

## **Trickle-down Social Inclusion: The EU Minorities Agenda in Times of Crisis**

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### **ABSTRACT**

This article investigates the minority dimension of EU social policy and how the conceptualization of ethnic minorities' socio-economic inclusion has evolved over time. Three findings are drawn from the close analysis of overlapping EU agendas on social inclusion and minority inclusion. First, although there are no comprehensive data on European minorities' socio-economic condition, significant evidence has been collected at EU-level that minorities are consistently at a disadvantage. Second, the growing recognition that minorities suffer disproportionately from socio-economic exclusion has not been accompanied by an increasing willingness to consider structural policy approaches. Rather, a policy paradigm has emerged that prioritises job creation, growth and employability as the one-size-fits-all solution to social exclusion. I call this the 'trickle-down' approach to minority social inclusion. Third, the economic crisis crystallized this mismatch between problem and EU policy approach but did not cause it.

**Keywords:** EU, minorities, inclusion, social agenda, crisis

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## **Introduction**

Ethnic minorities face multiple obstacles to full inclusion, as their minority status is often compounded by socio-economic marginalization. This double marginalization has become even more relevant in recent years, as minority communities suffered disproportionately from the on-going economic crisis and the austerity measures with which most European governments have responded to it. As the evidence about EU minorities' social exclusion accumulates, little attention has gone to how EU institutions have grappled with it. This article fills this gap by analysing how EU strategies for minority integration and socio-economic inclusion have evolved over time. The focus is on the framing of the issue within the evolving EU social policy: How has minority exclusion featured in socio-economic integration agendas? How has socio-economic integration featured in minority integration agendas? And did the economic crisis change this?

The intersection between ethnicity and socio-economic status has often been framed in terms of the supposed trade-off between claims for recognition and claims for redistribution (Fraser and Honneth, 2003). While it led to productive debates on social movement strategies, this framework is insufficient to fully capture the nature of the intersection. First of all, it has a 'blind spot' for the state – and, I would add, the EU –, as it treats institutions as neutral arbiters between competing claims (Feldman, 2002). This overlooks the fact that institutions, their policies and agendas, play a key role in determining who is included and who is excluded from both cultural recognition and socio-economic redistribution (cf. Cianetti, 2015). Secondly, the preoccupation with potential trade-offs between politics of redistribution and politics of recognition overshadows the deep interconnection between these two aspects of exclusion. It is therefore more appropriate to look at them through the lenses of intersectionality (Davis, 1981; Crenshaw,

1989). That is, by recognizing that different systems of disadvantage are interdependent and they should be studied – and tackled – as such. While its roots are in black feminism, intersectionality is intended here in its wider possible sense, as a research paradigm ‘that emphasizes the interactions between categories of difference (including but not limited to race, gender, class, and sexual orientation)’ (Hancock, 2007, pp. 63–64).<sup>1</sup> Ethnicity and socio-economic status are just two categories of difference in the complex structure of interlocking social and political stratifications of European societies. The choice of focusing on them should not imply that other categories (especially gender) have no bearing on the question of EU social integration. Rather, this is a first step towards disentangling the implications of the EU institutions’ framing of social inclusion. Further steps will be needed to disentangle them further to include other categories of difference.

The EU has limited competency in matters of minority integration so its direct impact on minority policies, for which member states retain near monopoly, should not be exaggerated. Nevertheless, EU institutions have produced a large body of binding and non-binding policies on reducing socio-economic exclusion (in general and among minorities), and combating ethnic discrimination. The EU’s timid steps towards a more proactive promotion of minority inclusion (De Witte and Horváth, 2008; Toggenburg, 2008a, pp. 389–390), and its ‘minority-conscious implementation’ of general policies (Henrard, 2011, p. 59) have brought some to argue that a EU-specific minority protection domain – an ‘overarching effort of “diversity management”’ (Toggenburg, 2005, p. 718) – is emerging. At the same time, it has been argued that although minority protection is a fundamental value of the EU, its application has developed incoherently, constituting little more than ‘rhetoric involvement’ and ‘half-hearted engagement’ (Kochenov and Agarín, 2017). This should

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<sup>1</sup> Dhamoon talks of ‘intersectional-type research’ (2011).

caution against 'excessive expectations' on what the EU could and would do to promote minority integration (Kochenov and Agarín, 2017).

