

Questionnaire on the midterm review of the EU Framework for National Roma Integration Strategies up to 2020

In 2011 the European Commission has launched the **EU Framework for National Roma Integration Strategies up to 2020** which has been endorsed by the Council and the European Council.¹ Member States have submitted their strategies or integrated sets of policy measures (NRIS) by 2012, and the Commission has reported annually on their implementation.² Since the launch of the EU Framework in 2011 European level targeted and mainstream policy, legal and funding instruments have been developed and aligned to support and guide Member States in their efforts to fight discrimination and reduce the Roma- non-Roma gap in access to education, employment, health and housing. Besides the annual assessment of the progress in implementation of National Roma Integration Strategies under the EU Framework the Commission also provides guidance on the inclusive reform of mainstream policies under the **European Semester** to Member States with largest Roma communities and most acute challenges. Under the 2014-2020 **European Structural and Investment Funds** European funding has also been directed to support investment in these areas. The Commission also oversees the transposition and ensures the enforcement of the **Racial Equality Directive** (2000/43/EC), which prohibits discrimination on the grounds of racial or ethnic origin in a number of areas including areas of the EU Framework (education, employment, healthcare and housing). The Commission also has the power to oversee the application of the **Council Framework Decision** (2008/913/JHA) **on combatting** certain forms and expressions of **racism and xenophobia** which obliges Member States to penalise hate speech and hate crime based on racist and xenophobic motivation.

After five years of implementation, it is time for a midterm assessment, which will be in the focus of the Commission's 2017 report. We are thus inviting interested civil society and international organisations active in the process of Roma integration to share their views as concerns the EU Framework, European policy, legal and funding instruments as well as national Roma integration strategies and measures and policy, legal and funding tools relevant for Roma inclusion. The answers to this open questionnaire will also inform a public consultation planned on the EU Framework for National Roma Integration Strategies.

If your work in the field of Roma integration concerns several Member States or is focusing at the European level, you might want to respond the questions in section I of the questionnaire. If you are familiar with the situation of one or several Member State in particular, please fill section II of the questionnaire focusing on national strategies and instruments.

¹ [COM\(2011\)173 on an EU Framework for national Roma integration strategies, Council Conclusions \(EPSCO\) of 19th May 2011 n an EU Framework for National Roma Integration Strategies up to 2020.](#)

² [COM\(2012\)226 on a first step in the implementation of the EU Framework](#) and [joint SWD\(2012\)133; COM\(2013\)454 on steps forward in implementing national Roma integration strategies; COM\(2014\)209 Report on the implementation of the EU Framework for national Roma integration strategies and joint SWD\(2014\)121; COM\(2015\)299 Report on the implementation of the EU Framework for National Roma Integration Strategies 2015; COM\(2016\)424 Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on effective Roma integration measures in the Member States — 2016 and joint SWD\(2016\)209.](#)

1. ASSESSING THE EU FRAMEWORK AND OTHER EUROPEAN INSTRUMENTS

Please consider the **whole period of 2011 to 2016**, as well as Roma-targeted or mainstream **European level policy, legal, funding instruments** (see above) **and coordination structures** in place that are relevant for Roma inclusion.

What do you consider to be the most important achievement(s) to build future work on? *(Please mention up to 3 achievements.)*

1. A key achievement of the EU Framework and related instruments is that they have created the conditions where member states are obliged to develop concrete action plans to promote Roma inclusion and have guidance to do so.

Alongside policy and legislative frameworks other actions have also been important in maintaining a pressure on member states to develop and implement Roma integration strategies. Visits by the European Commission to member states are helpful, the Commission visited Ireland in 2016 and this was a great opportunity to take stock of Roma and Traveller inclusion in Ireland.

European Commission assessments have been an important achievement and have strengthened over time. The 2016 assessment was extremely useful in guiding policy-makers and service providers in relation to Roma and Traveller inclusion. The more detailed and direct assessments are extremely helpful.

2. Another key achievement is that the EU Framework has made Roma and Travellers more visible in member states and placed them on the policy and political agenda. Of key importance is the assertion in the EU Framework for National Roma Integration Strategies up to 2020 that policies need to focus on Roma in a clear and specific way with explicit measures, targeted actions and sufficient funding to deliver them. The Council recommendation on effective Roma integration measures in the member states is a key achievement and the explicit articulation and inclusion of the horizontal policy measures alongside the 4 pillars has been necessary and a key achievement.

