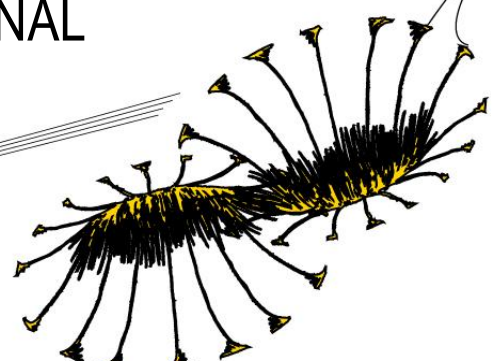# -THE COMPLIANCE OF THE EU MEMBER STATES WITH THE GUIDELINES IN THE EU FRAMEWORK FOR NATIONAL ROMA INTEGRATION STRATEGIES-

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List of abbreviations

Countries:
AT: Austria
BE: Belgium
BG: Bulgaria
CY: Cyprus
CZ: Czech Republic
DE: Germany
DK: Denmark
EE: Estonia
EL: Greece
ES: Spain
FI: Finland
FR: France
HU: Hungary
IE: Ireland
IT: Italy
LT: Lithuania
LU: Luxembourg
LV: Latvia
NL: Netherlands
PL: Poland
PT: Portugal
RO: Romania
SE: Sweden
SK: Slovakia
SL: Slovenia
UK: United Kingdom

Terms:
ECJ: European Court of Justice
EU: European Union
OMC: Open Method of Coordination

Table of content

1. Introduction

The situation of the Roma across Europe is unsettling. Especially in Eastern Europe, where about 5 million Roma live, the material deprivation, racism and social exclusion of the Romani people is a serious problem that calls for urgent action. (Guy, 2001) The European Union (hereafter EU) condemns this discriminatory discourse, claiming that all people, including Europe's largest minority, should have equal access to the fundamental rights as laid out in the EU Charter of Fundamental Rights. To cope with the challenges that the Roma situation brings along the Union established the ''EU Framework for National Roma Integration Strategies up to 2020''. This framework works via the policy instrument open method of coordination. This instrument means, putting it extremely simplistic, that the EU draws up targets and guidelines and the member states establish national strategies to achieve these targets. The member states are however free to choose their own instruments to reach these targets. This paper shall address the compliance of the member states with the guidelines as laid out in the EU framework for National Roma Integration Strategies. The main issue with the open method of coordination is that it is not legally binding, hence member states with no interest in complying may draw up national strategies without any relevant measures. Therefore, the research questions that shall be answered in this bachelor thesis are:

-(1) To what extent do the EU member states' national Roma integration strategies comply with the in 2011 established guidelines of Roma integration as laid out in the EU Framework for National Roma Integration Strategies and (2) to what extent can we explain differences in compliance between member states with the size of Roma problems and the level of discrimination in member states?

However rather than rushing directly into the in-depth analysis of the national strategies, this paper will first set the context. In the first section, the Roma problems will be addressed in a short as possible manner. The literature on Roma and the extent of problems regarding the disadvantaged position of Roma is so widespread that discussing them all in this introductory section is impossible. In this first section the content of the EU Framework for National Integration Strategies is also discussed. In the second section the theoretical framework will be addressed. Policymaking methods and the open method of coordination are the topics of discussion in this section. The third section shows the methodological approach, which will be followed in the process of answering the research question. In the fourth section the collected data will be presented and the most remarkable findings will be highlighted. In the fifth section the underlying reasons of the most remarkable findings are given. The sixth section contains the final conclusion.

1.1 Roma problems across Europe

As mentioned before Roma problems are unfortunately widespread and therefore it is for practical reasons impossible to describe all issues relating the Roma in-depth. However by means of shortly the describing the basic problems that Roma face across Europe the context shall be set and a better understanding of why the EU framework is necessary will be gained. Please note that the situation of Roma differs across member states, and that this introductory section only gives a general overview of the problems that Roma face.

1.1.1 Unemployment

It is fair to say that the skyrocketing unemployment rates of the Roma can be seen as one of the largest problems regarding Roma integration. Data on Roma is scarce, but the Union Agency for Fundamental Rights (FRA) and United Nations Programme for Development (UNDP) have collected data on Roma inclusion in 11 member states (France, Italy Portugal, Spain, Poland, Greece, Slovakia, Romania, Czech Republic, and Bulgaria) in the report *The situation of Roma in 11 EU member states*. (FRA&UNDP, 2012). The report shows that the unemployment rate of the Roma in the 11 surveyed EU member states is unfortunately far greater than that of the non-Roma population.

The employment rates show, in all surveyed member states, that Roma employment is lower than that of the non-Roma population. Sometimes the employment rates of Roma are not even half of that of the non-Roma population. Shocking are the employment rates in France, Italy and Poland, which float approximately between 10-15%. But none of the Roma employment rates show a bright picture, whereas none of the surveyed member states reaches the 50% employment point. (FRA&UNDP, 2012). Even though the survey by the European Union Agency for Fundamental Rights and the United Nations Programme for Development did not cover all 28 EU member states, it clearly shows a trend that in the field of employment the European Roma is disadvantaged compared to the non-Roma European.

Although these numbers are shocking, it should be taken into account that a lot of Roma are employed in the informal sector (such as agriculture for own consumption). Nevertheless Roma are very vulnerable to unemployment and are often heavily reliant on welfare payments and government transfers. Reasons for this are the discrimination that many Roma face on the labor market and the low competiveness of Roma workers, which is caused by a lack of education. (O'Higgens and Ivanov, 2006) The latter problem will be discussed in the following sub-section.

The Roma are not just a group that is disadvantaged in the field of employment, but an ethnic minority that is culturally different from the majority. They may profit from this different culture by seeking employment in the traditional Roma occupations where they have a competitive advantage, such as Roma music, handicraft or horse trade. Unfortunately the (self) employment opportunities in these fields are rather limited (O'Higgens and Ivanov, 2006). It is highly questionable whether there is sufficient demand for traditional skills such as Roma music among the majority to create significant employment opportunities for the Roma.

1.1.2 Education

Education is of vital importance to climb the socio-economic ladder. Unfortunately the situation of Roma in the field of education is not very promising. Roma children at the age of compulsory education attend preschool less often than children of non-Roma decent, as the survey among 11 EU member states of the FRA and UNDP shows. Also the percentage of children between the age of 7 and 15 attending school is higher for non-Roma children than for Roma children in 10 of the surveyed member states (only in Slovakia the number is slightly better for Roma children) (FRA and UNDP, 2012). The most significant differences between Roma and non-Roma can be found in the completion of secondary education. In all the 11 surveyed countries the percentage of people who have completed upper-secondary education is at least twice the size for the non-Roma population.

(FRA&UNDP, 2012). This is a very significant result. Taken together, these numbers on education show that Roma children follow less education than non-Roma children.

But not only the lacking attendance rate of Roma children in schools is a problem , but also school segregation is an important issue. Roma children are too often placed in inferior schools or segregated and discriminated within schools which are also attended by non-Roma children. An example of this is the segregation of Roma children in schools for the mentally challenged in Czech Republic. This was eventually condemned by the European Court of Human Rights in 2007. (Greenberg, 2010)

Not only the attendance of Roma children at school and the quality of the schools that Roma children attend are problems, but also cultural differences pose an issue. Due to cultural differences Roma children may produce lesser results, not because they are less intelligent, but because they have a different way of learning than that which is applied in the mainstream education. Roma children are encouraged to show initiative and creativity within their community and are expected participate in the family's economic activities. This contrasts with the enclosed classroom, in which discipline and quite learning is valued highly (Smith, 1997). Also there is little attention for Roma culture in mainstream education. The bilingualism of Roma children is often seen as a handicap rather than a quality and Roma history and culture is seldom taught. This makes the curriculum less interesting for Roma children, and thus makes them less interested in investing time in their education (Kyuchukov, 2000)

1.1.3 Healthcare

The access to proper healthcare is once more an area in which Roma are disadvantaged. For example, in Italy, Roma report seven times more often that they have physical limitations in their daily lives than non-Roma. (FRA and UNDP, 2011). This is not an exception, whereas the health of Roma is worse than that of non-Roma in most of the EU member states (although not always in such an extreme magnitude as in Italy, where approximately 30 percent of the Roma population face physical limitations in their daily lives). Reasons for the bad situation regarding Roma health are the lack of health insurance and other official documentation (which exclude them from health services), a geographic isolation from healthcare, a lack of information, language and communication barriers, discrimination and degrading treatments and human rights violations within the healthcare sector (Földes and Covaci, 2012). The way Roma use healthcare also differs from non-Roma. Roma tend to make more use of the emergency care and less of healthcare related to the prevention of diseases such as vaccinations for immunizations (Földes and Covaci, 2012).

Also the cultural perceptions of healthcare of Roma differ from that of the majority. These cultural differences can lead to frictions in the patient-doctor relationship if there is no understanding of these cultural differences (Vivian and Dundes, 2004). Examples of these cultural differences are the differences in perception of what a healthy weight is, the avoidance of surgery and anesthesia, and the faith in traditional medicine (as practiced by Romani doctors, so called drabarni).

This all results in some negative consequences in the area of health of Roma. The life expectancy of Roma is lower than that of the average European. The birth expectancy of European Roma is about 66 for men and 72 for women, compared to 76 and 82 for Non-Roma. Also there is evidence that the

infant mortality rate for Roma is most likely to be much higher than the EU average of 4.3 per thousand live births (Commission, 2011).

1.1.4 Housing

Roma are traditionally nomadic people, but in the modern days the majority Roma tend to live at one place instead of travelling across the continent. The houses where Roma live are however significantly worse than the houses of non-Roma Europeans. In Roma households the number of persons living together in one room is much higher than in non-Roma households. In countries like Romania, Slovakia, Poland Italy and Greece the number of Roma living in one room exceeds the 2.5, meaning that Roma families live in cramped houses in relation to the number of people living in them. (FRA and UNDP, 2011).

Not only with regard to size, but also with regard to the quality of the house, the Roma are disadvantaged . When it comes to the core attributes of a decent house such as the presence of an indoor kitchen, indoor shower or bath, indoor toilet and electricity, the Roma households are more often missing one of these core attributes. As the survey of the UNDP and the FRA shows, in 10 of the 11 surveyed member states (not in Spain) Roma are more likely to miss one of these attributes in their house than their non-Roma neighbors. In Romania, Bulgaria and Slovakia the majority of Roma households misses at least one of the attributes. However it should be noted that in Romania also the majority of the non-Roma households misses at least one of these attributes. Still, the situation for Roma is worse than that of non-Roma, even in Romania. (FRA and UNDP, 2011).

1.2 EU Framework for National Roma Integration Strategies

1.2.1 The development of the EU Framework for National Roma Integration Strategies

In 2007 the EU expanded the number of member states to 27 by welcoming Romania and Bulgaria to the club. This made the Roma the largest ethnic minority in the Union. The EU did see the discrimination and prejudice that Roma face and their poor economic, social and political status. Because of this the first Roma summit of the newly established EU Roma platform was organized in September 2008. This summit had as core purpose to gain a better understanding of the situation of Roma and the polices in place to promote Roma integration. This Roma summit didn't solve all the problems related to the Roma. Therefore a second summit in 2009, focused on Roma education, was held. This was followed by a third summit in June 2010 in which the Spanish presidency proposed a roadmap to better Roma integration actions and expected outputs of the Roma platform. This summit was quickly followed by the fourth meeting in December 2010. This summit focused itself on the issue of early childhood development of Roma children and the social inclusion of Roma families. Between the timeframe of the third and the fourth meeting the need for better coordination on Roma integration grew significantly. This had to do with the expulsion of Bulgarian Roma from France. According to the French government 10.000 Roma have been deported in 2009 to their country of origin (Romania or Bulgaria). Roma who voluntarily left France received a ''reward'' of 300 euro. This was legitimized by a French government spokesman by accusing Roma societies of being "sources of illegal trafficking, of profoundly shocking living standards, of exploitation of children for begging, of prostitution and crime." (Time, 2013). This action of France was heavily condemned by the EU. The Luxembourgian EU justice commissioner Viviane Reding threatened that EU might have

taken legal actions against the French government and calling them a ''disgrace'' and the situation ''shocking''. She stated that this was ''a situation I had thought Europe would not have to witness again after the Second World War". (BBC, 2010). The France minister of Europe, Mr. Lellouche, waved the criticism away by claiming that ''you don't address yourself like that to a great state such as France, which is the mother of human rights, which is a founding member of the European Union." (BBC, 2010). He also claimed that that the EU acted hypocritically and inactively towards the Roma issues. Next to Lellouche the senator of the ruling UMD party, Bruno Sido, added fuel to the fire by claiming that the French president Sarkozy had stated the following regarding the EU criticisms: "He says he is only applying European regulations, French laws, and that there is absolutely nothing to criticize France for on the issue, but if the Luxembourgers want to take them [the Roma], there would be no problem." (The Guardian, 2010)

As a result of these developments the process of establishing a EU-wide approach on the Roma issues was sped up. The European Commission acknowledged the need for rapid action and established the EU Framework of National Roma Integration Strategies. This framework was introduced, and agreed upon, during the fifth Roma summit. This meant a change in the French policy course, whereas France decided to follow the EU framework instead of continuing the policy of Roma expulsion. The fifth Roma summit was followed by three more summits, the sixth on the role of stakeholders in making the EU framework a success, the seventh summit as a place for dialogue for the different stakeholders, and the eight summit on advancing the Roma integration of Roma youngsters and children.