Nevertheless, even discounting excessive expectations, EU-level narratives on minority social integration cannot be dismissed outright. The EU governance of the social sphere is important not only for its direct impact on policies – which in some policy areas is limited – but because it creates a certain image of the 'social', shaping discourses and practices within member states (Carmel, 2003; Savio and Palola, 2004). In this sense, the EU is a crucial normative agent. EU-level framing of minority social inclusion is at the same time a mirror of prevailing narratives across member states, and a model for member states to address minority inclusion domestically. Therefore, looking at how the EU frames issues of minority socio-economic exclusion is not only useful to know what the EU itself does on this issue, but also to understand how European democracies in general are grappling with issues of diversity and marginalization. Consequently, the focus of this article is not on significance, that is, the extent to which EU policies and recommendations on the socio-economic integration of minorities are effective. Rather, it is on paradigm development, that is, how this problem has been recognised and framed, as a way of contextualising and understanding the kind of solutions to the problem that are likely to emerge.

The close analysis of how EU policy approaches to minority social inclusion reveals three key issues. First, there is a chronic lack of systematic data on the ethnic geography of socio-economic disadvantage, so there is no clear picture of what minorities' socio-economic exclusion looks like across Europe, in different countries, and for different minorities. This makes it difficult to understand the problem and find policy solutions. Nevertheless, enough evidence has been collected that shows that minorities all over Europe have been consistently at a socio-economic disadvantage. Second, there is a widening mismatch between on the one hand the growing recognition that European

minorities suffer from persistent socio-economic exclusion, and on the other hand the increasing reliance on what I call a 'trickle-down' approach to fighting social exclusion. This mismatch is the reflection of contradicting pressures from different actors within the EU. Third, while it did not create this mismatch, the economic crisis further crystallized it.

### **Minorities in the EU**

Although mentions of minorities in EU documents have increased over time, the definition of what a minority is remains unspecified (Henrard, 2011, pp. 64–65). The EU reliance on the Council of Europe and the Organization for Security and cooperation in Europe (OSCE) as external supports for its own minority agenda does not solve that. Indeed, even the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) – one of the most authoritative documents on minority rights – does not provide a definition. Often distinctions between 'old' national minorities – who have historical links to the country they reside in – and 'new' migrant minorities – who have arrived to the country more recently – are made (McGarry and Keating, 2006). However, these have become increasingly blurred and it remains highly disputed whether 'new' and 'old' minorities are indeed so different, whether they should enjoy different sets of rights, and after how many generations a 'new' minority becomes 'old' (Eide, 2002). Increasingly, international institutions have pointed to minorities' common non-dominant circumstances rather than distinguish between different types of minority (Letschert, 2007; Medda-Windischer, 2011; Jackson-Preece, 2014). More recently, both OSCE and Council of Europe shifted their focus from minority integration to supporting societal diversity. This approach – reminiscent of

earlier discussions on multiculturalism – makes the distinction between ‘old’ and ‘new’ minorities redundant.<sup>2</sup>

The EU followed a similar trend. While the legal definition of ‘minority’ is left to member states, EU documents increasingly discuss minorities and migrants as a single issue. In the 1980s and 1990s attempts to write a European charter of group rights, which could have clarified the EU’s definition of minorities, failed. The compromise solution was to take the FCNM as the basis for EU minority rights protection (Toggenburg, 2005, p. 732). Since then, EU policy documents that deal with minority issues have increasingly discussed ‘minorities’, ‘third-country nationals’ and ‘migrants’ together, at times using the terms interchangeably. A tendency is consolidating to highlight the similar issues that people who do not belong to the majority group face rather than look for differences between minority groups.<sup>3</sup>