3. The work and guidance by the European Union Agency for Fundamental Rights on Roma Integration Indicators Framework.

What do you consider to be the most important challenges still to be addressed? *(Please mention up to 3 challenges.)*

1. A key challenge has been the development and strategies that have outcomes and impact in line the EU Framework. It is a challenge to focus on what the State has actually done to promote Roma and Traveller inclusion beyond rhetoric and narrow interventions.

Often the absence of clear data to monitor progression in the pillar areas over the period of the strategies makes it difficult to hold member states to account. A major challenge is member states referring to ad hoc initiatives that are being undertaken (often by civil society) as ‘good practice’ to deflect from the lack of more systematic and policy driven approaches to addressing Traveller and Roma inclusion in a sustainable manner.

It can be difficult to get a real picture of actual good practice in other member states particularly in relation to a process of developing and implementing a progressive Roma Integration Strategy with clear targets, indicators, timeframes, lines of responsibility and budgets.

2. Political impetus to address the negative impact that European Directive 2004/38 has on many Roma who have migrated. As noted by the former Commissioner for Human Rights of the Council of Europe ‘The agreed Directives within the EU do not support Roma rights in reality. In practice, the ‘Free Movement Directive’ impacts differently on Roma than on other EU citizens. It provides that every EU citizen has the right to reside in any EU member State for a period of three months without any other requirement than a valid passport. For longer periods of stay, however, the person concerned must prove that s/he is not a burden to the host State, through either employment or adequate financial resources. A majority of Roma cannot fulfil this requirement.’ Hammarberg T (Council of Europe Commissioner for Human Rights) (2010) European Migration Policies Discriminate against Roma People.

Case studies and reports from Roma in Ireland would indicate that this is an example of institutional and intersectional discrimination whereby a policy is having a negative impact on particular groups at the intersections of ethnicity, class and gender. While the State does not meet its human rights obligations of disaggregated data collection across administrative systems this cannot be proven. This reality articulated by Thomas Hammarberg means there are major human rights implications for Roma migrants who are living in poverty and not accessing public services. Member states can assert that they are simply enacting a European Directive and so this needs to be addressed from a human rights perspective at the European level.

3. Another challenge is ensuring the resourcing of established Roma and Traveller organisations with a track record of delivering for inclusion. Along with the challenge in leveraging funds for Roma and Traveller initiatives it is difficult to access clear and transparent information on the funds available. This has been an area that Ireland has fallen down on and the 2016 assessment noted that Ireland should ‘facilitate the use of national and EU funds to support capacity building for local authorities and civil society organisations.’

What, in your view, would be the best way to address these challenges during implementation up to 2020?

Continue to conduct thorough assessments that get progressively stronger for the remaining 3 years of the strategy.

European-wide initiatives to document and analyse the impact of European Directive 2004/38 on Roma moving within the EU and to support the realisation of human rights for Roma who are not deemed to have the right to reside.

Require Member States to publish the use of funds for Roma initiatives and indicate what percentage of ESF funds have been allocated to Roma initiatives. This should be done retrospectively documenting each year from the period 2010 – 2020 so that it can be analysed if member states have met the requirements of the Council recommendation on effective Roma integration measures in the member states.

It would be useful to facilitate constructive ways for civil society who are engaged on National Roma Strategies to share positive experiences and challenges with civil society in other member states and to work as allies.

It would also be useful to have tri-partite meetings of each member state, relevant civil society and EU commission representatives to discuss progress on the strategies. (Appreciate this is resource intensive but it would be effective).

In respect of what has been achieved until now, what, in your view, should be key European level priorities for 2017-2020? *(Please mention up to 3 priorities.)*

1. Strong annual assessments for the implementation of National Roma Strategies with clear and transparent information on funds allocated by Member States; along with continued and increased civil society involvement in assessments.

2. Addressing the reality of the impact of European Directive 2004/38 on many Roma.

3. The expansion of the reports on situation of Roma European Union Agency for Fundamental Rights to all of the European Union would be an extremely positive development and is a priority.

How do you envisage the continuation of the European approach to Roma inclusion in the post-2020 period in respect of policy, legal and funding instruments and coordination structures?

A new instrument to promote Roma inclusion should be developed in the post-2020 period to ensure that progress continues. It is important that this builds on the existing infrastructure and the framework set out in the EU Framework for National Roma

Integration Strategies up to 2020 and the Council recommendation on effective Roma integration measures in the member states. The progress and momentum that has been achieved needs to be built upon and not lost in the development of a new process. Genuine political leadership and ‘championing’ of Roma inclusion needs to be stronger.