1.2.2 The content of the EU Framework for National Roma Integration Strategies

The fifth of March 2011 is a key date in the European Roma integration. On this date the European Commission published the document *An EU Framework for National Roma Integration Strategies up to 2020* (Commission, 2011). This document sets out the framework of the European approach on Roma integration. This document is shortly summarized in this section. The EU framework of national Roma integration strategies aims at making a significant improvement in the lives of European Roma before the year 2020. The framework leaves the primary responsibility of Roma integration to the member states, due the chosen policy instrument; the open method of coordination (see theoretical framework). By means of the EU framework the European Commission encourages member states to take appropriate measures to better integrate Roma into society. The EU framework sets European wide Roma integration goals and expects member states to draw up national Roma integration strategies which should contain a clear and specific vision on Roma integration and explicit measures. The EU goals are divided in four crucial areas that should be addressed by the nation strategies, namely education, employment, housing and healthcare. As can be seen in the previous sub-sections, the situation of Roma is, although differing across Europe, generally problematic in these four areas.

In the field of education the main goal is to ensure that all Roma children finish at least primary school. Also, member states should widen the access to quality early childhood education and reduce the number of Roma early secondary school leavers. Roma should also be actively stimulated to participate in tertiary education. In the area of employment the EU framework sets as goal to close the employment gap between Roma and the rest of the population. This should be achieved via various paths. Roma should be granted access to the job-market, vocational training and the

instruments that enable self-employment, such as micro-credit. The public sector should grant the opportunity for well-qualified Roma to become civil servants and reach out to the Roma by providing personalized services in order to attract Roma to the job-market. With regard to the access of healthcare the Commission has set the following target: reduce the gap in health status between the Roma and the rest of the population. This should be achieved via providing Roma the same quality of healthcare as the rest of the population. Especially with regard to the preventive care (such as vaccinations) for Roma woman and children this access to quality healthcare is an urgent matter. Also, if possible, qualified Roma should be involved in the healthcare programs. In the final area, housing, the goal set by the Commission is to close the gap between the percentage Roma with access to housing and public utilities with that of the rest of the population. To reach this target the member states should give Roma non-discriminatory access to housing, and in particular, social housing. Because some Roma still maintain a nomadic lifestyle, member states should provide them with acceptable living standards as well, such as halting sites with basic facilities. This approach should involve strong cooperation with local authorities, both Roma and non-Roma. The involvement of the Roma community and the measures to enable the nomadic lifestyle are the only references to the Roma culture in the framework. It seems that the framework does not specifically seek to protect the Roma culture or stimulate the usage of Roma culture in order to improve the situation. It gives the targets to improve the situation of the Roma, and whether this is achieved via the normalization of Roma culture or the usage of the Roma culture seems to be up to the member states implementation.

In order to reach the just mentioned goals, commitment from the member states is necessary. Therefore the EU urged the member states to convert at least the four goals in their national strategy. They should also identify the fragile Roma areas, allocate funding, cooperate with local and regional authorities and establish a national contact point for their respective Roma integration strategy. In order to make sure this is done by the member states, the EU has established a monitoring system. This monitoring process involves reporting the results of the member states progress on Roma integration annually to the European Council and Parliament by the European Commission. The results with regard to access to healthcare, employment, education and housing are measured by the Roma household survey which is conducted by the United Nations development program in cooperation with the World Bank and the Fundamental Rights Agency.

The financial resources to make the framework a success have to come primarily from national financial resources. The EU has made 26.5 billion available for funding, but this is nowhere near enough to cover the financial needs to reach the goals. (Commission, 2011 p.9) Therefore the member states have to make financial resources available in their national budget for Roma integration. However there are other EU funds which member states can use in order to stimulate Roma projects, such as the European Progress Microfinance Facility.

2. Theoretical framework

In this section two types of EU policy methods are discussed, the supranational ordinary legislative method and the intergovernmental policy making methods. The latter are discussed with special attention, whereas the open method of coordination, which is applied in the field of Roma

integration, falls under this category of policy making. Also, two hypotheses about the research question are drawn up, based on theory and backed up by argumentation.

2.1 Policy making in the EU

The most common legislative procedure in the EU is the ordinary legislative procedure, formerly known as the co-decision method. This method was introduced in the Maastricht treaty and has expanded its policy scope in the EU treaties that have followed. (Rasmussen, 2007) This method of decision-making made the European Parliament equal in powers to the European Council and the European Commission. The procedure of the codecision method is the following. First the Commission drafts, after consultation with the different actors such as interest groups, a policy proposal. Hereafter the proposal is criticized by interest groups, the European parliament, advisory committees and national governments. The European Council and the Parliament draw up amendments to the draft of the Commission, taking the criticism of the various stakeholders into account. If the Council and the European Parliament reach an agreement on the possible amendments to the draft version, the codecision procedure is finished and the legislation is passed. The Council decides on agreement via qualified majority voting (a system in which member states are granted votes roughly according to their size and more than 70% of the votes are required for a majority) and the European Parliament via an absolute majority (more than 50% of the votes in parliament is required to pass). If the Parliament and Council do not find common ground, the Commission draws up a new draft taken both the amendments of the Parliament and the Council into account. The Parliament and the Council take their position on this renewed draft. If they agree the legislation is passed, if not, the legislation is not passed and a conciliation committee is set up. This committee contains an equal number of representatives from the Council and Parliament. The conciliation committee seeks to find a compromise on the problems concerning the proposal. If the conciliation committee doesn't reach an agreement the legislation has failed. When the committee does reach a compromise the legislation is put to the vote for the Council and Parliament. This vote decides whether the legislation will pass or fail. (Cini et al, 2010).

The ordinary legislative procedure is not the only policy instrument of the EU. This procedure is only used in areas of the single market and policies related to the single market. Thus, areas where the Union has significant powers. In the other policy fields, so-called new modes of governance are used. These new modes of governance share a common characteristic, being that they are all voluntary and applied in sensitive policy areas (areas where member states are unwilling to give up their powers). These new modes of governance are not a homogenous group, whereas they include a wide variety of policy instruments such the framework directives, soft law, co-regulations, partnership model, voluntary regulations and social dialogue (Cini et al. p.217) These modes of governance do however share one common characteristic, they are informal and voluntary, meaning that they do not impose legally binding actions or detailed obligations on the member states. Also most of the new modes of governance share the following characteristics; the participation of more and different actors, the involvement of actors from different levels of the political system, the application of the principle of subsidiary, policy learning and transferability are a part of the policy-making process, flexibility is ensured in the case that a rapid policy change is necessary and the usage of tools like benchmarking or peer reviews in order to create new knowledge. (Cini et al. p.217). The best known

new mode of governance in EU decision-making is the open method of coordination (OMC). This policy making instrument is discussed in the next sub-section.

2.1.1 The open method of coordination

The open method of coordination (hereafter OMC) was introduced at the Lisbon Summit held in March 2000, with the following goal in mind: to become the world's most competitive and dynamic knowledge-based economy, capable of sustainable economic growth with better jobs and greater social cohesion (Regent, 2002). It is as mentioned before, a voluntary agreement in which goals are set by the European Commission together with the European Council. In the way these policy goals are transformed into national policy, laws or regulation are the member states free. The OMC is not in every policy area exactly the same. Hence, there is no uniform OMC model. However the general model of the OMC includes the following characteristics:

1. A dedicated committee representing the member states, chaired or assisted by the Commission, with a possible role for the European Parliament.
2. The definition by the Council or the Commission of EU guidelines or common objectives combined with specific timetables to achieve them.
3. Translation of these general EU goals into specific national policy strategies, plans, targets and measures.
4. EU-level indicators and benchmarks to compare progress and best practices.
5. Regular monitoring and joint evaluation to maintain peer pressure and mutual learning. (Tholoniat, 2010, p. 95)

The OMC, whereas it is a new mode of governance, is applied in areas where the competences fall within the scope of the member states instead of the EU. Examples of these areas are education, social inclusion, employment or social protection. It is not strange that the OMC is applied in the field of Roma integration, whereas social inclusion, education, social protection and employment all form a part of the Roma integration that is ought to be achieved. Although the OMC is considered a soft regulatory tool, whereas it is not provided with sanctions, it can have a binding effect. Since the OMC objectives are set to states rather than individuals, the soft commitments to the EU by the member states will be implemented by hard, national laws. Hence, it differs from purely soft law instruments such as recommendation or resolutions. It is a process which provides a soft fame to enable hard law interventions. (Regen, 2002) Therefore the OMC is not a purely soft law/ intergovernmental instrument, but has some supranational elements in its process, which can adapt to the complex and ever-changing reality.

The OMC is neither hard nor soft law. It is a soft law framework that can lead to member states applying hard law to its citizens. The OMC has both its supporters and its criticasters. One the positive site it is argued that the OMC can lead to a reduction in the problem of democratic accountability (the EU's democratic deficit), provided that the OMC is managed by the mechanism of competition rather than deliberation. (Benz, 2007) By the mechanism of competition it is meant that the national governments compete with each other and are stimulated in achieving the best results by the individual profit they gain from being the best. When the OMC is managed via the competition method it can, though it remains unsure whether this the case in practice, reduce

asymmetry between the executives and national parliaments, stimulate debates, create innovation within the national context, reduces coordination costs and dilemma situation caused by incompatible demands of the national governments can be avoided. (Benz, 2007)Also, the OMC allows for the establishment of common action in areas where a centralized approach is not possible. (Dehousse, 2003) This has to do with the flexibility of the OMC. The OMC is so flexible due to the fact that member states are free in the way of implementation and it respects national practices and discourses. The OMC is broad enough to cater to different situations of member states and their different welfare regimes, which means that the OMC is an effective governance tool in sensitive policy areas such as employment and social inclusion (De la Porte, 2002) Roma integration is a very sensitive topic where a broad and flexible framework is required, hence it is no surprise that the OMC is applied as policy instrument to cope with Roma integration.

Although the OMC is characterized by positive indicators of flexibility, applicability in sensitive areas and the possibility to lead to a reduction in the democratic deficit, it is not welcomed without criticism. In the article Why *the Open Method of Coordination is bad for you: a letter to the EU* (Hatzopoulos, 2007) the OMC gets (not so surprisingly, taking the title into account) criticized on various point. First, it is argued that the OMC reduces both the EU's visibility and credibility (Hatzopoulos, 2007). The outcomes of the OMC seem to come from national policy processes rather than from the EU. Meaning that the credit for the outcomes of the OMC go to the national governments. Only the less popular measures will be attributed to the EU by the member states. Another negative effect may be that the OMC will lead to a reversion in competences from the EU to the member states (Hatzopoulos, 2007). When the OMC is applied in more and more areas, it seems unlikely that the EU will gain more competences in these areas on the short-run. This reduction of competences from the EU is mostly felt by two very important EU institutions, the European Parliament and the European Court of Justice. The limited role of the European Court of Justice in the OMC makes that the legal order of the Union suffers, whereas the binding nature and supremacy of EU law is undermined by the OMC . The limited role of the parliament has a consequence that there is a lack of democratization within the process of the EU. Also it is argued that not only the role of the European Parliament, but also the role of the national parliaments is taken over by national executives. (Hatzopoulos, 2007). Not only the consequences of applying the OMC are criticized, but also the process itself. The role of the Commission is seen as too large whereas it is unnecessary and inappropriate for the well-functioning of the OMC (Hatzopoulos, 2007). Also the legal perspective of the OMC is confusing. As mentioned earlier the OMC is neither soft, nor hard law. The adaption of the OMC is characterized by soft governance, but the member states have to implement the OMC guidelines by national hard law, in parallel or in opposition with EU hard law. This causes a very confusing position for the European Court of Justice. (Hatzopoulos, 2007). So although the OMC comes with a various of positive aspects, it is most certainly not free of criticism, both in terms of its outcomes and its institutional structure.

Other scholars see the OMC not necessarily as a good or bad policy instrument, but look at the manner and policy area of implementing the OMC (Borrás and Radaelli,2010). Five ways of how the OMC can be applied have been identified by Borras and Radaelli. The first type is no usage of the OMC. This means, naturally, that the OMC is completely unfit for the policy issue at stake and should therefore not be applied. The second type of applying the OMC is to explore and identify best practices, and thus learn from each other's approaches. The third type in which the OMC can be

applied is as a strategy to reach convergence among the member states in order to reach the by the Union set solution. The forth type to apply the OMC is alongside with the community method. This is done in order to promote both learning and compliance. The fifth and thus final type of applying the OMC is as an ancillary for the Community method, which is actually the only feasible option. The OMC should in this case serve as a path to the ordinary legislative method. (Borrás and Radaelli,2010).

