

## Reflections on the position of the Netherlands concerning a European Roma Integration strategy<sup>1</sup>

Bound to the European 'Road Map', as set out by the Hungarian Presidency of the EU, the Dutch government had – like any other Member State - to elaborate an opinion on the proposed European Roma policies for the next decade. The last few months, the so called EU Framework for National Integration Strategies up to 2020, elaborated by the European Commission on Justice, Fundamental Rights and Citizenship (5 April 2011), has been discussed several times by the member states.

Firstly, Ministers met with Commissioner Madam Viviane Reding, in the Council for Justice and Home Affairs (April 12). Another important body in which member states are represented and that is supposed to form a – joint-opinion is the European Committee of Social Protection (on social exclusion and Roma inclusion, at April 28). Subsequently, the Council for Employment and Social Policy discussed the EC proposal and its conclusions, as its one and only Agenda-item (May 19). The day after, the Council of Education took place, followed by the Council of General Affairs (May 23). In fact, the Ministers of Foreign Affairs prepared the final stage, on the 24<sup>th</sup> of June, when the Heads of State of the 27 member states decide on the EU 2020 targets, including Roma Inclusion.

As generally is the case, the Dutch position has been prepared by the Working Group on Judgment of New Commission Proposals. The resulting 6 pages document was communicated by the State Secretary of Foreign Affairs with Parliament (May 2, House of Representatives, Meetings 2010-2011, 22 112, nr. 1166). The Minister of Social Affairs and Employment subsequently prepared the Agenda for the one issue European Council meeting (May 19), referring to the basic Dutch document and taking also the Opinion of the Committee of Social Protection into account.

So, the Dutch position towards the Framework and the Conclusions has taken shape and we are able to anticipate on its official presentation on the EU-Summit (June 23-24), a milestone on the roadmap towards a European Framework for National Roma Strategies up to 2020.

I will briefly treat the Dutch opinion, by summarizing the way it is constructed (considerations), its content (attitude) and the way it has been presented so far. Finally I add my personal view regarding the Dutch opinion, including some expectations for the nearby future.

### **Dutch considerations concerning European Roma Policies**

As with any new committee proposals, the Roma Framework is analyzed in terms of competency, subsidiarity, proportionality and financial considerations.

Firstly, the Dutch government considers the EC proposal legitimate, referring to the EU Treaty and one of its key elements: the combat of discrimination and social exclusion. In terms of **competency** the EC proposal is judged to be of support and added value to national responsibilities.

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Secondly, in terms of **subsidiarity**, the EC proposal is judged positive. Main reasoning is that the Roma form the largest minority in Europe, are present in a majority of member states, and in a comparable situation. High Roma mobility exists between member states and social exclusion of Roma is considered to have cross border effects.

Thirdly, in terms of **proportionality**, the judgment turns out negative. The Dutch government considers it disproportionate to request from all member states to develop a national strategy, as the national contexts are differing in numbers and policies. In the official point of view, the 'Roma' population is considered 'not substantial enough' and the targeted EU approach doesn't match with the existing mainstream policies in the Netherlands concerning minorities and their integration into society.

In **financial** terms, the Dutch foresee 'limited consequences' of the EC-proposal: the government will remain free to decide whether or not allocating (extra) resources to this end.

### **Dutch attitude towards Roma policies**

The new Dutch government considers the Framework and National Strategies in terms of 'benefits' and 'advantages' for the Netherlands, having the high mobility in mind as well as its cross border effects.

Importance is given to the investment by member states with large Roma populations to improve their access to key areas (education, employment, health, and housing). EU structural and pre-accession funds could be 'better targeted', the government argues, but it should be 'up to the member states whether they allocate these funds for Roma inclusion'. In its human rights policy the Dutch government seek added value to its existing bilateral policy (mainly regarding the Roma in the southeastern region of Europe) and in international cooperation (for instance within EU). Welcomed by the Dutch is the stronger role of the EU within existing consultation bodies (such as the European Roma Platform). The idea of monitoring is supported by the Dutch government, but to a limited extend and using existing mechanisms. Data collection is considered 'complicated' because of prevailing mainstream policies and legislative restrictions. Further development of internal EU fundamental (human) rights policy is seen as strengthening EU credibility externally.

In judicial perspective, the Dutch government states that the socio-economic approach needs to be broadened to other aspects such as human trafficking (Roma as actors and victims), organized crime, and public order (law enforcement in case of impediments/nuisance). The element of Roma self-responsibility is, according to the Dutch government, underexposed in the Framework proposal: 'without Roma taking more responsibility for changing for the better their circumstances and perspectives, every measure will turn out to be useless or remain in vain'.