What should be the key priorities of a post-2020 European approach?

(Please mention up to 3 priorities.)

1. Consider how Roma and Travellers can have free movement in EU and have their human rights realised; taking into account the particularities of their experiences and the impact of anti-Gypsyism over generations. This may be through a legislative or policy/administrative instrument.

2. Address and ensure that collective expulsions do not take place in the EU.

3. Ensure that an intersectional approach is taken in policy development and that the impact of policies or practice affecting migrants, women and other groups such as LGBTQI Roma and Travellers are addressed.

Would you like to make any other comments regarding the implementation of the EU Framework for National Roma Integration Strategies?

II. ASSESSING NATIONAL STRATEGIES, MEASURES AND INSTRUMENTS

Please specify country/countries: Ireland

In the period 2011-2016, considering the [your Member State's] **National Roma Integration Strategy** (or integrated sets of policy measures) as well as **national, regional and local policies, legal, funding instruments and coordination structures** in place. Please also reflect on mainstream policies and legislation with important impact for Roma, as well as the use of European national and local funding.)

What do you consider to be the most important achievement(s) to build future work on? *(Please mention up to 3 achievements.)*

1. A key achievement in Ireland was the initiation of a process to develop a revised National Traveller Roma Inclusion Strategy in 2015. The original National Traveller Roma Integration Strategy that was submitted to the European Commission in January 2012 lacked substance, goals, targets, funding mechanisms and did not involve Travellers and Roma civil society in its development. In 2015 the Irish Government developed a National Traveller Roma Inclusion Strategy Steering Group which is chaired by the Minister of State for Justice with special responsibility for Equality, Immigration, and Integration. This has representatives from relevant

government departments and Traveller organisations. A Roma working group was also established and is the first national policy forum with Roma representation in Ireland. The Irish Government initiated a national consultation process for the National Traveller Roma Inclusion Strategy. This process consisted of three phases, identification of themes, identification of high level objectives and identification of actions. Consultations took the form of receipt of submissions and consultation meetings in four regional areas. The state has committed to preparing a 'revised draft inclusion strategy, with measurable targets and deadlines', a monitoring and implementation framework and details on resources.

In two incidents in 2013 two Roma children, who unlike their parents had fair skin and hair, were taken into state care on suspicion that they had been abducted. It was later discovered that the children were living with their biological families and the children were subsequently returned. The subsequent Inquiry by the Ombudsman for Children confirmed that the events were influenced by unfounded and deeply prejudiced myths about Roma 'stealing children'. The inquiry found that one of the Irish cases constituted ethnic profiling. An achievement from this was that the State accepted the recommendations of this Inquiry, one of which was to conduct a national needs assessment of Roma in Ireland. It was intended that this needs assessment would be used to inform the National Traveller Roma Inclusion Strategy. The policy infrastructure in relation to Roma in Ireland is very weak and this would be a positive development. (The needs assessment will be published by the Department of Justice and Equality and Pavee Point Traveller and Roma Centre in 2017. The study consisted of quantitative analysis of 108 Roma households (information on 609 household members), and 30 interviews and 8 focus groups with service providers and Roma. Roma peer researchers were centrally involved in the design and implementation of the research).

2. The model of Traveller sectoral committees to address and progress policy areas has been an achievement. These committees have represented an achievement and a challenge. A strength has been strong Traveller participation on these committees. For example, a National Traveller Health Advisory Committee (NTHAC) at the Department of Health that was established under the Task Force Report on the Travelling community in 1995 and had been working very effectively. When established in 1999 the NTHAC had a dedicated Traveller Health budget that was increased annually by €1,000,000, this allowed the THAC committee (made up of equal representatives of Travellers, Traveller organisations, Health Service Executive and the Department of Health) to prepare the first Traveller Health Strategy; support the establishment and resourcing of eight regional Traveller Health Units (THU) and 40 Primary Health Care for Traveller Projects; pilot the introduction of an ethnic identifier in health data sets and in 2005 set up the consultation process for the tender for All Ireland Traveller Health Study, which was completed in 2010. The NTHAC has been a very effective structure for Traveller health policy development and had a role in monitoring the work of the regional THU's and accountability for the allocation and expenditure of the Traveller Health Budget. (see below for

challenge).