2.2 Hypotheses

It is argued by De la Porte that changes made by member states to be in line with the European discourses differ considerably, depending on their welfare state family and their initial situation. When examining the OMC in the field of employment, De la Porte finds that the European Employment Strategy implies more structural adaptations for corporatist and Southern European countries, as their starting point is farther from the European level objectives. The same is true for Anglo-Saxon countries and Southern European member states when examining the OMC on social inclusion. (De la Porte, 2002) Therefore it can be assumed that the initial situation matters to the compliance of the member states with the EU Roma framework targets. A high number of problems concerning the Roma population causes the initial situation to be further away from the goals in the EU framework. Since the Roma more often have a low socio-economic status (see introduction section) , a relative large Roma population may have as a consequence that considerable problems relating the disadvantaged situation of the Roma exist. Hence, member states with a relatively large Roma population, which is usually characterized a low social-economic status, may draw up national strategies that comply more with the EU guidelines. The member states with large Roma problems are mostly the Eastern European countries, which have a relativity large Roma population. This Eastern European Roma population is not well integrated in society and is very disadvantaged. So the Eastern European countries with a large Roma population face larger problems than Western European countries, which usually have a small Roma population (for example, the Roma population in Romania and Bulgaria are 8,17% and 10,33%, in contrast to the Roma population in The Netherlands and the United Kingdom, which are 0,1% and 0,37%). However, there are also other European countries which have a relatively large Roma population, that is very well integrated in society and thus not disadvantaged. Therefore stating that a large percentage of Roma in the population means a large group of Roma with a low socio-economic status that leads to a large amount of Roma related problems is an oversimplification. Thus, when using the Roma population as an indicator for the size of the problems regarding the position of Roma in society it must be born in mind that population is not a perfect indicator, but that the percentage of Roma people only shows to some extent the magnitude of the issues related to the poor socio-economic status of Roma. Still, completely conceptualizing and scoring the problems regarding the Roma's socio-economic status per member state would be practically impossible due to the lack of data regarding European Roma. Thus, I will hypothesizes that the percentage of Roma in the population is a possible reason for more compliance, whereas this can possibly point at the magnitude of issues revolving Roma that need to be resolved, which leaves the initial starting point further away from the EU's guidelines. This with the observation that it is an oversimplification and that some countries, such as Spain, have large Roma populations, which are very well integrated into society.

Also, the more extensive the problems with the poor position of Roma are, the more need there is for social policy. Therefore one could expect active participation and a high degree of compliance in states with a large Roma population. Based on this expectation the first hypothesis is drawn up:

H₁: Member states with a large Roma population are more likely to show more compliance with the targets in EU framework for national Roma integration strategies than member states with a low Roma population.

Unfortunately in member states where Roma are heavily disadvantaged, prejudice and discrimination against Roma are common practice. An example of this is the negative framing of the Roma in the media in Slovenia as researched in the article by Erjavec (Erjavec, 2001). This discrimination against the Roma people may decrease the willingness to invest time and money in social policy to help the Roma. This would mean that member states where Roma discrimination is very common would not draw up strategies compliant with the EU's guidelines, whereas policies to stimulate Roma integration might be considered of a lesser importance than other social policy. Also the fact that helping Roma would oppose the public opinion in member states in which there are very negative tendencies towards the Roma may cause a lack of participation in the OMC process. This means that compliance with the goals in the EU framework will be rather low when Roma discrimination is very common. For this reason a second hypothesis is drawn up. This second hypothesis is:

H₂: Member states with a high level of Roma discrimination have drawn up national strategies which show less compliance with the guidelines in EU framework for national Roma integration strategies than member states with a lower level of Roma discrimination.

3. Methodology

In order to answer the research question and to test the hypotheses a clear approach has to be taken. In this paper the scores of the member states on compliance with the EU guidelines as given by the European Commission in the policy document *national Roma Integration Strategies: a first step in the implementation of the EU Framework* (Commission, 2012) will be compared with the level of Roma discrimination and the relative size of the Roma population by plotting graphs and by performing Pearson's *r* tests to find the correlation coefficients for all of the four pillars of Roma integration. This way it can be determined for each pillar whether there is any correlation between the EU member states' compliance with the EU guidelines and the size of the Roma population or the level of Roma discrimination. Why this approach? This is because the plotted scatterplots give solid overviews of the level of compliance of the EU member states, which gives the possibility to identify the different country clusters. For example, member states with characteristic A may score higher on compliance than member states with characteristic B or C. Also this approach gives the possibility to test the hypotheses for each of the four different pillars of integration separately. This can be done relatively easily whereas the European Commission has already scored the member states action plans on their compliance with the EU guidelines (Commission, 2012) . This saves a significant amount of time in comparison to a research design which requires analyzing all the national action plans. After this the national action plans of the outliers will be in-depth analyzed in order to find the underlying reasons of the (non)correlations. So, the chosen research design allows for a relatively easy identification of country clusters and possible correlations. This will either prove or disprove the

hypotheses. And together with the following in-depth analysis of the outliers' action plans in which the underlying reasons for the correlations will be identified, the approach should produce a sufficient answer to the research question. However, a negative point of this research design that has to be mentioned is that it does heavily rely on the scores on compliance given by the European Commission.

Some vital concepts need to be cleared up. First of all, the research question states that the compliance of the EU member states with the EU guidelines in the framework of Roma integration will be studied. However what is this ''compliance''? It is still a rather vague concept. Therefore, it has to be made clear that whenever this paper speaks of compliance, the following conceptualization of compliance is used*: compliance is defined as the extent to which a member states' national strategy contains appropriate measures to reach the EU Roma integration guidelines of access to education, housing, healthcare and employment.* The measurement of compliance is also an issue. Compliance is measured by using the scores given in the document *National Roma Integration Strategies: a first step in the implementation of the EU Framework of the European Commission*(Commission, 2012). This report of the European Commission assesses the national Roma integration strategies in each the four pillars of Roma integration. It shows which member states have proposed and which haven't proposed the required measures. (Commission, 2012) Each pillar consist of various required measures. 1 point will be awarded for having proposed to take the required measure and 0 for not having proposed the required measure. By adding up these points, a total score on compliance for each of the four pillars can be computed. Also a total score of compliance is computed by adding up the scores on all four pillars. The required measures of the EU upon which the compliance is measured are shown below for each of the pillars(Commission, 2012):

Education:
- Endorsement of the general goal
- Concrete goals to reduce education gap
- Widening access to quality early childhood education and care.
- Measures to ensure that Roma children complete at least primary school
- Reducing secondary school leaving
- Increasing tertiary education
- Measures aimed at preventing segregation
- Support measures

Employment:
- Endorsement of the general goal
- Concrete goals to reduce the employment gap
- General measures under the principle of equal treatment to reduce the employment gap
- Additional or specific measures for Roma
- Access to micro-credit
- Civil servants in the public sector
- Personalized services
- Integrated approach

Healthcare:
- Endorsement of the general goal

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- Concrete goals to reduce the health gap
- General measures relying on existing structures to reduce the health gap
- Access to quality healthcare especially for children and women
- Additional measures

Housing:
- Endorsement of the general goal
- Concrete goals to reduce gap in access to housing and public utilities
- General measures relying on existing structures
- Access to housing, including social housing
- Addressing the needs of the non-sedentary population
-Integrated approach

Next to compliance, Roma discrimination is also a rather vague and hard-to-measure concept. The way discrimination will be measured is via the usage of the data on the self-assessed attitudes towards Roma from EU member states inhabitants, as measured in the report on EU discrimination by Eurobarometer: *Discrimination in the EU in 2012* (Eurobarometer, 2012). In the report it is stated that ''By asking respondents to indicate on a scale from 1 to 10 how comfortable citizens in their country would feel if their children had Roma schoolmates, the survey measures how well the Roma are accepted in the Member States. Indirectly, the question also captures respondents' own feelings towards the Roma'' (Eurobarometer, 2012). Due to the nature of the question, a high score on the 1 to 10 scale means a low score on Roma discrimination. This is because a high score means a high level of Roma acceptance, and assuming that Roma acceptance is the opposite of Roma discrimination, a low level of Roma discrimination. The fact that the question measures Roma acceptance, the x-axis in the scatterplots in the following section show Roma acceptance rather than Roma discrimination. For determining the Roma population the estimates of the European Commission are used. These are only estimates rather than exact number, whereas the real percentage of Roma remains unclear in certain regions.

4. The compliance of the EU member states

This section aims at achieving the core purpose, answering the research question. In order to do so the data on compliance with the EU Roma framework of the member states will be analyzed. This will be done for each of the four pillars, starting with education , followed by employment, housing and healthcare. However, first the country clusters and the expectations based on these country clusters shall be discussed.

4.1 Country clusters

Based on the two hypotheses one could identify four different groups of member states, namely one with a high level of Roma acceptance and a large Roma population (1), one with a low level of Roma acceptance and a large Roma population (2), one with a high level of Roma acceptance and a small Roma population (3) and one with a low level of Roma acceptance and a small Roma population (4). If both hypotheses are indeed valid, one could expect that country cluster 1 has a high score on

compliance, group 2 en 3 an average score (assuming that the two dimensions compensate each other) and group 4 a low score.
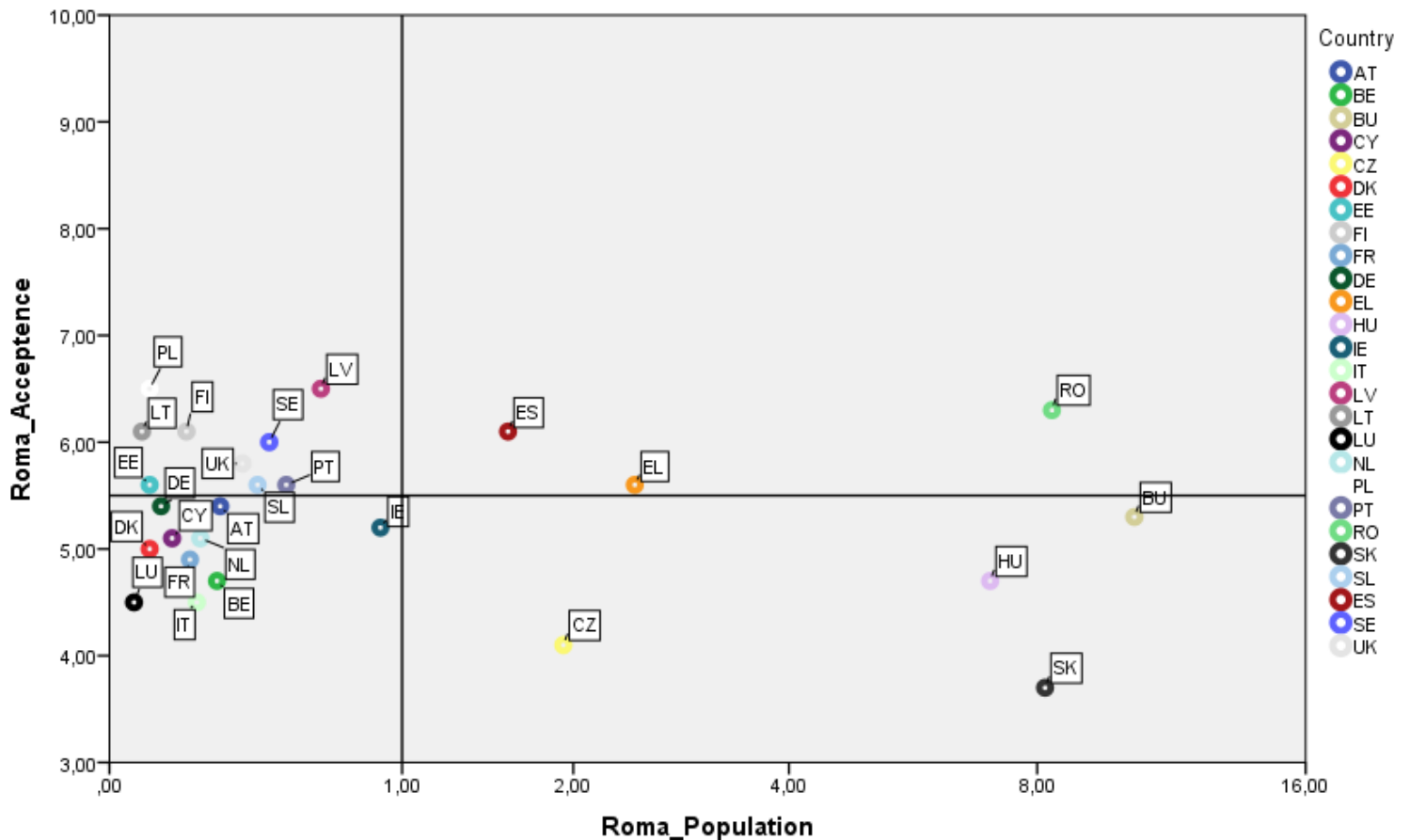

Figure 1: Country clusters

The border for the Roma acceptance lies at a score of 5,5, meaning that member states with a score above 5,5 have a high level of Roma acceptance and member states with a score below 5,5 have a low level of Roma acceptance. The reason that a score of 5,5 is chosen is that this is the pass/fail border of the Dutch grading system. Also by placing the pass/fail border at 5,5 rather than 5 it is more likely that the member states in the category ''high Roma acceptance'' do really have a high level of acceptance. The border for the Roma population lies at 1%Figure 1 shows to which group each of the member states belong. The results of the following sections shall give insight in the extent to which these theory-based country clusters exist in reality.