Hungarians in Slovakia and Romania, Roma and Travellers in several member states, Russian-speakers in the Baltics, settled communities in former colonial countries like Afro-Caribbean and South Asian minorities in the UK and north-Africans in France, and migrant minorities like Turks in Germany – just to give a few examples – are all mentioned in EU

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<sup>2</sup> The Ljubljana Guidelines (p. 4) call for a focus on ‘the integration of multi-ethnic societies rather than integration of a minority group into a particular society’: <http://www.osce.org/hcnm/96883>. Similarly, the Advisory Committee of the FCNM stressed (p. 3) that ‘minority rights can only be ensured in a society where dialogue, understanding and cultural diversity are viewed as sources of enrichment rather than of division’: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900016806a4811>. Last accessed 9 March 2017.

<sup>3</sup> The conflation of minorities and migrants under one comprehensive category is not politically neutral. While it can be seen as progressive (as it ascribes rights to all, irrespective of their length of stay in a country), it might also justify a shift from the ‘normal politics’ of minority inclusion to the emergency politics of ‘migration crisis’. For a critical discussion of emergency politics, see Aradau (2004).

documents that deal with minorities and ‘people with migrant background’. Crucially, whether they are identified as ethnic, racial, linguistic or religious minorities, and whether they are officially recognized as minorities at all by their country of residence, all across Europe these groups find themselves at particular risk of socio-economic exclusion.

### **The socio-economic condition of minorities in Europe**

Data about the socio-economic situation of European minorities is scattered, often anecdotal and – because different countries collect different sets of data or do not collect this sort of data at all – not easily comparable. However, what we do know paints a picture of minority communities that disproportionately suffer from different forms of socio-economic exclusion (including employment, housing, income, and education) across the continent (Zimmermann *et al.*, 2008).<sup>4</sup> In particular, the problem of unemployment among minorities is ‘severe and worsening’ (Zimmermann *et al.*, 2008, p. 6). The 2010 European Commission *Synthesis Report on Ethnic Minorities, Migrants and Employment* observed that

the employment situation for ethnic minorities with or without a migrant background can be described in terms of higher unemployment, higher undeclared activity (and hence no access to mainstream social protection), lower wages, entrapment in low-skilled work in spite of possible higher education, higher self-employment rates, and lower opportunities for continuous training than the majority population.<sup>5</sup>

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<sup>4</sup> Also see the European Network Against Racism’s reports: <http://www.enar-eu.org/>. Last accessed 9 March 2017.

<sup>5</sup> For the report see: [http://ec.europa.eu/justice/discrimination/files/sen\\_synthesisreport2010partii\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/sen_synthesisreport2010partii_en.pdf). Last accessed 13 March 2017.

Even accounting for differences between countries and between minorities, across Europe belonging to an ethnic minority constitutes a socio-economic disadvantage.

The EU-MIDIS survey, which for the first time presented a broad comparative study of minority discrimination in Europe, shows a rather grim picture. The survey found 'beyond any doubt that discrimination on the basis of ethnicity is a major problem for many minorities in the EU' (FRA, 2009, p. 6), with Roma and people of Sub-Saharan African and North-African origins being the most discriminated against. Single-country studies have also revealed deep-seated patterns of discrimination, for example in Germany (Kaas and Manger, 2010) and in France (Adida, Laitin and Valfort, 2010; Barou, 2014).