### **Dutch presentation of its position**

In the exchange of views in the most important Council meeting so far, the Dutch Minister of Social Affairs and Employment instructed the Permanent Representative of the Netherlands to the EU to declare a statement, showing future priorities and the way these will be approached:

- **Education** is given priority, as shown by some projects in ten municipalities to combat early drop out. This year these projects (600.000 Euro in total) will be evaluated.

- Focus will be on local level and regular contacts are maintained with **local authorities**.
- Locally, problems turn visible and require solutions. The Dutch government argues that Roma 'often cause problems', are held '**responsible for themselves**', and all this 'make their involvement in society very important'.
- **European cooperation** is considered important in the combat of organized crime and human trafficking, reasoned in staccato wordings ('Roma beg in the streets, steal and involve in prostitution, which make participation in society difficult').
- The last remark, that **EU – Funding** 'needs to be more accessible for small NGO's', came out of the blue. Despite its truism.

### Comments and expectations

The Framework for Roma National Strategies up to 2020 - as recently proposed by the European Commission of Justice, Fundamental Rights and Citizenship – has been adopted unanimously by the 27 member states of the EU. The Netherlands also explicitly expressed its commitment to this important blueprint for the future. By all stakeholders – including Roma civil society - it is considered a brake through. In some statements and wordings, however, one may recognize some bending of the EC towards some reluctant Member States, such as France, Denmark and the Netherlands.

1. The EC agreed upon a Framework 'light', offering alternative interpretations for 'a national strategy', namely an 'interrelated set of policy measures'. This way out is necessary and acceptable for the Netherlands. It remains to be seen, however, whether the Dutch government will be capable and willing to develop - in due course and for the long run - such comprehensive and sustainable policy on key areas as education and employment.

2. The Netherlands will stick to its mainstream policies – no 'explicitly targeted approach' – but allows for an 'adequate approach towards specific problems of specific groups' (in current policies defined as 'groups at risk', such as Moroccans, Somalians, Antilleans and Roma, pj). In comparison to a notorious 'free rider': Denmark will only implement policies for 'the disadvantaged'. Immediately after the May 19 Council meeting this Member State served as a northwestern 'black sheep', receiving critical comments by one European Commissioner (László Andor, Employment and social Affairs) because of its restricted position and confronted by the other (Viviane Reding, Justice) with the prospect of a possible infringement procedure when Denmark will not adapt to more explicit and constructive measures concerning Roma inclusion.

3. In terms of competency and subsidiarity the EU proposal may be judged positively in all member states, in line with the Opinion of the Committee of Social Protection (important, for instance regarding the Open Coordination Method of monitoring). The third element ('proportionality'), however, turns out to be crucial and easily scores negative. The (mis)match with prevailing national policies is to be taken into account (see above: 1 and 2), and demography is at stake, too. Herein lies exactly the heel of Achilles. Statelessness, registration yes or no and how, self denomination and state recognition, laws on privacy and data protection: elements which can be (mis)used by a state to its own benefit and easily results in under- or overestimating the number of Roma accordingly.

Taking notice of the group and main problems described, I can't get away from the impression that the Dutch government clearly departs from the 'limiting approach': referring implicitly to (a subgroup of the total population of) 'Roma', thus leaving aside the Dutch Sinti and Travellers communities.<sup>2</sup> To my opinion the Netherlands, by considering 'the' Roma population in the Netherlands (consisting approximately of 3.000 persons, settled in 10 municipalities) as 'not substantial' enough, will continue neglecting a more social inclusive policy concerning all subgroups settled in more than hundred municipalities, counting for 30.000 - 40.000 citizens.<sup>3</sup>

4. The above mentioned observations lead to another characteristic of Dutch policies concerning Sinti, Roma and Travellers: a 'top down' approach instead of a 'bottom up' approach in which a regular and constructive dialogue with grass roots organizations, including capacity building and logistical facilities is seriously searched for. If and when there is mentioning in official documents of 'regular contact', it is between central and local authorities. The 'Platform Roma Municipalities' – having started some three years ago – is an officials' interest group focusing on the most problematic population (approximately 3.000 Roma) and on law enforcement in the ten municipalities where these particular communities are settled. In 2010 another body was created, the National Institute for Sinti and Roma, whose back office is supposed to deliver services to all Dutch municipalities and institutions, while some Sinti and Roma in the frontline are employed as 'mediators' (for education, employment, housing and social purposes).

