

## POSITION PAPER

# How the future 2021-2027 European Social Fund Plus (ESF+) can better contribute to Roma inclusion and equality

November 2019

Launched in 2007, EURoma (European Network on Roma inclusion under ESI Funds) brings together public authorities responsible for Roma policies and those responsible for ESI Funds from fifteen European Union (EU) Member States (MS) as well as the European Commission (EC). It aims to improve (through mutual learning, generation of knowledge and awareness-raising activities) the use of ESI Funds for the promotion of social inclusion, equal opportunities and fight against discrimination of the Roma community across the EU. The Fundación Secretariado Gitano (FSG), as Technical Secretariat, leads and coordinates the Network.

This document is a revised version of the position paper released by EURoma Network in November 2018 in response to the EC Proposal for a Regulation of the European Social Fund Plus (ESF+ )<sup>1</sup>, which has been reviewed and adapted to consider the European Parliament (EP) position<sup>2</sup> on the EC's proposal as well as the discussions within the European Council<sup>3</sup>.

EURoma welcomes and acknowledges progress made in the Proposal for a Regulation on the European Social Fund Plus (ESF+) adopted by the EC, which opens up new opportunities for advancing on Roma equality across the EU after 2020. We are also glad to see that the report adopted by the (EP) on the Commission's proposal includes amendments that, if adopted, would further contribute to make the ESF+ a more powerful instrument for achieving a more social Europe and advancing on equality, social inclusion and non-discrimination of the Roma community across the EU after 2020.

We appreciate the role proposed by the EC for the ESF+, with a combined system of direct and indirect management, to ensure high levels of employment, education and training, health, social inclusion and active participation in society. And particularly the series of very important challenges underlined, one of them being the '*social exclusion of marginalised groups including Roma and migrants*'. In this regard, while we are satisfied with the explicit mention to Roma under one of the Specific Objectives of the EC's Regulation proposal ('*viii) promoting socio-economic integration of third country nationals and of marginalised communities such as the Roma*'), the EP's proposal to consider '*marginalised Roma communities such as the Roma*' in a separate Specific Objective, which would also

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<sup>1</sup> Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+). COM (2018) 382 final. [https://ec.europa.eu/commission/sites/beta-political/files/budget-may2018-european-social-fund-plus-regulation\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/budget-may2018-european-social-fund-plus-regulation_en.pdf)

<sup>2</sup> Report on the proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+). [http://www.europarl.europa.eu/doceo/document/A-8-2018-0461\\_EN.html](http://www.europarl.europa.eu/doceo/document/A-8-2018-0461_EN.html)

<sup>3</sup> Annexes to the proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus SWD(2018) 289 final [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST\\_9573\\_2018\\_ADD\\_2&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_9573_2018_ADD_2&from=EN)

include the ‘the fight against discrimination’ (*viiiia) fighting discrimination against and promoting the socioeconomic integration of marginalised communities such as Roma*), would certainly contribute to achieving an increased impact.

This explicit mention means a straightforward acknowledgement of the need for ESF+ to specifically address the unequal situation that Roma face across the EU, giving continuation to the introduction of the specific Investment Priority (I.P.) 9.2. on the ‘*Socio-economic integration of marginalised communities such as the Roma*’ in the 2014-2020 European Structural and Investment Funds (ESI Funds) Regulations and, if the EP’s proposal is accepted, extending its scope to the fight against discrimination. The maintenance of the specific focus on Roma inclusion for the next programming period reflects the need to reinforce the efforts due to limited progress in the reduction of the equality gaps between Roma and non-Roma in EU MS.

While the specific mention to Roma within the future ESF+ Regulation is certainly a necessary requisite for increasing efforts in tackling the inequality suffered by Roma, there are also other important elements that would enable investments through ESF+ to make significant steps towards social change, real equality and non-discrimination of Roma in the EU. In this regard, EURoma also acknowledges the positive progress in relation to **increasing the alignment of ESF+ and all EU Funds with the European Semester and the European Pillar of Social rights**. Another relevant step forward is the establishment of **Enabling Conditions, understood as a continuous process**, having to be fulfilled during the whole programming period. This will certainly allow for a better focus and impact of the funds at national, regional and local level, going beyond a light requisite for MS acceding funds but rather a permanent requirement for consistency between policy and financial instruments. In this sense we welcome the provision to **strengthen the ESF+ alignment with the European Semester** –being the Country Specific Recommendations (CSR) a key tool for guiding ESF+ investments.

Despite these very important elements for progress within the ESF+ Regulation proposal, there are other aspects that we consider should be improved in order to make the ESF+ a more powerful instrument for achieving equality, social inclusion and non-discrimination of Roma across the EU.