4.2 Education

Compliance with the guidelines in the EU framework of Roma integration strategies in the field of education is the subject of analysis in this section. This compliance is compared with the size of the Roma population and the level of Roma discrimination, this to test the hypotheses as given in the theoretical framework. The same approach is used for the other pillars of Roma integration. The

scores on compliance in the field of education are given on a scale from 0 to 8 (in which a score of 0 is no compliance at all and a score of 8 full compliance) .
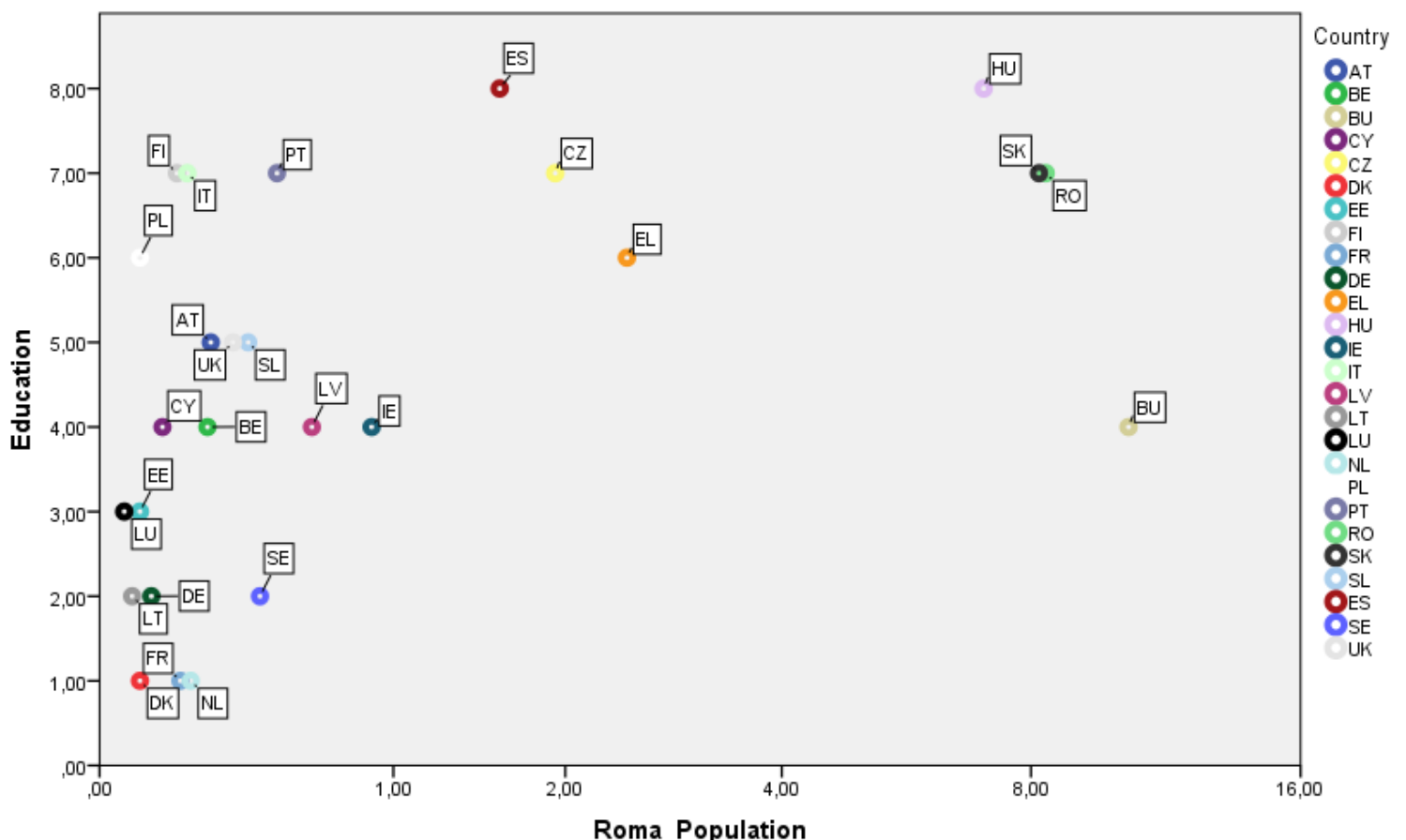
4.2.1 Hypothesis 1

Figure 2 shows the relationship between the percentage of Roma in a member state and the score on the compliance with the EU guidelines in the field of education. Please note that the Roma population x-axis is plotted on a logarithmic scale. This is done in order to give a better view on the member states that have a percentage of Roma between 0-1% of the total population. If it was plotted on a linear scale it would make analysis of these cases practically impossible due to the fact that the cases would be too much clustered together.

The member states can be divided into four groups, a group with a small Roma population and a low compliance (including The Netherlands, France, Germany, Sweden, Lithuania, Luxembourg and Estonia), a group with a small Roma population and an average degree of compliance (Cyprus, Belgium, Latvia, the United Kingdom, Slovenia, Austria and Ireland), a group with a small Roma population and a high degree of compliance (Poland, Finland, Italy, Portugal) and a group with a high degree of compliance and a large Roma population (Spain, Czech Republic, Greece, Hungary, Romania and Slovakia). The only outlier is Bulgaria, which has a large Roma population, but only a medium degree of compliance.

A simple test of correlation shows that there is medium strong, positive correlation between the size of the Roma population and the compliance with the EU guidelines in the field of education. The Pearson's r score (or the correlation coefficient) for the relationship is *r:* 0.394.

Figure 2: % of Roma in the total population vs. compliance with the guidelines of education

4.2.2 Hypothesis 2

Figure 3 shows the relationship between Roma discrimination and the compliance with the EU standards in the field of Roma education
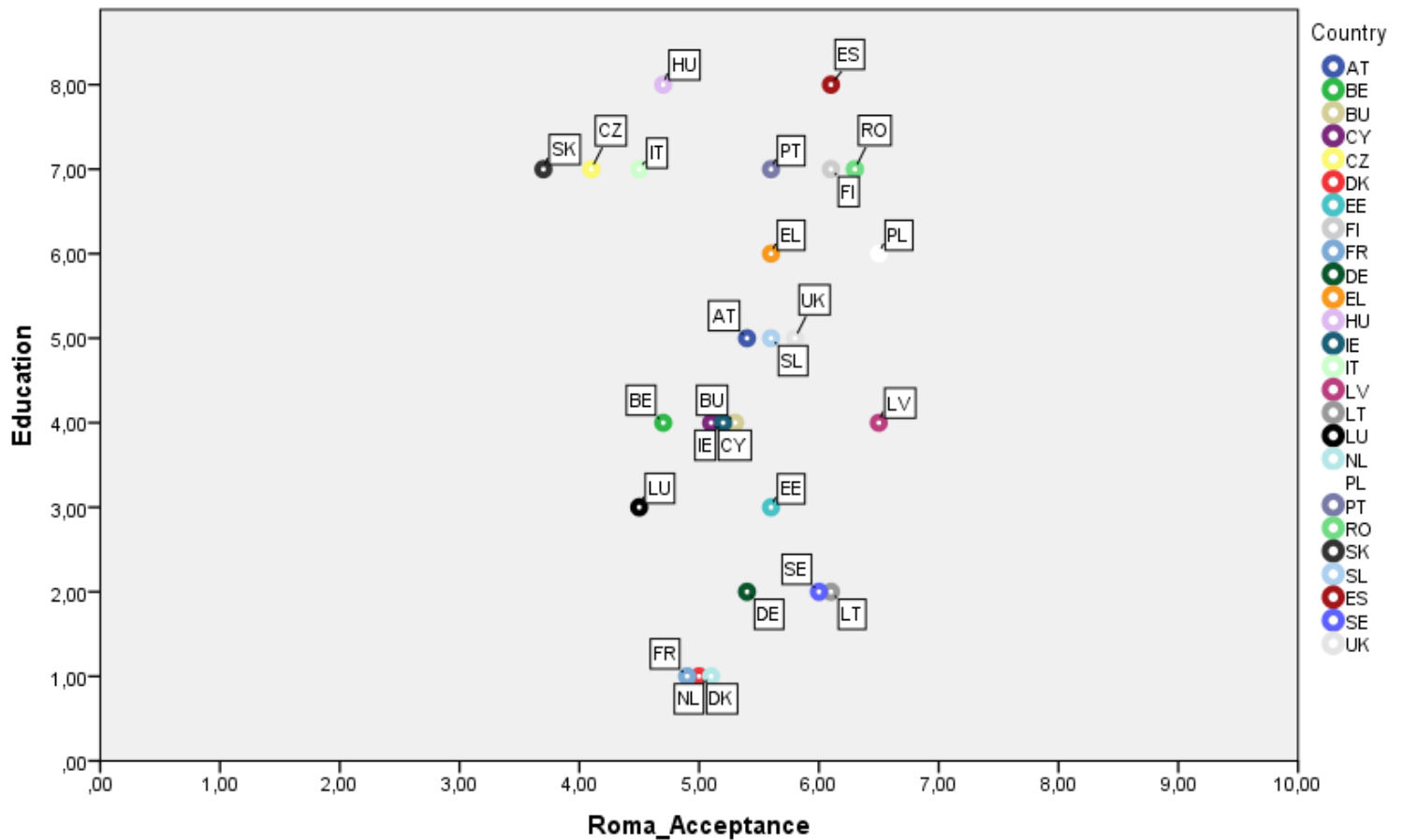

Figure 3: level of Roma acceptance vs. compliance with the guidelines of education

Patterns or groups of member states are way harder to identify in this figure. However a cluster of member states with a low level of Roma acceptance and a high degree of compliance can be identified. The member states belonging to this group are Slovakia, Czech Republic, Italy and Hungary. This however contradicts the theory that a high degree of Roma discrimination (so a low degree of Roma acceptance) leads to a low level of compliance. Concerning the rest of the cases, country clusters are hard to identify and there doesn't seem to be any pattern in the level of compliance and the level of Roma discrimination.

The test for correlation gives a score of *r*: -0,019. This is a very weak negative correlation between Roma acceptance and compliance with the guidelines in the field of education. However, given the very limited strength of the correlation coefficient, it's fair to say that there is no evidence for any relation between the Roma discrimination and the compliance with the EU Roma guidelines in the field of education.

4.3 Employment

The second pillar of Roma integration is employment. The scores on compliance for the pillar employment are also measured on a scale from 0 to 8 (in which once more 0 is no compliance at all and 8 the highest level of compliance). Just like with the pillar education, the scores and correlation coefficient for compliance with the EU guidelines in the field of employment will be given in relation with both the Roma population and the Roma discrimination.

4.3.1 Hypothesis 1

Figure 4 shows that the members states with a large Roma population have a high score on compliance. These member states are the Eastern European member states Hungary, Bulgaria, Romania, Slovakia, and to a lesser extent Spain and Czech Republic. There is also a small group of member states with a high level of compliance when it comes to employment, but which have a small Roma population. These member states are Ireland, Portugal, Finland, France, Sweden, Slovenia. The majority of the member states are those who have a low level of compliance and a small percentage of Roma in their population, namely Germany, Denmark, The Netherlands, the United Kingdom, Cyprus, Lithuania, Latvia, Luxembourg, Estonia and Belgium. A member state that does not really fit within one of these groups is Greece. Greece has a relatively large Roma population, but only a mediocre score on compliance.

A Pearson test for correlation gives a score of r: 0.527. This is an average to strong positive correlation, meaning that to some extent the larger the size of the Roma population, the higher degree of compliance in the field of employment.