In recent years, there have also been indications that minority groups are among the hardest hit by the fall out of the economic crisis and budget cuts. Reports commissioned by UK government institutions showed that disadvantaged groups (including minorities) are significant users of public services and thus particularly vulnerable to spending cuts (McQuaid, Egdell and Hollywood, 2010), that more than half of the localities that were hit the hardest by post-2015 welfare cuts have high minority populations (Beatty and Fothergill, 2016), and that this is in line with past recessions – when disadvantaged groups experienced higher and longer-lasting unemployment (Stafford and Duffy, 2009). A Council of Europe report found that these same trends are replicated across Europe, noting that 'the economic crisis resulted in a further deterioration of the already difficult economic situation of many ethnic minorities', particularly Roma.<sup>6</sup> Country-specific studies found that the crisis had adverse effects on the socio-economic possibilities and the rights of immigrants and

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<sup>6</sup> For the 2013 report *Safeguarding Human Rights in Times of Economic Crisis* see <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2933785&SecMode=1&DocId=2215366&Usage=2>. Last accessed 13 March 2017.

'others' in Spain (Barbero, 2015) and of Travellers in Ireland (Garrett, 2015). The situation has been made worse by the concurrent increase in xenophobia and hate crimes across Europe (Seguino, 2010; Lesinska, 2014).

Therefore, while the need remains for a more systematic and comparative approach to data collection, there is strong evidence that ethnic minorities are at disproportionate risk from socio-economic exclusion in Europe. The rest of this article focuses on the extent to which this evidence is recognized in the EU and the policy approaches that have emerged from it.

### **Minority social inclusion and the EU social policy agenda**

Two strands of documents are analyzed here to retrace how EU institutions have framed the problem of minority social exclusion: general documents and strategies on poverty and socio-economic exclusion, and documents and strategies that deal specifically with minority integration. The first strand includes Council Resolutions on social exclusion, general provisions on social inclusion in EU treaties and framework strategies (like the Lisbon Strategy and Europe 2020), the European Social Agendas, the national action plans for social inclusion and related reports. The second strand includes general provisions on minorities and non-discrimination in EU treaties and framework strategies, reports on minority exclusion and discrimination by specialized agencies, Council directives on non-discrimination, the Commission Green Paper on Equality and Non-Discrimination, action programmes and charters on non-discrimination and diversity. Analyzed together, these two policy strands present a picture of how the EU approach to minority social inclusion has evolved over time.

### ***The EU agenda for social inclusion***

In 1989, the European Council and the Social Affairs Ministers passed a resolution, which stipulated that ‘combating social exclusion may be regarded as an important part of the social dimension of the internal market’.<sup>7</sup> The resolution urged member states to support the social integration of ‘economically and socially disadvantaged groups of people’, especially by facilitating access to the labour market. However, it did not mention minority groups nor indicated ethnic and racial discrimination as factors in explaining social exclusion. Ten years later, the Treaty of Amsterdam started on a new path with a non-discrimination clause that calls for stronger action against discrimination not only based on nationality (as per the EC Treaty) but also on ‘sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’.

The Lisbon Strategy of 2000 added minority groups to the list.<sup>8</sup> The Strategy came in a period of optimism and renewed attention to social exclusion in the EU (Marlier *et al.*, 2007, p. 2), and some saw it as constituting a clear change because it framed poverty and exclusion for the first time as a squarely European issue and proposed a vision of social Europe beyond pure market-making (Atkinson, Marlier and Nolan, 2004; Daly, 2006). Full employment was presented as the best remedy against social exclusion (Atkinson *et al.*, 2002, p. 5), following the Strategy’s motto ‘the best safeguard against social exclusion is a job’. While the general thrust of the Strategy was on individual employability, there was also recognition that certain ‘specific target groups’ such as ‘minority groups, children, the elderly and the disabled’ might confront higher barriers to social inclusion. However, the

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<sup>7</sup> For the text of the resolution see: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%253A41989X1031>. Last accessed 9 March 2017.

<sup>8</sup> For the strategy see: [http://www.europarl.europa.eu/summits/lis1\\_en.htm](http://www.europarl.europa.eu/summits/lis1_en.htm). Last accessed 9 March 2017.

