and training throughout the life course to acquire an adequate level of basic skills and key competences for active participation in society and employment. Low skilled young people, and working age adults shall be encouraged to upgrade their skills. Targeted supports within universal services and programmes shall be provided to counter the exclusionary impact of barriers to equal access, participation and outcomes in

⁶ FRA, *The Situation of Roma in 11 EU Member States: Survey Results at a Glance*, Luxembourg, Publications Office of the European Union, 2012

education, training and lifelong learning for minority ethnic groups, people with disabilities and women.

Principle 4. Active Support to Employment

A survey by the FRA covering 11 EU countries shows that one in three Roma is unemployed and 90% live below national poverty lines.⁷ The intersectional discrimination experienced by members of minority ethnic groups on grounds, including age, ethnicity and gender, must be explicitly acknowledged and addressed in the Pillar in order to increase efforts by participating Member States' to address the long-term unemployment of Roma. Particular attention should be paid to long-term unemployment among young people, women, and minority ethnic groups, including Roma and Roma women.

Recommended amendment:

- a. All people under the age of 25 years shall receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education. Specific provision and quotas shall be set up for such offers for Roma and Roma women.***

Principle 5. Gender Equality and Work Life Balance

Roma women face additional disadvantage in access, participation and outcomes in employment in comparison to Roma men and non-Roma women. In comparison to Roma men, unemployment rate is approximately one third higher among Roma women in the EU.⁸ Roma women have fewer opportunities to access formal employment due to discrimination, lack of education and ability to afford childcare. Having main responsibility for the family can limit women's engagement in paid employment and restrict economic independence.

While many Roma women are in employment, it often consists of small and infrequent work. Some women have little option but to engage in informal economic activities, such as begging, while others may be forced into petty crime or prostitution. It is important to note that these activities are not part of a 'Roma culture', but responses to situations of extreme poverty in the absence of access to employment and social protection.⁹

Recommended amendment:

- a. Gender equality in the labour market and education shall be fostered, ensuring equal treatment in all areas, including pay, and addressing barriers to women's participation and preventing occupational segregation. Positive action measures shall be developed and implemented towards vulnerable women, including Roma women.***

⁷ FRA, 2012 (6).

⁸ FRA, 2012 (6).

⁹ McGaughey, F., *Roma Communities and Child Protection Considerations*, Pavee Point and the Health Service Executive, Dublin, 2012.

Principle 6. Equal Opportunities

In addressing equal opportunities for Roma and other minority ethnic groups in the participating Member States, tackling discrimination in the labour market is crucial. However, the barriers to equal access, participation and outcomes for Roma in the labour market are more complex and require additional efforts by participating States rather than a mere focus on discrimination.

The EU communication on the Social and Economic Integration of the Roma in Europe states how *“the complexity and interdependence of the problems calls for sustainable responses which tackle all aspects of Roma deprivation through an integrated approach. Low educational attainment, labour market barriers, segregation in housing and other areas, and poor health outcomes need to be addressed simultaneously.”*¹⁰ Therefore, the principles enshrined in the European Pillar of Social Rights must reflect this and go beyond the proposed principle.

In addition, aspiring to equal treatment of under-represented groups, particularly Roma, has failed in many contexts. It is evident that the equal treatment of Roma hasn't materialised regardless of the social objectives and rights inscribed in the EU law and efforts to address Roma integration. What is needed are positive action measures that can ensure the participation and inclusion of Roma in the labour market.

Recommended amendment:

- a. Labour market participation of under-represented groups shall be enhanced, ensuring equal treatment in all areas. This shall include raising awareness about discrimination, strengthening national legislative measures to address discrimination, and introducing positive action measures to increase employment, training and apprenticeship opportunities.**
- b. National measures shall be informed by comprehensive disaggregated data collection based on human rights standards, to monitor and prevent discrimination and inform policy and practice.**
- c. The complexity and interdependence of the problems related to the labour market participation of under-represented groups shall be tackled through sustainable and holistic responses which tackle all aspects of deprivation, including low educational attainment, labour market barriers, segregation and poor levels of housing, poor health outcomes, and discrimination.**

Chapter III: Adequate and Sustainable Social Protection

Principle 11. Integrated social benefits and services

Investment in public services is a vital component in reducing poverty in Roma and other groups that have historically been marginalised and excluded in public services, including in education,

¹⁰ European Commission, *the Social and Economic Integration of the Roma in Europe*, 2010 (2).

employment, training, health and childcare, family supports, and accommodation. Equal access to affordable and quality public services creates opportunities to access and maintain employment, thus lifting individuals, families and children out of poverty.

Directive 2004/38/EC sets the conditions for the right to reside in another Member State. In Ireland, the State applies the right to reside and the habitual residence condition when determining applicants' access to social protection.¹¹ Many Roma in Ireland, face additional obstacles to access social protection and medical cards even when they have resided in Ireland for a significant period. As a community that experiences extremely high levels of discrimination in education and employment across Europe, many Roma with a migrant background are set up to fail to access social protection in Ireland, including Child Benefit. This leaves families and children at risk of extreme poverty and destitution.¹²

Recommended amendment:

- a. Social protection benefits and services shall be integrated to the extent possible in order to strengthen the consistency and effectiveness of these measures and support social and labour market integration.***
- b. Investment in public services targeting marginalised and excluded groups, including Roma, shall be prioritised.***
- c. A humanitarian response shall be applied to the social protection needs of the most marginalised and excluded groups so that no people are subjected to living without basic food, shelter and medical care.***

¹¹ Department of Social Protection, *HRC – Guidelines for Deciding Officers on the Determination of Habitual Residence*, <http://www.welfare.ie/en/Pages/Habitual-Residence-Condition--Guidelines-for-Deciding-Offic.aspx#sect5>.

¹² Pavee Point, *Habitual Residence Condition – Briefing Paper*, <http://www.paveepoint.ie/document/briefing-paper-the-habitual-residence-condition-and-roma/>.