

Fighting discrimination convincingly- by Barbara Giovanna Bello

The European Commission's Communication "An EU Framework for National Roma Integration Strategies up to 2020" calls on the Member States to ensure that Roma are not discriminated against and that they have equal access to fundamental rights. 'Anti-discrimination' belongs to the structural requirements assessed by the European Commission's Communication "A first step in the implementation of the EU Framework". As this document underlines, all Member States paid attention to promoting antidiscrimination and to the protection of fundamental rights in their strategies. In most strategies, a specific section or chapter is dedicated to raising awareness of fundamental rights and fighting against discrimination. A comparative analysis on anti-discriminatory measures adopted by Member States, though, cannot be limited just to the section of chapter explicitly dedicated to anti-discrimination, but should look at the measures described in the various fields covered by the National Strategies: housing, health, education, employment and access to documents.

I will focus hereafter on some gaps which still exist in the National Strategies and in their implementation.

1) Can anti-Roma discrimination been tackled without *truly* involving the Roma communities in the implementation of the National Strategies?

The involvement of the Roma communities in the implementation of the National Strategies should be improved, beyond tokenism and paternalistic approaches, which are both preventing from tackling anti-Roma discriminations convincingly. The first one (tokenism) just formally complies with the goals of the national strategies by taking small initiatives, e.g. to involve a minimal number of Roma; the second one implies implementing the National Strategy "for the Roma", but without a true cooperation "with the Roma". This means that the Roma participation in roundtables and public events is important, but not enough to tackle discrimination against them. EU should monitor whether and how many Roma are involved in the implementation phases of the National strategies and in the National Contact Points in charge for implementing the National Strategies; in the ex-ante, mid-term an ex-post evaluation of the activities accomplished in the framework of the National Strategies; and in the NGOs engaged with the implementation of the National Strategies.

2) Diversity within the Roma communities and intersectional perspective

Some National Strategies acknowledge the diversity within the Roma communities in terms of their legal status (EU Roma, non-EU Roma, stateless Roma, etc.). Member States should also ensure that all these different groups are represented in the implementation of the Strategy and that specific problems related to these different kinds of status and groups are provided with adequate solutions. For example, it is positive that the Italian Equality Body acknowledged the challenges faced by the 'de facto stateless' Roma in Italy and that it co-organized a workshop with the Open Society Foundations on this topic in February 2013 in occasion of the presentation of the findings of a large-scale research accomplished by this last organization and the CIR (Consiglio Italiano per i Rifugiati). The peculiar condition of 'de facto stateless' Roma in Italy were already pointed out during the ground-breaking conference "La condizione giuridica di Rom e Sinti in

Italia/International conference on The legal status of Roma and Sinti in Italy”,¹ organized by the University Milano-Bicocca and ASGI organization in June 2010.² A specific legal solution for these Roma should be found and fostered in the implementation of the National Strategy.

In Germany, the National Strategy mentions the “tolerated” Roma, but without deepening their challenges. Many of them live under threat of being deported to Former Yugoslavia Countries (above all Kosovo). The German National Strategy (pp. 16-17) points out that there are several initiatives against anti-Roma discriminations, attended by the Central Council of German Roma and Sinti, which includes members with the German nationality only. What about Third Country Roma living in Germany? Many Roma and asylum-seekers’ NGOs are trying to raise awareness on the discriminations against “tolerated” Roma once back in Kosovo. The issue is particularly tragic for those young adults (now in their twenties), who were born and bred in Germany or lived there since their childhood and are forced to go back to Former Yugoslavia after many years.³

In general, it is not clear which measures have been taken in different countries to address the lack of registration of Roma in the national population registers, which is often an absolute pre-condition for ensuring equal access to public services.

2a) Intersectional perspective

An intersectional perspective, i.e. a focus on the intersection between the Roma ethnic origin and other grounds, as well as on multiple discriminations, has been partially adopted in some National Strategies, while it is missing in other ones.