Figure 4: % of Roma in the total population vs. compliance with the guidelines of employment
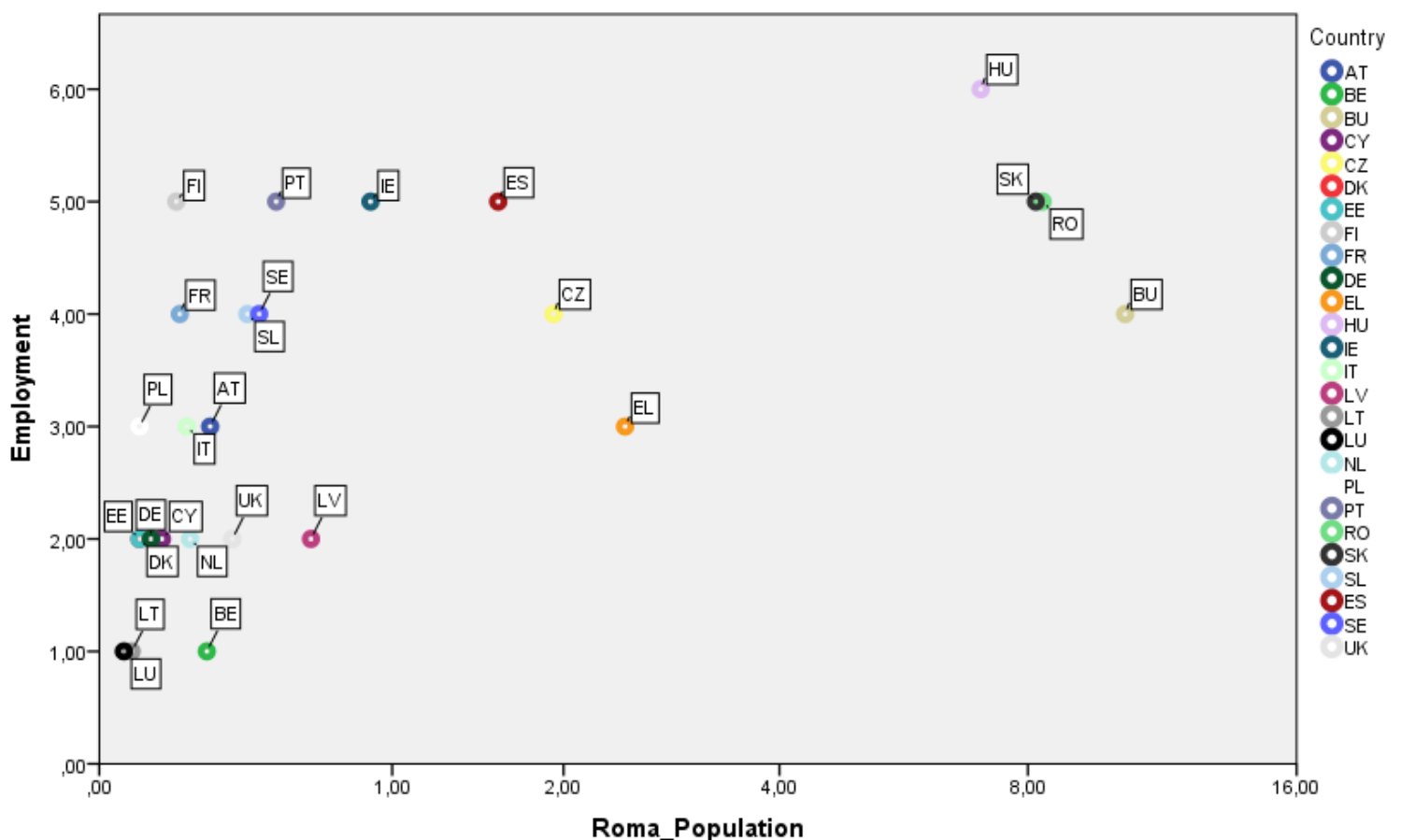
4.3.2 Hypothesis 2

Where the results for the relationship between the Roma population and the level of compliance look promising, the relationship between Roma discrimination and the level of compliance is looking non-existent. Once more, no pattern can be identified in the graph showing the relation between compliance in the field of employment and the level of Roma acceptance. There are once more outliers that show the opposite results of what one, according to the hypothesis, would expect. For example, Hungary and Slovakia have a high degree of Roma discrimination, but also a high degree of compliance. The opposite is true for Lithuania and Latvia. Since a positive relationship is expected (high discrimination leads to a low score on compliance) these scores are surprising.
A test for correlation gives a score of *r*: -.023. This shows a very weak negative relationship between Roma acceptance and compliance with the EU guidelines on Roma employment, meaning that the higher the degree of Roma acceptance, the lower the compliance. This contradicts the hypothesis. However due to the really weak nature of the relationship, stating that the relationship is the complete opposite of the hypothesis is too strong, whereas it's more likely that there is no relationship at all.
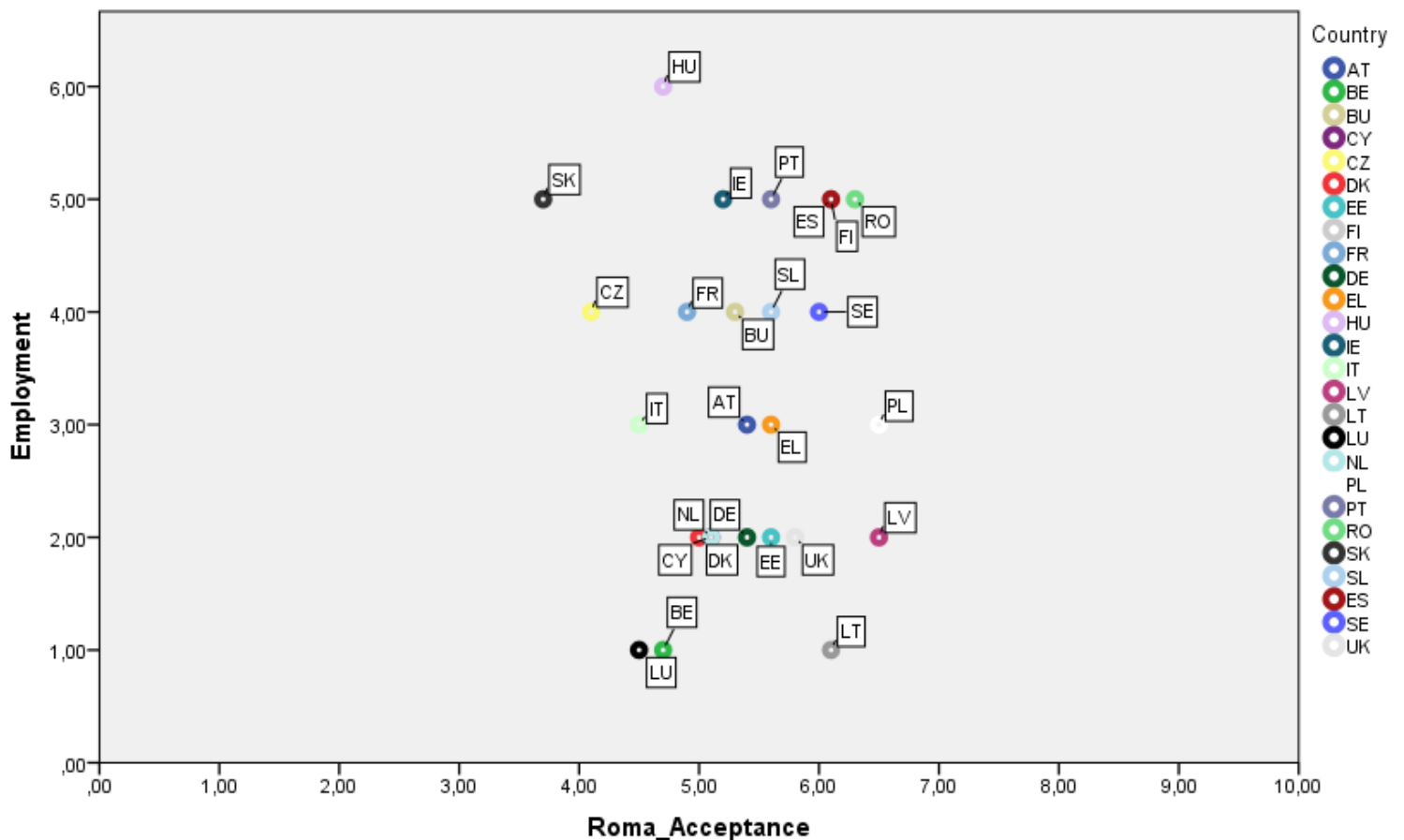

Figure 5: level of Roma acceptance vs. compliance with the guidelines of employment

4.4 Housing

4.4.1 Hypothesis

Where a positive relationship between the compliance and the size of the Roma population looked rather clear in the two previous pillars, in the field of housing this is not so obvious. There are many member states which have an average or above average compliance, but a low Roma population (Estonia, Cyprus, Luxembourg, Netherlands, Finland, Belgium, Italy, United Kingdom, Slovenia, Latvia, Portugal, Sweden, France, Germany, Denmark and Ireland). Austria even scores the highest, with a relevant small Roma population of 0,3%. The only three countries that score below average are Lithuania, Poland and Greece which, with the exception of Greece, have a small Roma population. The member states with a relatively large Roma population score not bad on the compliance with EU housing standards, however they do not appear to be scoring better than the states with a low Roma population. Hungary scores the highest of all the member states with a large Roma population and Greece scores with 2 points the worst.

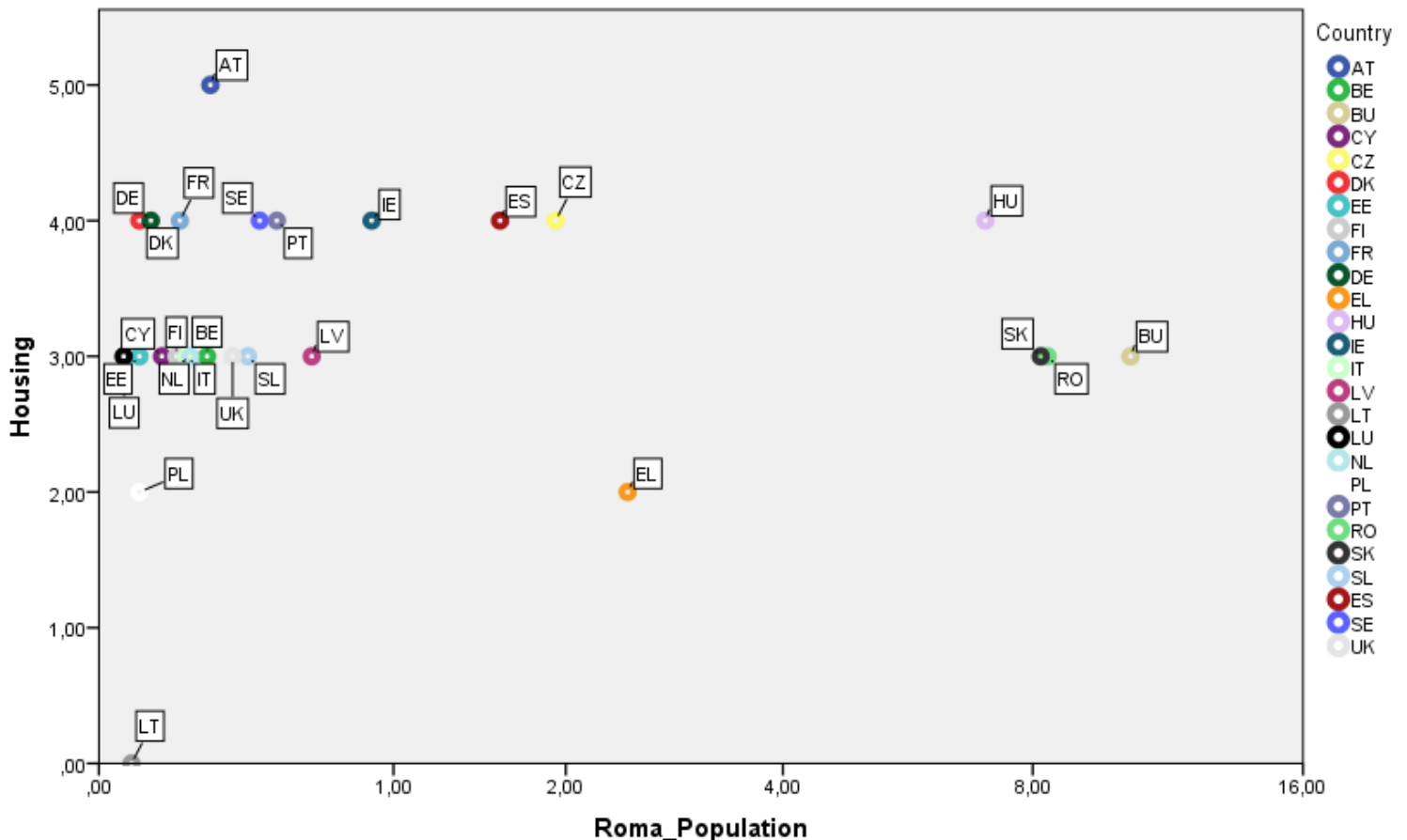*Figure 6: % of Roma in the total population vs. compliance with the guidelines of housing*

The Pearson correlation test gives a score of *r:* 0,003. This is a very weak correlation. In fact it is hard to speak of any correlation at all. So contrary to the compliance in the field of employment and education, the compliance in the field of the housing does not seem to correlate with the relative

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size of the Roma population. This is striking. In the section ''underlying reasons results'', possible explanations for this will be given.