Strategy made it clear that the choice of which groups merit special attention rests entirely with the member states, which also retain control of how to implement integration.

To push forward the commitments of the Lisbon Strategy, the Commission launched the first Agenda for Social Policy (2000–2005), with the stated aim of adapting the European social model to a ‘changing world’, not least by encouraging ‘actions designed to promote more and better job opportunities for vulnerable groups, including those with disabilities, ethnic groups and new immigrants’.<sup>9</sup> As part of this effort, the Commission asked member states to prepare biennial Action Plans for Social Inclusion. In reviewing the 2001–2003 Action Plans, the Commission invited member states to identify more clearly people that might ‘experience particularly severe integration problems [...which] could include for example women from ethnic minorities, ex-prisoners, drug addicts, the homeless, street children or people discharged from institutions’.<sup>10</sup> Once again, however, the identification of these groups and of the specific measures to tackle their exclusion was left to the member states.

In general, the period 2000–2005 saw an increase in attention to social exclusion in the EU. Importantly, the specific obstacles faced by minorities were recognized and exclusion was explicitly framed as multi-dimensional (Marlier *et al.*, 2007, p. 3). The optimism that underpinned the social inclusion agenda, however, did not last long as the Lisbon Agenda’s goal of making Europe ‘a dynamic knowledge-based economy with more and better jobs and greater social cohesion’ remained elusive. The inclusion of minorities – that had gained more attention in a period of generalized optimism about the future of

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<sup>9</sup> For the full text see: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:c10115>. Last accessed 9 March 2017.

<sup>10</sup> For the Social Protection Committee’s common outlines see: [http://ec.europa.eu/employment\\_social/social\\_inclusion/docs/commonoutline2003final\\_en.pdf](http://ec.europa.eu/employment_social/social_inclusion/docs/commonoutline2003final_en.pdf). Last accessed 9 March 2017.

Europe's social cohesion and prosperity – seemed once again secondary. In 2004, a report by the High Level Group chaired by Wim Kok (the Kok Report) spelled out this change of wind: while it paid lip-service to a multi-dimensional understanding of inclusion, the focus was now on job creation as the main solution to all exclusion issues (Marlier *et al.*, 2007).<sup>11</sup> This set the tone for the subsequent prevailing approach, which could be summarized as: economic growth first, minority inclusion will follow.

The mid-term review of the Lisbon Strategy, which coalesced into the European Social Agenda 2006–2010, formalized this two-step approach, by separating the 'prosperity objective' (focused on employment and growth) from the 'solidarity objective' (focused on equal opportunities and inclusion).<sup>12</sup> The Agenda listed integration of immigrants as one of the member states' common objectives, called for more vigorous anti-discrimination efforts, and made plans to launch 2010 as the year for combating poverty and social exclusion. However, job creation and growth – the 'prosperity objective' – were the goal on which the success of the agenda was predicated.

This reorientation of the Lisbon Agenda towards economic solutions for social problems was not without tensions. Not all EU institutions supported this shift, and tensions arose between Parliament – that has traditionally shown a stronger commitment to fundamental rights (Toggenburg, 2008b, p. 394), Council, Commission, and social partners (Daly, 2006, p. 471). The push to prioritize jobs and employability over social inclusion was also divisive within the Commission, with some departments (especially the DG ECFIN) keener than others in supporting it (Daly, 2006, p. 476; Mitchell, 2006).

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<sup>11</sup> For the Kok Report: [http://ec.europa.eu/research/evaluations/pdf/archive/fp6-evidence-base/evaluation\\_studies\\_and\\_reports/evaluation\\_studies\\_and\\_reports\\_2004/the\\_lisbon\\_strategy\\_for\\_growth\\_and\\_employment\\_report\\_from\\_the\\_high\\_level\\_group.pdf](http://ec.europa.eu/research/evaluations/pdf/archive/fp6-evidence-base/evaluation_studies_and_reports/evaluation_studies_and_reports_2004/the_lisbon_strategy_for_growth_and_employment_report_from_the_high_level_group.pdf). Last accessed 9 March 2017.