For instance, some Strategies stress the specific conditions of disabled Roma (Poland, Finland, Hungary, Italy; Denmark and Estonia just list the services for disabled people, without addressing the issue of multiple burdens of disabled Roma; Latvia just recognizes that disabled Roma are among most disadvantaged), of Roma women (most National Strategies), to elderly (Denmark, Finland, Italy, Slovakia), of children and teen-agers in relation to education (most National Strategies). Roma children are a particularly vulnerable group when it comes to access to fundamental rights, which is only rarely addressed outside the fields of education and health in the national strategies.

In an intersectional perspective, the Portuguese National Strategy should be taken as an example, since it emphasizes the need to counter homogenization and the invisibility of more vulnerable groups in the Roma communities, namely women, children, LGBT, people with AIDS/HIV and those with alcohol, drug and other toxic substance dependency. In Latvia, the National Strategy reports some data collected by the Latvian State Register AIDS/HIV rates among Roma people in the country, but no specific measures have been taken in order to support them, whereas Romania plans to organize and implement campaigns in the field of preventing AIDS/HIV and other diseases.

On the contrary, the focus on Roma young adults is, in average, low. In many EU countries, the transition of Roma young people to adulthood is more difficult than that of their non-Roma peers, due to low education, poor housing conditions and to the stigma attached to their ethnic belonging itself. For these reasons, they highly figure among the NEETs. A few National Strategies (in

¹ Further information on the conference are available at: http://www.asgi.it/home_asgi.php?n=918 (01 February 2013).

² Perin, G. (2010). L’applicazione ai Rom e ai Sinti non cittadini delle norme sull’apolidia, sulla protezione internazionale e sulla condizione degli stranieri comunitari ed extracomunitari. In P. Bonetti, A. Simoni & T. Vitale (Eds.), *La condizione giuridica di Rom e Sinti in Italia* (pp. 363–414). Milan: Giuffrè.

³ See, among others, the material available at: <http://www.roma-center.de/projekte.htm> (13 February 2013).

Finland, Greece Hungary, Italy) explicitly address the challenges of Roma young adults (till 30- 35 years of age), Most EU Member States have Youth Agencies⁴ implementing the Youth in Action program but no (or little) coordination has been taken so far, in order to foster the Roma young people access to youth initiatives. Some Youth Agencies have already organized initiatives involving Roma young people since 2008,⁵ but a clear link between the national strategies and the Youth Agencies has not been fostered so far. Apart from the European Union, the Council of Europe has recently adopted a Roma Youth Action Plan in order to involve Roma young people and young adults in the improvement of the conditions of their communities,⁶ but, also in this case, no clear link with this initiative has been established.

3) Institutional discrimination and relation with the police.

Three quite missing aspects in the national Strategies are: the Roma's situation with regard to the access to justice in the field of anti-discrimination protection; institutional discrimination by local or national authorities; as well as police's attitude towards the Roma. It is not clear which initiatives have been taken in order to train lawyers, judges and police members on the Roma-related issues.

4) Specific forms of discrimination against the Roma:

House segregation in ghetto areas of the city are still persisting in many Countries, as well as poor house conditions at the outskirts of the cities, with poor or lacking infrastructures.

5) Transparency:

National Contact points should publish the reports on initiatives taken in the framework of the Strategies on their webpages. This provision could enable grassroots organizations and activists to better monitor the National Strategies.

⁴ The list of National Agencies is available at: http://ec.europa.eu/youth/youth/doc152_en.htm#sectNAS (13 February 2013).

⁵ Information is available at: <http://www.salto-youth.net/rc/cultural-diversity/topics/roma/>(13 February 2013).

⁶Roma Youth Action Plan is available at:

http://www.coe.int/t/dg4/youth/Source/News&Calls/2012_Roma_Youth_Action_Plan_en.pdf(last accessed 15 January 2013).