4.4.2 Hypothesis 2

Figure 7 shows that the majority of member states have a score of 3 or 4 on compliance in the field of availability and quality of housing. There doesn't seem to be any pattern in the level of Roma discrimination and the level of compliance, whereas almost all member states score the same, regardless of the level of Roma acceptance. This is backed up by the test of correlation, which gives a score of r: -.276. This is stronger than the correlation in the other two pillars, unfortunately it is the wrong way around. The relationship is a negative relationship, which means that more Roma acceptance would lead to less compliance. This doesn't make much sense in the light of the hypothesis. Also the relationship is still very weak and doesn't seem to be very significant.
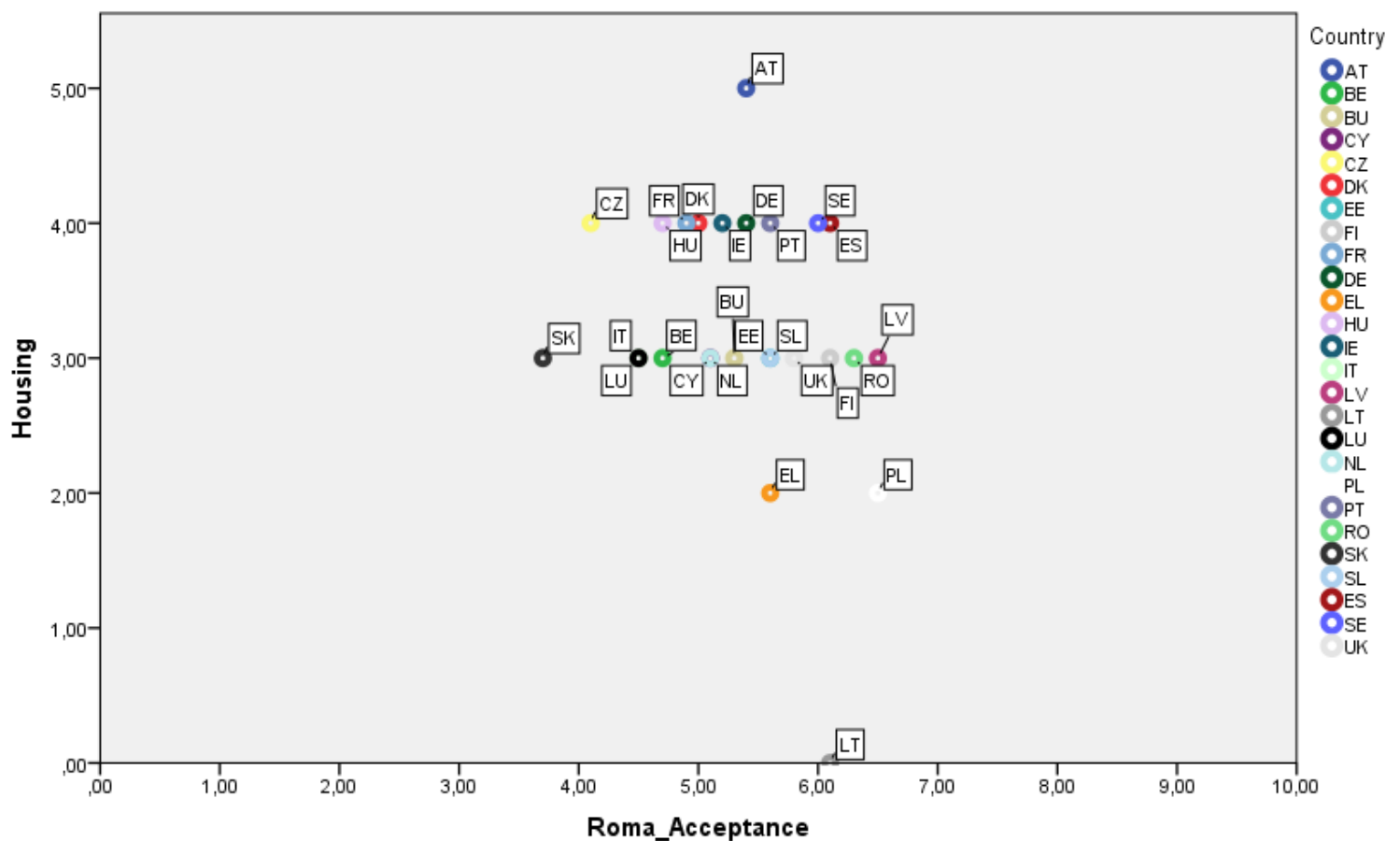

Figure 7: level of Roma acceptance vs. compliance with the guidelines of housing

4.5 Healthcare

The fourth and final pillar of Roma integration is healthcare. In this field the compliance is scored from 0 to 5 (in which 0 is no compliance at all and 5 the highest level of compliance).

4.5.1 Hypothesis 1

The scores of compliance on Roma healthcare seem to correlate with the relative size of the Roma population. Three groups can be identified in the graph, first a group with a low level of compliance and a small percentage of Roma (Denmark, Germany, Finland, Belgium, Austria, Luxembourg, Cyprus, Netherlands, United Kingdom, Latvia, Lithuania, Poland, Portugal and Ireland), second a group of member states with a high level of compliance but a small percentage of Roma in the population (Slovenia, Italy, Estonia, France, Sweden), and third a group with a large or medium sized Roma population that has a high degree of compliance (Spain, Czech republic, Greece, Hungary, Slovakia, Romania, Bulgaria).

One could expect from looking at the graph that there is pretty strong positive correlation. This to some extent also the case. A simple test of correlation gives a score of Pearson's *r*: 0.495. This is a medium strong, positive correlation. It is however fair to state that, like on the pillars education and employment, there is evidence for a positive relation between the size of the Roma population and the scores on compliance with the EU guidelines.

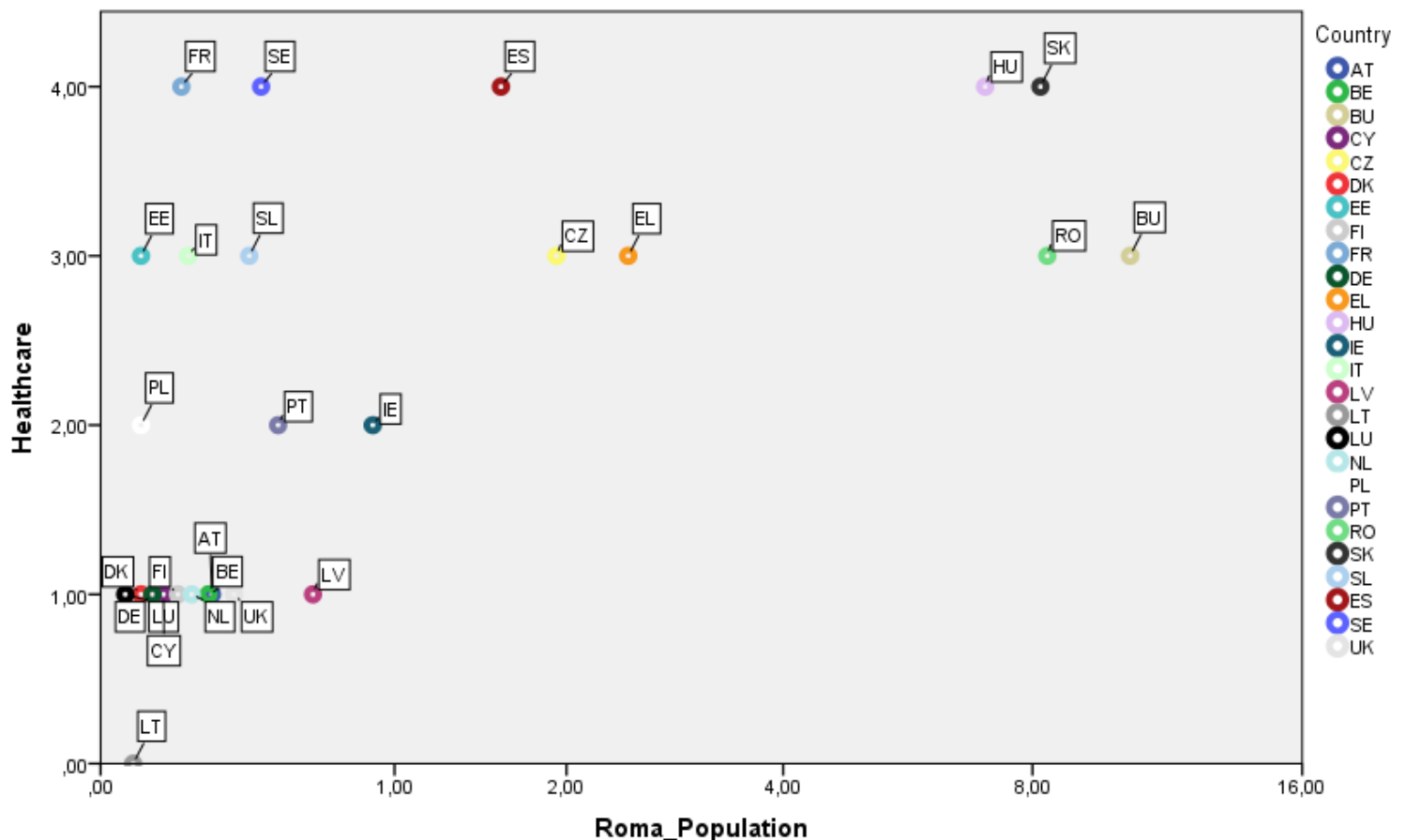*Figure 8: % of Roma in the total population vs. compliance with the guidelines of healthcare*

4.5.2 Hypothesis 2

Just like in the other three pillars there is no evidence that there is any relation between the level of Roma discrimination and the level of compliance. The member states seems randomly scattered among the graph. Even the member state with the lowest level of Roma acceptance (and hence the
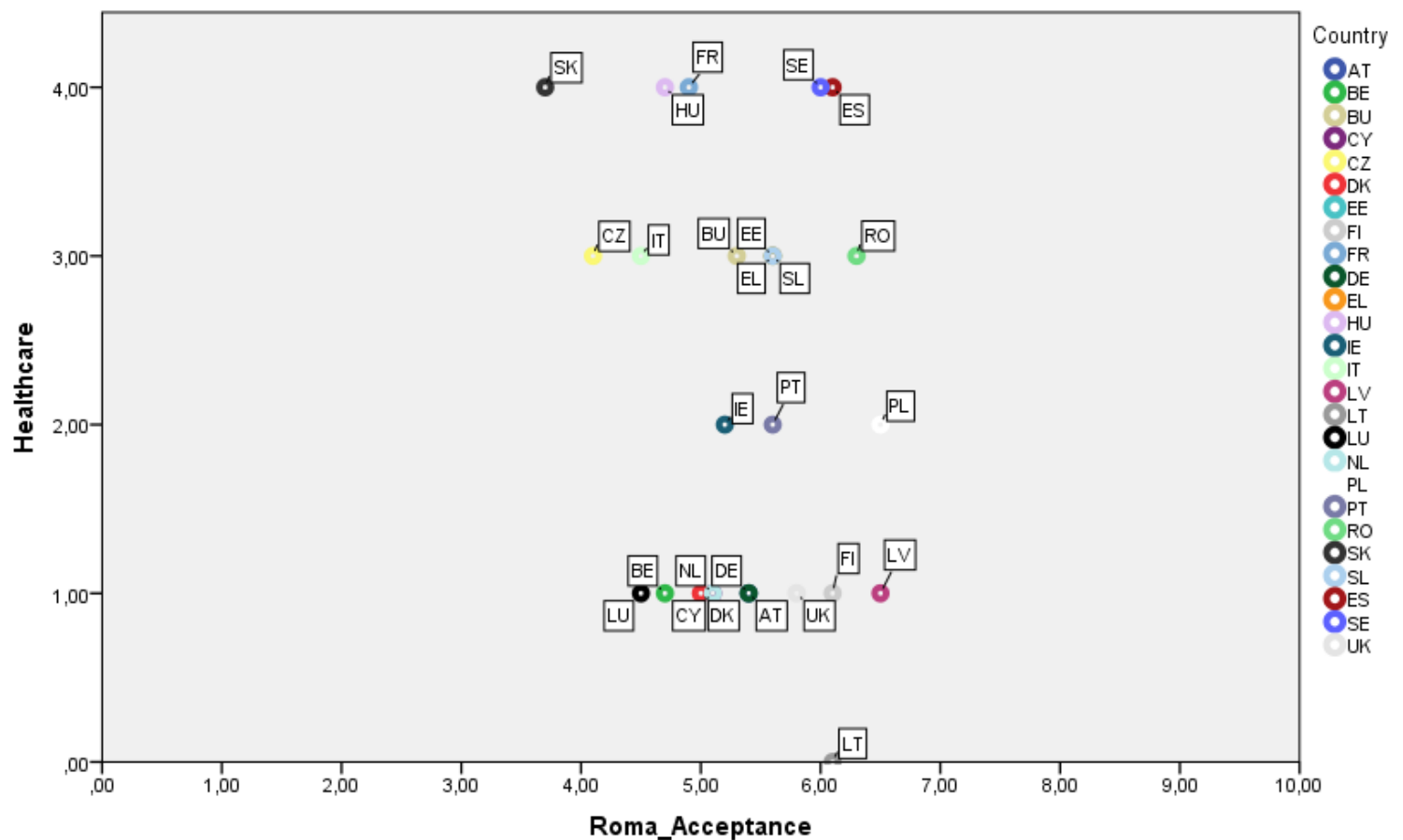
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Figure 9: level of Roma acceptance vs. compliance with the guidelines of healthcare

highest level of Roma discrimination), Slovakia, is one of the five countries that scores the highest in compliance with the EU healthcare guidelines for Roma integration. A test for correlation shows a score of *r*: -,209. This is a weak to medium strong negative correlation. Meaning that if the level of Roma acceptance increases, the level of compliance should decrease. This contradicts the hypothesis and does not seem to make any logical sense.