## EURoma proposes the following improvements within ESF+ Regulation proposal:

- EU Funds need to be **fully aligned with European Semester and the European Pillar of Social Rights**, with national mainstream policies and legislation and also with post-2020 National Strategies aimed at Roma equality and inclusion. Connection and coherence of funding priorities and actions with EU and national policy frameworks are a necessary step to achieve greater impact on social inclusion and non-discrimination of Roma. In this sense, we fully support the proposal made by the EP to make explicit reference to the ‘post-2020 EU Framework for National Roma Integration Strategies’ (‘EU action on Roma equality and inclusion post-2020’) when calling on MS and, where appropriate, the EC, to *‘foster synergies and ensure coordination, complementarity and coherence between the ESF+ and other Union funds, programmes and instruments’* (Article 7). In order to assure the strengthened alignment of ESF+ with the European Semester, EC’s clarification of questions arising during the implementation phase to MS should be facilitated. ESF+ should concentrate and intensify **large-scale/long-term support investments** in order to assure equality, inclusion and non-discrimination. The seven-year period of the EU funding framework should trigger ambitious long-term investments at national/regional level as a requisite for prompting policies aiming to achieve social change, particularly for the case of Roma. Disruption of key investments and short-term approaches within next ESF+ programming period should be avoided.
- ESF+ should also explicitly target **EU Mobile Roma Citizens**, a particularly disadvantaged social group in many MS, paying special attention to the situation of children. The explicit reference to Roma under the

Specific Objective addressing the socio-economic integration of marginalised communities such as Roma under Article 4 should also make a specific mention to “EU Mobile Roma Citizens” as targets of ESF+ investments. Otherwise, there is a risk that national investments may disregard non-national Roma (EU citizens), reaching only national Roma.

- Roma need to be **explicitly targeted and also mainstreamed through all ESF+ investments**. While the Regulation proposal acknowledges the need to set up a “*range of policies targeting the most disadvantaged people... such as Roma*”, Roma also need to be considered within mainstream approaches related to social inclusion, be those sectorial policies or funding opportunities, etc... In order to set the conditions for this to happen, such a statement should be included within the Regulations. A clear example refers to one of the thematic concentrations:
  - The 10% ESF+ thematic concentration to support youth employment in the context of the Youth Guarantee needs to ensure young Roma are included. Since Roma are overrepresented among the NEETS, ESF+ interventions focusing on improving employment opportunities for them necessarily need to tackle this group.
- The **integrated approach** needs to be facilitated to become a reality. The Regulation of ESF+ proposal advances in the promotion of the integrated approach by including a range of thematic priorities (employment, education, tackling poverty and social inclusion, health, food and material deprivation in cases of extreme poverty...). However, the architecture in different fund strands does not seem to contribute to the implementation of an integrated approach on the ground (e.g. through Operational Programmes allowing for a real integrated approach in a given locality). The management of different strands and/or with other funds appears to be a complex process which would need to be eased so that a combination of actions can be jointly developed, overcoming a mere multi-sectorial framework or umbrella package. This should include similar rules, timings, eligibility criteria, etc... The call made by the European Council in its amendment to article 32 to ‘*foster synergies and ensure effective coordination between ESF+ and other relevant EU instruments as well as among the ESF+ strands*’ could be a step forward that should hopefully translate into specific action.
- **Greater coherence, synergies and complementarity between EU Funds** need to be promoted. We are glad to see the increased attention paid both by the European Council (notably in the abovementioned amendment to article 32) and the EP (with references in different parts of the text) to these important aspects. They can contribute to facilitating, for example, the so much needed integrated approach for Roma inclusion (mainly with ERDF in relation to housing), but also the access to Roma youngsters to the digital world and to gaining new skills and increase the quality of their education and training (mainly with Erasmus+ and with Digital Europe Programme). Multi-fund programmes will still be in place and it is foreseen that common rules (Common Provision Regulations) will ensure the compatibility between them (ERDF-CF and ESF+, for example). Their management should be improved to make them accessible and effective.
- An increased relevance of **investments to combat discrimination** is crucial to make progress. While discrimination on different basis, including ethnic origin, is mentioned several times throughout the EC’s Regulation proposal, and particularly in *Article 6 (Equality between men and women and equal opportunities, and non-discrimination)*, where it specifically encourages to “*support specific targeted actions*”, we believe further emphasis on how the operational part of such horizontal criteria will be operated should be given. Unless the Regulations specifically lay down the requirement to establish specific measures (and eligible actions such as those related to the support of victims, litigation etc...) and indicators to measure advancements regarding horizontal criteria, the impact will be very limited. EP’s proposal to explicitly refer to the fight against discrimination, along with the promotion of the socio-economic integration, of marginalised communities such as Roma, would contribute to make progress in this area.