3. Another achievement was a process and momentum established towards recognition of Traveller ethnicity. In April 2014, the Government Committee on Justice, Defence and Equality produced a report on the recognition of Traveller ethnicity. This report was based on a number of written submissions and three public hearings with a number of stakeholders, to consider the issues in more detail. The report was endorsed by the Committee, which has representatives from all political parties and recommends that 'the Taoiseach or the Minister for Justice and Equality should make a statement to Dáil Éireann confirming that this State recognises the ethnicity of the Travelling community.' The Committee report recommended that the Government should write to the relevant international bodies, confirming that this State recognises the ethnicity of the Travelling community. Official Government recognition of Traveller ethnicity had still not happened by the end of 2016 but slow progress was made in this direction.

What do you consider to be the most important challenges to be addressed?

(Please mention up to 3 challenges.)

1. **A major challenge is the implementation of policy.** Where positive policies exist they are not being implemented and there is little accountability for lack of implementation. For example, The Report and Recommendations for a Traveller Education Strategy was published in 2006. The report was never developed into a strategy and does not have an implementation plan with associated deliverables and deadlines; as a result progress on its implementation has been remarkably slow. The report is now eleven years old and there are a number of chapters where none of the recommendations have been implemented, and many of the recommendations that were implemented have since been dismantled.

Sectoral committees to progress policy implementation have been weak in enforcing implementation that will translate into actual improvements in living conditions and the realisation of human rights for Travellers and Roma. For example, following the launch of the All Ireland Traveller Health Study (AITHS)³ in 2010 the Minister of Health entrusted the THAC committee (see above in achievement 2) to develop a strategy to respond to the findings of the AITHS. The THAC were informed that there would be no action plan as there was no budget available due to the recession, this situation further deteriorated in 2012 when the THAC committee was told it was to stop meeting for 6 months to allow a review of the committee's work to take place, the review was conducted but Traveller groups have never seen it, the committee has not met since then but its members have not been informed that it is disbanded. When Traveller groups request information from the Department of Health they are told they are still considering the outcome of the review process.

In the area of accommodation the majority of Local Authorities have consistently failed

³ Kelleher et al., *All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010.

to meet their targets and provide adequate and culturally appropriate accommodation for Travellers. The Traveller accommodation budget fell from €40m in 2008 to €4m in 2013 - a decrease of 90%. Substantial parts of the reduced budgets have remained unspent, with no incentives or sanctions in place to ensure that Local Authorities meet their legal obligations. The National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller Accommodation Consultative Committees (LTACCs) remain purely advisory bodies with no mandate to compel Local Authorities to comply with their obligations.

Implementation has been severely hampered by a lack of prioritisation and investment in Traveller and Roma communities. The breaking of the economic and social crisis in 2008 prompted a dramatic and devastating disinvestment by the Irish State in the Traveller community. The scale of these cuts, undertaken in the name of austerity, was completely disproportionate and appears to have been undertaken without any attempt at human rights proofing and with scant regard to the principle of non-discrimination. Using the government’s own figures, it is possible to identify the scale of the austerity cuts on key areas that directly impact on Traveller and Roma children. It is important that these cuts are considered in comparison to the overall reduction in government spending of -4.3% during the period 2008-2013.

The scale of the cuts (Table 1) during austerity and underspend of budgets (Table 2) for Traveller specific programming.⁴

Category	Cut
Interagency activities	-100%
Education	-86.6%
Accommodation	-90%
Equality	-76.3%
National Traveller Organisations	-63.6%
FAS SIT (employment initiative)	-50%
Health ³¹	-5.4%
Overall government cut	-4.3%

Category	Underspend
Health	18%
Equality	28%
Accommodation	36%
FAS SIT- Special Initiative for Travellers (employment)	40%

The UNCRC, CESCR and European Commission have raised serious concerns at the significant increase in the number of children living in consistent poverty as result of austerity measures, particularly in jobless households and Traveller and Roma communities.⁵ In November 2016 the Council of Europe Commissioner for Human Rights expressed deep concerns at the persisting social exclusion and discrimination experienced by Travellers. He noted that Travellers have been affected in a gravely disproportionate manner by budget cuts during austerity and called for urgent re-investment in the community.⁶ The poor outcomes for Travellers and Roma across

⁴ Harvey, B., Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services, Dublin, Pavee Point Publications, 2013. Harvey notes “one can think of no other section of the community which has suffered such a high level of withdrawal of funding and human resources”.

⁵ UNCRC, 2016 (3); UNCESCR, 2015 (3); Daly, M., Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland, European Commission, 2014.