5. To ensure effective monitoring of Roma inclusion strategies (or 'integrated sets of measures') and foster the exchange of good practices and discussions on evidence-based approaches in this area, the Framework requires the set up of a National Contact Point ('or an already existing body'), the EC concludes. In this respect, too, the Netherlands encounters dilemmas and challenges in creating more transparency in terms of Target groups (no 'one size fits all!'), National Contact Point (including grass roots involvement), and Policies (law enforcement complemented with empowerment).

6. Reference made by the Dutch delegation concerning accessibility to EU funds encounters both sympathy and surprise. Abroad, it sounds all right as a plea for simplification of bureaucratic financial structures, rendering a chance for smaller NGO's indeed. But at home it encounters sarcasm given the fact that here too access to funds is complicated for Sinti, Roma and Travellers NGO's, even when their own funds are concerned. The World War Two Compensation Fund for Sinti and Roma, much to the disappointment of the communities, until today did not result in an effective and accessible flow, neither in an 'integrated set of measures' nor in a comprehensive, sustainably 'national strategy'.

7. Finally, the EC Framework and its Conclusions were adopted unanimously by the Member States after a tight period of negotiation, lobbying and silent diplomacy by all stakeholders including civil society. The Proposal and the Conclusions were acceptable after reediting some wordings, leaving space for interpretations and maneuvering. For the Netherlands 'National Strategy' (at home) is a no go ('disproportionate'), while fighting organized crime and human trafficking is a must. 'Roma self-responsibility' is another Dutch key-concept. Serious issues indeed, not to be denied nor tabooed.

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<sup>2</sup> As in all (international) political documents the term "Roma" is used by the EU as an umbrella concept which 'includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or not'. Around 80% of Roma are estimated to be sedentary (COM 2011 173/4, p. 2).

<sup>3</sup> These estimations are generally accepted and referred to in documents of the Council of Europe and the EU.

However, there is a lot more to say to Roma involvement – one of the Ten Common Basic Principles – than self-responsibility.<sup>4</sup>

8. A thorough need assessment on the identified key areas will be highly recommendable for the Dutch context, involving the communities concerned. Or to put it into the wordings of the Council of Europe Recommendation that the Netherlands adopted some years ago: Policies for Roma and Travellers need a ‘coherent, comprehensive and adequately resourced national and regional strategy with short- and long-term action plans, targets and indicators for implementation’.<sup>5</sup>

No doubt the Prime Minister of the Netherlands will approve the European Framework Proposal for National Roma Strategies in Brussels on the EU Summit of the 23<sup>rd</sup> – 24<sup>th</sup> of June. It will be interesting to see, at the end of this year, to which extent the conditions and the deadline will be met.

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<sup>4</sup> The 10 Common Basic Principles on Roma Inclusion were presented at the first European Roma Platform meeting on 24 April 2009. They were annexed to the Council conclusions of 8 June 2009. They comprise: 1) constructive, pragmatic and non-discriminatory policies 2) explicit but not exclusive targeting 3) inter-cultural approach 4) aiming for the mainstream 5) awareness of the gender dimension 6) transfer of evidence-based policies 7) use of EU instruments 8) involvement of regional and local authorities 9) involvement of civil society 10) active participation of Roma.

<sup>5</sup> Recommendation CM/Rec(2008)5 of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe (Adopted by the Committee of Ministers on 20 February 2008 at the 1018th meeting of the Ministers’ Deputies).

## References:

Council of Europe, 2008 - *Recommendation of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe CM/Rec(2008)5.*

European Commission of Justice, Fundamental Rights and Citizenship, 2011 – *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An EU Framework for National Roma Integration Strategies up to 2020. COM(2011) 173/4.*

Council of the European Union, 2011 – *Cover Note from The Social Protection Committee to the Permanent Representatives Committee (Part I) / Council (EPSCO). Subject: Contribution from the Social Protection Committee to the EPSCO Council of 19 May 2011, An EU Framework for National Roma Integration Strategies up to 2020. Opinion of the Social Protection Committee. 9618/11 SOC 376.*

Council of the European Union, 2011 – *Note from the Presidency to the Working Party on Social Questions. Subject: Roadmap - The Hungarian Presidency's programme on the social and economic integration of Roma. 6348/11 SOC 115.*

Council of the European Union, 2011 - *Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020. 3089<sup>th</sup> Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 19 May 2011.*

The State Secretary of Foreign Affairs, H.P.M. Knapen, 2011 - *New Commission proposals and initiatives of EU member states. House of Representatives, Meetings 2010-2011 - 22 112, nr. 1166, May 2.*

The Minister of Social Affairs and Employment, 2011 – *Annotated Agenda for the 19 may 2011 meeting of the European Council of Employment, Social Policy, Public Health and Consumer Issues, 21501-31, Nr. 243.*