4.6 Total score

In order to strengthen the expectation that there is a medium to strong relation between the size of the Roma population and the level of compliance with the EU standards, the scores of compliance on the four pillars are added up to provide a total score, which is tested for a correlation with the size of the Roma population. The total score of the compliance in relation with the level of Roma discrimination will not be discussed, as the previous sections have shown that there is no evidence for such a relation. The level of compliance for each member state is scored on a scale from 0 (no compliance) to 27 (full compliance).

The fact that there is no evidence for the discrimination-compliance relation also means that the four country clusters as discussed in section 4.1 are non-existent . Since the level of Roma acceptance is not relevant for the compliance, this dimension is of no relevance and can thus be removed. Meaning that theoretically a dichotomy is expected, one group with a small Roma population and a low level of compliance and a one group with large Roma population and a high score on compliance. In practice however three types of member states can be identified, one type with a small population and a low level of compliance, one type with a small population and a high score on compliance (though these member states usually have a slightly larger Roma population than those of previous mentioned country cluster) and one type with a large Roma population and high score on

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compliance. There are no cases with a large Roma population but a low level of compliance with EU guidelines.

No striking outliers can be identified, although Bulgaria and Greece score lower than one would expect (though they still score about average) and Finland and Italy score somewhat higher than initially expected. Also Lithuania considerably lacks compliance, whereas its score is even lower than the scores of the other laggards.

The member states that score the highest are the Eastern and Southern European countries. This is not really remarkable, whereas these are also the member states with the highest Roma population. The Western European countries, especially the Benelux countries, score rather low. The same is generally true for the Baltic states. The Nordic countries (with the exception of Denmark) score on their turn however pretty good in comparison to the other Western European member states.
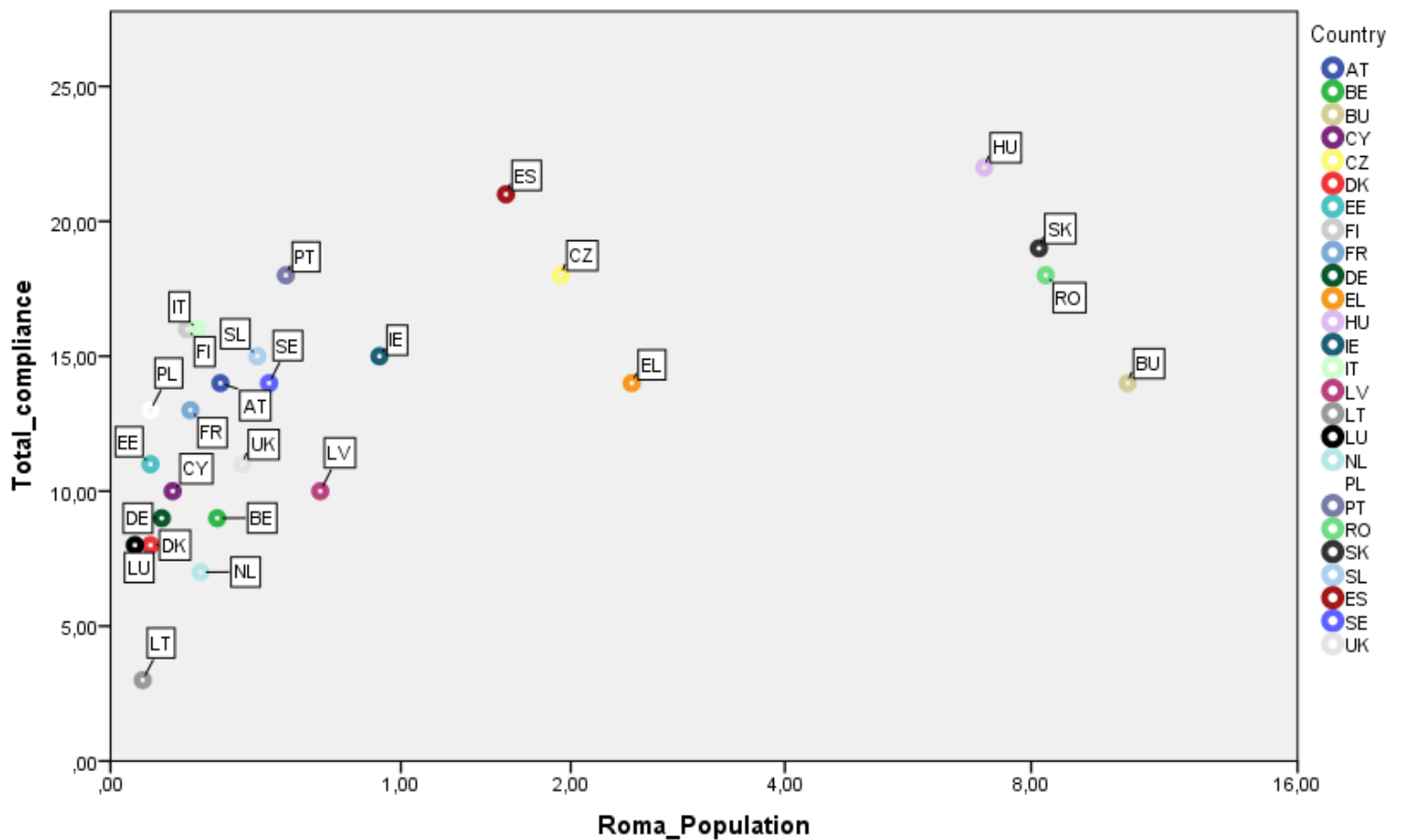
Figure 10: % of Roma in the total population /total score on compliance

As figure 10 above shows, the level of compliance steadily rises with the Roma population and stabilizes when the Roma population becomes larger than 2%. A test for correlation gives a score of *r*: 0,503. This is a pretty strong positive correlation, meaning that member states with a large Roma population are more likely to draw national action plans that comply with the EU guidelines than member states with a small Roma population.

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5. Underlying reasons of results

The scores as presented in the previous section have given three, in my view, striking results. The reasons underlying these three remarkable results will be the subject of analysis during this section. The results that shall be analyzed are the following three:

1. A member states' size of the Roma population shows a medium to strong positive correlation with a member states score on the compliance with the EU framework for national Roma integration strategies.

2. A member states' level of Roma discrimination shows no correlation with a member states score on the compliance with the EU framework for national Roma integration strategies.

3. The compliance with the EU guidelines in the pillar of housing doesn't seem to correlate with the relative size of the Roma population, this in contrast to the other three pillars.

5.1 Compliance and the size of the Roma population

As seen in the previous section, the size of the Roma population shows a medium to strong positive correlation with the compliance of member states with the EU guidelines of Roma integration. In order to find the possible underlying reasons, the two best scoring member states (Spain and Hungary) will be compared to the two lowest scoring states (Lithuania and The Netherlands). This is done in order to find differences in the content of the national action plans that can explain why there is a (positive) correlation.

When comparing these national action plans the first fact that is striking is the difference in the level of detail. The Dutch national action plan consists of a mere six pages, meaning that the level of detail in both describing the Roma situation and measures to improve the situation in the four pillars is very limited. This has to do with the fact that the Dutch government doesn't see it as its own responsibility to stimulate Roma integration, whereas the national action plan states ''The first principle is that integration is not the responsibility of the government but rather of those who decide to settle in the Netherlands'' (Ministry of Interior and Kingdom relations, 2011) Also the Lithuanian action plan is not very long, this consists of 10 pages. The plan does give some measures to improve the situation, however these aren't much elaborated upon and only have a time scope up till 2014. (Minister of Culture of the Republic of Lithuania, 2012). Hence, the quality of this strategy can be considered, as the EU already concluded, to be very limited. This is in strong contrast to the Hungarian action plan, which is 133 pages long, excluding the three appendixes consisting of a total of 81 pages . (Ministry of Public Administration and Justice State Secretariat for Social Inclusion, 2011) Naturally this national action plan goes way deeper into the situation of the Roma and the appropriate measures to be taken in order to tackle the Roma related problems. The Spanish national action plan is also more detailed than the Dutch and Lithuanian strategies, consisting of 45 pages. It contains detailed measures for the improvement of the four pillars of Roma integration up till the year 2020. (National Roma Integration Strategy in Spain 2012 -2020, 2011). The fact that the Dutch and the Lithuanian action plans are far less detailed than the Hungarian and Spanish ones could have as a possible reason that there is no willingness to invest time in Roma integration. Due to the fact that the Roma population is very small, the cost of action may exceed the benefits of

integration, whereas the administrative burden that a OMC procedure brings upon the member states is very demanding (Borrás et al, 2010) For Spain and Hungary the Roma issue may be higher on the policy agenda and they may therefore have established more detailed national plans, due to the willingness to invest time and money in the both the administrative procedures and the appropriate measures. That a possible lack of willingness to invest time and money can be a possible reason for non-compliance can be traced back to the limited role of the European Court of Justice in the OMC procedure and the fact that the OMC is merely a soft law instrument (tough it can lead to hard law (Regen, 2002)). Due to the soft nature of the OMC member states are not punished if they do not comply with the EU standards (except by naming and shaming) and the ECJ can't put any binding measures upon the member states in order to improve the compliance. However, since the issue of Roma integration falls largely under social policy, where the member states have kept their sovereignty, the ordinary legislative method is not a possibility. Thus, it is hard to improve compliance among the member states with a small Roma population by binding measures.

Another reason for non-compliance among member states with a small Roma population is the inclusion of the Roma in general policies. The Dutch government states in its national action plan that ''The Netherlands has no specific policy aimed at groups such as Roma. Instead, all policy should be equally effective for all groups in society'' and concludes with ''the government believes that this description of existing measures with respect to education, employment, health and housing and, additionally, of measures concerning law enforcement, crime and exploitation of children provides a clear picture of how general policy for migrants, including Roma, is applied in the Netherlands.'' (Ministry of Interior and Kingdom relations, 2011 So, the non-compliance of member states with a small Roma population may also have as an underlying reason that these member states are unwilling to establish policy specifically for Roma, although there might be a willingness to improve the situation of the Roma via policies aimed at the entire lower socio-economic class. This can prove to be problematic, since this approach does not take the Romani culture into account, but rather sees the Roma as a part of the lower socio-economic class. For example, the Dutch national action plan does not propose the education of Roma culture and does not propose any measures related to nomadic lifestyle of some of the Roma. Thus, an unintended negative side effect of the inclusion of the Roma in general policies may be the normalization of Roma culture. The Roma may have the willingness to improve their poor socio-economic status, but most likely also wish to keep their own culture. Also striking is that the Dutch national action plan sometimes speaks of Roma in terms of migrants, not as Dutch citizens (which form an ethnic minority). This may be due to the fact that the current Roma population in the Netherlands is rather small but the Netherlands may expect more Roma immigrants in the future, and thus seeks to anticipate on that. The Spanish and Hungarian action plans do address the preservation of Roma culture and propose ways on how to improve their situation by using Roma culture. For example, the Hungarian Roma integration strategy proposes the establishment of Roma culture institutions to bridge the gap with the majority and the Spanish strategy proposes the inclusion of Roma culture in education materials in order to stimulate education among Roma children.

5.2 Compliance and Roma discrimination

There appears to be no relation at all between the level of Roma discrimination and the compliance with the EU guidelines by the member states. Since there is no relation, the underlying reasons will only be shortly discussed. A possible reason for not finding any relationship whatsoever is that a low

level of Roma acceptance as measured by Eurobarometer does not mean that there is any institutional discrimination. Although Roma may not be well accepted by society, it does not necessarily mean that policies regarding the Roma established by the government are influenced in a negative manner by this public opinion. This also means that there is no prove that the reason given for the second hypothesis, which was that investing time and money in Roma integration will oppose the public opinion in member states with a high level of discrimination and therefore will not comply with EU standards, is true.

Another reason may be that the EU has already addressed the topic of Roma discrimination in the new member states during the enlargement process, meaning that Roma discrimination in policies has already been addressed. And although the results of this EU approach within the Roma community may have been minimal in daily lives of Roma, it did result in a gradual but important change in the member states policies, meaning that they are no longer discriminatory. (Ram,2007) And since the topic of this research is policy measures proposed by member states (not the effect in society), it means that Roma discrimination does not affect the compliance with the EU standards.