⁶ The Commissioner, Nils Muižnieks, conducted a three-day visit to Ireland in November 2016, in <http://www.coe.int/en/web/commissioner/-/ireland-advance-equality-of-travellers-and-women>.

policy areas can be seen in two recent submissions to the UN Committee on the Rights of the Child and the UN Committee on the Elimination of Discrimination Against Women.⁷

2. A major challenge is the slow progress in completing a National Traveller Roma Inclusion Strategy in line with the EU Framework. The revised strategy is still not complete and at its current phase of development there are major gaps, particularly in relation to addressing Traveller and Roma health and accommodation. It is also unclear how an implementation plan with associated targets, indicators, budgetary lines or timeframes will be developed.

2. There is a significant gap in reliable and comprehensive data on the socioeconomic situation and needs of Travellers and Roma due to lack of data disaggregated by ethnicity. Lack of disaggregated data by ethnicity results in failure to provide an evidence base of the situation of Travellers and Roma, and in failure to undertake comprehensive human rights and equality proofing of State policies, budgets and programming. Concerns at the lack of disaggregated data in formulating and monitoring policy and programming have been raised by CEDAW, CRC and CESC.

Progress has been made with Central Statistics Office, which has included Travellers as an administrative category since Census 2006, but Roma are still omitted. The State has also commissioned two significant pieces of research: the first National Roma Needs Assessment (forthcoming in 2017) and All Ireland Traveller Health Study (AITHS, 2010). However, data from the AITHS has largely been met with inaction by the State, and despite the evidence, no action plan has been introduced by the Department of Health to address the stark findings.

A small number of health service providers have introduced ethnic identifiers. However, ethnic categories are not standardised; ethnic identity is often ascribed to Travellers and Roma by using proxies such as name or looks; and the data is not disaggregated, analysed or provided to stakeholders within an appropriate timeframe. These practices are in direct contravention of human rights-based data collection principles.

⁷ <http://www.paveepoint.ie/document/pavee-point-shadow-report-for-uncrc-on-traveller-and-roma-children/>
& <http://www.paveepoint.ie/document/pavee-point-ntwf-joint-shadow-report-to-cedaw-committee/>

What, in your view, would be the best way to address these challenges during implementation up to 2020?

Establish a statutory agency with enforcement powers to deliver progress across all Traveller and Roma policy areas to ensure allocated actions and budgets are fully **implemented** and spent.

Finalise the National Traveller Roma Inclusion Strategy as matter of urgency ensuring it has measurable objectives and a concrete implementation plan with targets, indicators, timeframes, a monitoring and evaluation framework and adequate human and financial resources.

Allocation appropriate funding for the implementation of Traveller policy, restore and spend allocated budgets. Introduce specific funding lines to develop a Roma infrastructure with funds for Roma specific programming in Ireland.

In respect of what has been achieved until now, and in order to promote implementation at national and local levels, what, in your view, should be key national/local priorities for 2017-2020? (Please mention up to 3 priorities.)

1. Establish a statutory agency with enforcement powers to deliver progress across all Traveller and Roma policy areas to ensure allocated actions and budgets are fully **implemented** and spent. This agency will also ensure appropriate ethnic data collection across all administrative systems and mainstream services and is in line with human rights-based standards of data collection

2. Finalise the National Traveller Roma Inclusion Strategy as matter of urgency ensuring it has measurable objectives and a concrete implementation plan with targets, indicators, timeframes, a monitoring and evaluation framework and adequate human and financial resources.

3. Allocation appropriate funding for the implementation of Traveller policy, restore and spend allocated budgets. Introduce specific funding lines to develop a Roma infrastructure with funds for Roma specific programming in Ireland.

How do you envisage the continuation of the national approach to Roma inclusion in the post-2020 period in respect of policy, legal and funding instruments and coordination structures?

Build on progress made and the achievements above and address the challenges

identified in a post 2020 framework. Ensure that valuable European Commission assessments have sufficiently robust follow up to achieve meaningful impact. Also ensure greater local level coordination of policy and practice under strategies for social inclusion, migrant inclusion and the National Traveller Roma Inclusion Strategy.

What should be the key priorities of a post-2020 national strategy?

(Please mention up to 3 priorities.)

1. Adequate resourcing and focus on Traveller and Roma inclusion in targeted and mainstream policies and practice at national and local level.

2. Continued role for the European Commission in promoting anti-racism and the protection of Traveller and Roma Human Rights, in particular women's rights.

3. Ensure the development and implementation of adequate and robust monitoring and evaluation frameworks with the National Traveller and Roma Inclusion Strategy.

Would you like to make any other comments regarding the implementation of Roma integration measures at national, regional or local levels?