- A reinforced **link between all EU funding and fundamental rights and overall with international binding recommendations<sup>4</sup>, as a well as for the UN 2030 Agenda for Sustainable Development**. While in the ESF+ proposal there is an expressed request for consistency between ESF+ and the Charter of Fundamental Rights of the European Union, this essential approach should be further reinforced by linking rights with policies and overall EU funding, beyond ESF+. Fundamental rights are not only ESF+ concern. They should be considered as the baseline for ALL EU funds interventions. This would be an important step towards better tackling Roma inequality.
- The **increase of resources earmarked for social inclusion and tackling poverty** to 30%. ESF+ should concentrate its investments on those that suffer greater inequalities, concentrating in active policies to reduce inequality gaps, particularly focusing on breaking the intergenerational transmission of poverty cycle. Furthermore, the Regulation should clarify the concept of social inclusion, thus assuring the concentration of funds on the most vulnerable and excluded persons. EP's proposal to raise the minimum amount allocated to social inclusion and poverty eradication to at least 27% (instead of 25% in the EC's proposal) and to add a 3% (instead of 2%) to the specific objective of social inclusion of the most deprived and/or material deprivation, in line with FEAD scope, is a step forward.
- The **allocation of specific resources to youth employment**. Following the EP's proposal, 'Member States having a rate of young people aged 15 to 29 not in employment, education or training (NEET) above the Union average in 2019 or where the NEET rate is above 15 % on the basis of Eurostat data, shall allocate at least 15 % of their ESF+ resources under shared management for the years 2021 to 2025 in the programming period to actions and structural reform measures to promote youth employment, paying particular attention to the most affected regions.
- EURoma also welcomes the EP's call for MS **to allocate at least 5%** of their ESF+ resources under shared management to targeted actions aimed at implementing the **European Child Guarantee** in order to contribute to children's equal access to free healthcare, free education, free childcare, decent housing and adequate nutrition. Defining, for the first time, on social inclusion of children and specifically on the reduction of child poverty as ESF+ specific objectives is an extremely important step forward to tackle children's rights and intergenerational transmission of poverty.
- **Increased coherence between ESF+ core priorities and indicators**. A revision of the Regulation proposed indicators should be done as an exercise to better match main ESF+ priorities and expected results and outcomes. The existence of specific Roma related indicators is essential to measure progress of that priority, as well as of the specificity of EU Mobile Roma. EP's proposal to separate the Roma community from other minorities in the three indicators where 'minorities (including marginalised communities such as Roma' are considered is a step forward (i.e. one in the Common indicators for the general support of the ESF+ strand under shared management and two in Common indicators for ESF+ support for addressing material deprivation) and show the path to follow.

We also welcome the clarification proposed by the European Council in new article 15: 'When processing of data revealing racial or ethnic origin (...) the data controller shall ensure appropriate safeguards for the

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<sup>4</sup> Such as economic and social rights (UN Committee of Economic, Social and Cultural Rights -CESCR-) or children's rights (UN Committee on the Rights of the Child, UN Convention Rights of the Child -CRC-) among others.

fundamental rights and interests of the data subject, including the necessary technical and organizational measures’.