5.3 Compliance and housing

In the case of housing no correlation was found between the Roma population and the compliance with EU standards, this in contrast to the other three pillars. This is because member states with a small Roma population tend to score better on this pillar than on the other pillars. A possible reason for this may lay in the fact that the guidelines set by the Union to improve housing do not have to be specifically for Roma, but are more or less general standards which housing is required to have. So member states with a small Roma population which may not have specific measures to improve the housing situation for Roma can still score high if they have solid policies for social housing (which of course should be accessible Roma as well). However there is no real prove that this is indeed the reason. Therefore it is only a possible reason, so it remains rather unsure why there is no correlation in the field of housing.

6. Conclusion

The question posed in the beginning of this paper is whether the EU member states' national action plans comply with the standards as set by the Union in the EU Framework for National Roma Integration Strategies and whether this can be explained by a member states relative size of the Roma population and the level of Roma discrimination. The first half of the question, whether there is any compliance, can be answered with "to some extent". Yes, all member states have drawn up national action plans with at least some measures to improve the situation of the Roma in all of the four pillars (excluding Lithuania, which doesn't have any measures related to the housing of Roma). Hence there is some compliance with the guidelines as set out in the EU Framework for National Roma Integration Strategies. It can however also be argued that the answer to this question is no, since the level of compliance varies significantly across the different member states. Especially in member states with a Roma population of less than one percent the level of compliance is lacking. Thus, it seems that the level of compliance can to some extent be explained by the relative size of the Roma population. A medium to strong, positive correlation was found between the relative size

of the Roma population and the level of compliance in three of the four pillars of Roma integration (not in the pillar housing). The level of compliance seem to rise up till a Roma population of about 2%, thereafter it stabilizes. This has as possible underlying reason that member states with a relatively small Roma population do not have the willingness to invest time and money in the OMC procedure if only such a small proportion of the population benefits from complete compliance with the EU guidelines. Therefore these national action plans tend to differ in two aspects, they are less detailed than those of the member states with a larger Roma population and are not tailor-made for Roma but are characterized by the inclusion of Roma in general measures related to improving the situation of those with a poor socio-economic status. The latter can be problematic, since Roma are not just an economically disadvantaged group, but an ethnic minority with their own culture. Including Roma in general measures may have normalization of the Roma culture as a side effect, which may very well contradict with what the Roma themselves want. However since the role of the ECJ is rather limited in the OMC, they are free to do so without any consequences. The level of Roma acceptance does not seem to influence the degree of compliance. This is because a low level of Roma acceptance among the majority in the population does not necessarily indicate institutional discrimination on the political agenda.

The fact that member states with a small Roma population have a lower level of compliance, and thus a rather limited policy framework on Roma inclusion, may prove to be problematic. It may lead to problems when Roma move to member states with a small Roma population, which don't have a solid framework for Roma inclusion. Thus, the non-compliance of some member states could eventually lead to insufficient inclusion of Roma in their society. Is this then a failure of the OMC? Not necessarily, since the OMC can be used in multiple ways. Yes, the role of the ECJ is limited and therefore allows for the non-compliance of member states (this in contrast to the community method). The binding nature and the supremacy of EU law is undermined by governing the Roma integration via the OMC, making non-compliance of some member states (primarily those with a smaller Roma population) both a possibility and a reality. However, the OMC does allow for a flexible approach on the sensitive topic of Roma integration which overlaps with many dimensions of social policy. It gives the opportunity to establish a framework of Roma integration in which all member states with a very different situation with regard to the Roma and welfare regime can still take measures to stimulate Roma integration which are acceptable and proportionate for their situation. The OMC can be an ancillary for the community method but the OMC can also be used for other purposes, such as to learn and exchange best practices across the member states (Borrás et al, 2010), and the latter is happening because of the EU framework of national Roma integration strategies. Since this EU framework falls in the field of social policy, where the Union's powers are limited, the application of EU-wide hard law does not seem feasible, and the usage of the OMC as a path to the community method (and thus hard law) is not realistic.

So, there is to some extent compliance with the EU guidelines, but not in all member states, especially the member states with a small Roma population are lacking compliance. This is primarily due to the disappointing level of detail of their national action plans. It is too soon to say whether the framework is going to be successful or not and whether the compliance will improve or diminish. But if the differences between the member states with a small and large Roma population remain this large it could prove to be problematic. Some of the non-compliance can be attributed to the voluntary characteristics of the OMC. However, hard law is not feasible in the social policy field and

the OMC also brings along some positive aspects, including the fact that there finally is a coordinated approach on Roma inclusion across Europe upon which can be built.

This paper leaves some question open for further research. Namely, can it be made beneficial for the member states with a small Roma population to comply with the EU framework (whereas the non-binding nature of the OMC allows for non-compliance)? What will the long-term consequences of the non-compliance by the member states with a small Roma population be? And will the further implementation of the EU Framework for National Roma Integration Strategies have the normalization of Romani culture as a negative side effect?

References:

BBC (2010) French ministers fume after Reding rebuke over Roma retrieved from: http://www.bbc.co.uk/news/world-europe-11310560 on on 10-12-2013

Benz, A. (2007). Accountable multilevel governance by the open method of coordination?. *European Law Journal*, *13*(4), 505-522.

Borrás, S., & Radaelli, C. M. (2010). Recalibrating the Open Method of Coordination. *Swedish Institute for European Policy Studies*.

Cini, M., & Borragán, N. P. S. (Eds.). (2010). European Union Politics. *Oxford University Press.*

Dehousse, R. (2003). The Open Method of Coordination: a New Policy.

Porte, C. D. L. (2002). Is the open method of coordination appropriate for organising activities at European level in sensitive policy areas?. *European Law Journal, 8(1), 38-58.*

Erjavec, K. (2001). Media representation of the discrimination against the Roma in Eastern Europe: The case of Slovenia. *Discourse & Society,* 12(6), 699-727.

Eurobarometer (2012) Discrimination in the EU in 2012 retrieved from: http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf on 10-12-2013

European Agency for Fundamental Rights & United Nations Development Programme (2012) The situation of Roma 11 member state, survey results at glance.

European Commission (2011) An EU Framework for National Roma Integration Strategies up to 2020 retrieved from: http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf on 14-10-2013

European Commission (2012) National Roma Integration Strategies: a first step in the implementation of the EU Framework Retrieved from: http://ec.europa.eu/justice/discrimination/files/com2012_226_en.pdf on 08-11-2013

Greenberg, J. (2010). Report on Roma education today: From slavery to segregation and beyond. *Colum. L. Rev.*, *110*, 919.

Guy, W. (Ed.). (2001). Between past and future: the Roma of Central and Eastern Europe*. Univ of Hertfordshire Press.*

Hatzopoulos, V. (2007). Why the Open Method of Coordination is bad for you: a letter to the EU. *European Law Journal,* 13(3), 309-342.

Földes, M. E., & Covaci, A. (2012). Research on Roma health and access to healthcare: state of the art and future challenges. *International journal of public health*, *57*(1), 37-39.

Kyuchukov, H. (2000). Transformative education for Roma (Gypsy) children: an insider's view. *Intercultural education*, *11*(3), 273-280.

Minister of Culture of the Republic of Lithuania (2012) The Action Plan for Roma Integration into the Lithuanian Society for 2012-2014. Retrieved from: http://ec.europa.eu/justice/discrimination/files/roma_lithuania_strategy_en.pdf

Ministry of Public Administration and Justice State Secretariat for Social Inclusion (2011) National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma – (2011–2020) retrieved from: http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf

Ministry of Interior and Kingdom relations (2011) Policy measures in the Netherlands for the social inclusion of Roma. Retrieved from: http://ec.europa.eu/justice/discrimination/files/roma_nl_strategy_en.pdf

National Roma Integration Strategy in Spain 2012 -2020 (2011). Retrieved from: http://ec.europa.eu/justice/discrimination/files/roma_spain_strategy_en.pdf

O'Higgins, N., & Ivanov, A. (2006). Education and employment opportunities for the Roma. *Comparative Economic Studies*, *48*(1), 6-19.
Rasmussen, A. (2007). Early conclusion in the co-decision legislative procedure.

Ram, M. (2007). Anti-discrimination policy and the Roma: assessing the impact of EU enlargement. *Croatian Yearbook of European Law and Policy*, *3*(3.), 491-513.

Smith, T. (1997). Recognising difference: The Romani 'Gypsy'child socialisation and education process. *British Journal of Sociology of Education*, *18*(2), 243-256.

The Guardian (2010) Nicolas Sarkozy tells Luxembourg to take in Roma. Retrieved from: http://www.theguardian.com/world/2010/sep/15/nicolas-sarkozy-luxembourg-roma on 10-12-2013

Time (2010) Who Are Gypsies, and Why Is France Deporting Them? Retrieved on from: http://content.time.com/time/world/article/0,8599,2013917,00.html 10-12-2013

Tholoniat, L. (2010). The career of the Open Method of Coordination: Lessons from a 'soft'EU instrument. *West European Politics*, *33*(1), 93-117.

Vivian, C., & Dundes, L. (2004). The crossroads of culture and health among the Roma (Gypsies). *Journal of nursing scholarship*, *36*(1), 86-91.

Appendix

Figure 11: Pearson's R correlation: Roma population/compliance with guidelines of education

Correlations

		Roma_Population	Education
Roma_Population	Pearson Correlation	1	,396[*]
	Sig. (2-tailed)		,045
	N	26	26
Education	Pearson Correlation	,396[*]	1
	Sig. (2-tailed)	,045	
	N	26	26

*. Correlation is significant at the 0.05 level (2-tailed).

Figure 12: Pearson's R correlation: Roma acceptance/compliance with guidelines of education

Correlations

		Education	Roma_Acceptence
Education	Pearson Correlation	1	-,019
	Sig. (2-tailed)		,926
	N	26	26
Roma_Acceptence	Pearson Correlation	-,019	1
	Sig. (2-tailed)	,926	
	N	26	26

Figure 13: Pearson's R correlation: Roma population/compliance with guidelines of employment

Correlations

		Employment	Roma_Population
Employment	Pearson Correlation	1	,527^{**}
	Sig. (2-tailed)		,006
	N	26	26
Roma_Population	Pearson Correlation	,527^{**}	1
	Sig. (2-tailed)	,006	
	N	26	26

**. Correlation is significant at the 0.01 level (2-tailed).

Figure 14: Pearson's R correlation; Roma acceptance/compliance with guidelines of employment

Correlations

		Employment	Roma_Accepte nce
	Pearson Correlation	1	-,023
Employment	Sig. (2-tailed)		,910
	N	26	26
	Pearson Correlation	-,023	1
Roma_Acceptence	Sig. (2-tailed)	,910	
	N	26	26

Figure 15: Pearson's R correlation: Roma population/compliance with guidelines of housing

Correlations

		Housing	Roma_Populati on
	Pearson Correlation	1	,003
Housing	Sig. (2-tailed)		,990
	N	26	26
	Pearson Correlation	,003	1
Roma_Population	Sig. (2-tailed)	,990	
	N	26	26

Figure 16: Pearson's R correlation: Roma acceptance/compliance with guidelines of housing

Correlations

		Roma_Accepte nce	Housing
	Pearson Correlation	1	-,276
Roma_Acceptence	Sig. (2-tailed)		,172
	N	26	26
	Pearson Correlation	-,276	1
Housing	Sig. (2-tailed)	,172	
	N	26	26

Figure 17: Pearson's R correlation: Roma population/compliance with guidelines of healthcare

Correlations

		Roma_Population	Healthcare
	Pearson Correlation	1	,495[*]
Roma_Population	Sig. (2-tailed)		,010
	N	26	26
	Pearson Correlation	,495[*]	1
Healthcare	Sig. (2-tailed)	,010	
	N	26	26

*. Correlation is significant at the 0.05 level (2-tailed).

Figure 18: Pearson's R correlation: Roma acceptance/compliance with guidelines of healthcare

Correlations

		Healthcare	Roma_Acceptence
	Pearson Correlation	1	-,209
Healthcare	Sig. (2-tailed)		,305
	N	26	26
	Pearson Correlation	-,209	1
Roma_Acceptence	Sig. (2-tailed)	,305	
	N	26	26

Figure 19: Pearson's R correlation: Roma population/total compliance

Correlations

		Total_compliance	Roma_Population
	Pearson Correlation	1	,503[**]
Total_compliance	Sig. (2-tailed)		,009
	N	26	26
	Pearson Correlation	,503[**]	1
Roma_Population	Sig. (2-tailed)	,009	
	N	26	26

**. Correlation is significant at the 0.01 level (2-tailed).

Figure 20: Pearson's R correlation: Roma acceptance/total compliance

Correlations

		Total_compliance	Roma_Acceptence
Total_compliance	Pearson Correlation	1	-,132
	Sig. (2-tailed)		,521
	N	26	26
Roma_Acceptence	Pearson Correlation	-,132	1
	Sig. (2-tailed)	,521	
	N	26	26

Figure 21: Roma acceptance/total compliance

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