- Focusing **thematic innovation/innovative actions** on policy priorities and specific disadvantaged groups, such as Roma, both “national” and EU Mobile Roma. Investments on innovation should be guided and consistent with thematic priorities established in the ESF+ Regulation. Searching for innovative solutions to deeply-rooted exclusion and discrimination should be a core concern of innovative actions within ESF+. Although the current Regulation proposal opens up interesting opportunities for searching for positive solutions for social inclusion, an explicit mention to the need to focus on particularly disadvantaged groups such as Roma should be included as a way to ensure they are not excluded. The proposal of the European Council requesting the Commission to ‘*facilitate capacity building for social innovation, in particular through supporting mutual learning, establishing networks, and disseminating and promoting good practices and methodologies*’ is also welcome.
- Clearer emphasis on the need to establish **mechanisms to scale up and give continuity to proven-positive innovative initiatives**. Further indications in this regard should be included to assure the scaling up of practices that prove to be efficient, since otherwise opportunities may be lost despite positive intentions. This is of particular interest for complex cases referred to social inclusion and discrimination measures.
- Activation of **transnational cooperation as a key tool for social innovation**. We welcome the recognised importance given to transnational cooperation by the EP (including in the new area of combating poverty) and the European Council by, among others, stressing the fact that MS may support transnational cooperation under any of the specific objectives set out in points (i) to (x) of Article 4(1); transnational cooperation may also be supported under the shared management strand. We also support EP’s proposal to support *cross-border partnerships’ under the Employment and Social Innovation strand, i.e. permanent structures of cooperation between public employment services, civil society or the social partners located in at least two Member States*.
- However, despite progress in the EP’s and the European Council’s proposals and although **transnational cooperation** is widely conceived in the EC’s proposal under the Employment and Social Innovation Strand “*to accelerate the transfer of, and to facilitate the scaling of, innovative solutions, in particular for the areas of employment, skills and social inclusion, across Europe*”, **further emphasis should be given** to its mandatory component (“shall”) and its focus on the most disadvantaged groups such as Roma, both from the direct and indirect ESF+ management. Promotion of active transnational cooperation (both multilateral or bilateral) on Roma issues should be foreseen as an effective way to advance in social cohesion, both providing the adequate conditions to allow for active transfer of existing positive practices to other EU contexts and for establishing cooperation mechanisms between countries of origin and destination of EU Mobile Roma to jointly find solutions and improve their living conditions.
- Advancement in the **effective implementation of the partnership principle** throughout the ESF+ programming period. While some progress in the implementation of the partnership principle was achieved during the current programming period, future Regulation should emphasise the functioning of partnership structures throughout the programming period. The partnership principle should be considered as a continuous process (that adds value to the implementation of funds on the ground) and not only as an initial requisite for accessing the funds. In this sense, we welcome the EP’s call to MS to ensure participation also in the ‘programming’ (not only the delivery) of policies and initiatives supported by the ESF+ strands under shared management and to ensure that this participation is meaningful. The extension of participation to other actors such as the equality bodies, national human rights institutions and other relevant or representative



organisations and to the field of non-discrimination (in addition to employment, education and social inclusion) are also welcome.

- The **capacity-building of relevant stakeholders** is a crucial element for the implementation of an effective and meaningful participation. In this sense, we are glad to see that the EP proposes to set a specific amount (at least 2% of ESF+ resources) to this end (instead of just mentioning ‘an appropriate amount’ in the Commission’s proposal) and that the European Council clarifies that these resources ‘may be programmed under any of the specific objectives set out in points (i) to (x) of Article 4(1) and/or under technical assistance’. However, given the relevance of capacity-building, we call on the Council to reconsider the introduction of ‘where relevant’ since it may prevent the use of funds for that purpose.
- While keeping the subsidiarity principle, the **role of the EC** should be enhanced, having a more proactive role towards MS in making the possibilities offered by the Regulations a reality on the ground. On top of providing technical assistance to MS in using combination of funds in the easiest and most efficient way, the EC supervisory role should also focus on assuring the values underlying the Regulations are respected and fulfilled (e.g. EU funding not used for creating spatial segregation, educational segregating practices...).

And a final comment outside the ESF + Regulation, focused on the **European Regional Development Fund (ERDF)-Cohesion Fund (CF)** Regulation proposal:

We are glad to see that the EP’s report on the European Regional Development Fund (ERDF) and the Cohesion Fund (CF) includes different amendments that would contribute to better using the potential of these funds for Roma people. The most important is the explicit mention to Roma in the **Specific Objective (d)** (‘a more social Europe implementing the European Pillar of Social Rights’), **investment priority iii** (‘promoting the socioeconomic inclusion of marginalised communities and deprived communities such as Roma and disadvantaged groups, through integrated actions including housing and social services’). The proposal to separate Roma from other ‘members of marginalised communities and disadvantaged groups’ in one of the **common outputs and result indicators** (‘members of marginalised communities and disadvantaged groups through integrated actions including housing and social services (Roma)’) is also really relevant. This explicit acknowledgment reflects the coherence between EU financial instruments (notably ESF+ and ERDF-CF) and between those and existing and future EU policy commitments (including the EU action on Roma equality and inclusion post-2020).

We fully agree with the recognition by the EP (in the recitals) that “many of the greatest challenges in Europe increasingly affect marginalised Roma communities” and **welcome its call on the need for the ERDF-CF to contribute to improving the living conditions of Roma** and fulfilling their true potential as EU citizens.

We also support the different amendments introduced throughout the text to ensure a more inclusive and non-discriminatory approach and a better reflection of the **potential of the ERDF-CF to promote equality, social inclusion and non-discrimination of all European citizens**, including those groups with a high level of people experiencing or at risk of poverty, discrimination or social exclusion, and to **address the situation of poverty** that still today affects many European citizens, among them many Roma. The potential of these funds to address the social challenges facing EU urban and rural areas should be promoted, while maintaining the importance of economic, environmental and climate dimensions.