<sup>12</sup> The Agenda can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52005DC0224>. Last accessed 9 March 2017.

In 2010, the new agenda for Europe 2020 was launched. This included a special strategy for Social Protection and Social Exclusion,<sup>13</sup> and one of the related flagship initiatives was the launch of the European platform against poverty and social exclusion.<sup>14</sup> This new agenda called member states to identify ‘groups at particular risk’, and committed the Commission to providing opportunities to vulnerable communities (especially training and employability), fighting discrimination, and ‘develop[ing] a new agenda for migrants’ integration’. Although structural multi-dimensional disadvantage was recognized, the focus was once again strongly on growth, job creation, and boosting individual-level employability as a solution to exclusion.<sup>15</sup> Moreover, the agenda’s concerns with disadvantaged communities are especially directed at recent immigrants rather than settled ethnic and racial minorities, potentially diverting attention (and funding) away from these more long-term, deep-seated inequalities.

### ***The EU agenda for minority integration***

While it has shown interest in minority issues, the EU lacks ‘a minority acquis’ and a clear legal basis to promote minority protection and integration (Galbreath and McEvoy, 2012, p. 281). As the European Commission webpage on minorities puts it:

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<sup>13</sup> For the strategy webpage see: <http://ec.europa.eu/social/main.jsp?catId=750>. Last accessed 1 March 2017.

<sup>14</sup> For the dedicated webpage see: <http://ec.europa.eu/social/main.jsp?catId=961&langId=en>. For the text of the strategy: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>. Last accessed 1 March 2017.

<sup>15</sup> For studies that discuss the focus on employability and life-long learning as part of a wider shift towards a neoliberal approach to social issues, see Scharpf (2002) and Mitchell (2006).

The Commission has no general power as regards minorities, in particular it has no power over issues relating to:

- the recognition of the status of minorities;
- their self-determination and autonomy;
- the regime governing the use of regional or minority languages.

EU countries retain general powers to take decisions about minorities.<sup>16</sup>

This does not mean, however, that the EU has made no attempt to provide guidelines for minority integration. These have evolved over time.

The Treaty of Maastricht (1992) did not mention minorities, but in article 151 espoused a generic respect for 'national and regional diversity'. Thus minority protection was not 'one of the EU's core political norms' (Hughes and Sasse, 2003, p. 27). The Copenhagen criteria of 1993 included 'respect and protection of minorities', but this clause did not make it into the Amsterdam Treaty (1997) – and thus the *acquis*. Some sort of EU minority agenda was developed during the East European accession wave, as candidate members were pressured to improve their minority protection record.<sup>17</sup> However, the EU mostly relied on OSCE and Council of Europe to set standards and assess risks, and the jury is still out as to whether EU pressures to promote minority rights had significant and long-lasting effects (Kelley, 2004; Sasse, 2008; Schulze, 2010).

While group rights remain the remit of member states, arguably the EU minority agenda has its stronger grounding in the anti-discrimination principle, which was progressively embedded in the EU approach to combating social exclusion. Already in 1994 a special Commission on Race and Xenophobia (the Kahn Commission) was established,

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<sup>16</sup> This can be accessed at: [http://ec.europa.eu/justice/fundamental-rights/minorities/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/minorities/index_en.htm). Last accessed 1 March 2017.

<sup>17</sup> This sparked complaints of double standards (cf. Jutila, 2009).

which resulted in the institution of the European Monitoring Centre on Racism and Xenophobia (EUMC). The European Commission tasked the EUMC with producing annual reports on ethnic and racial discrimination in EU member states, starting in 1998.<sup>18</sup> The EUMC went further than its mandate as it did not only report on hate crime and anti-discrimination legislation, but also highlighted symptoms of labour market inequality like higher rates of unemployment among immigrants and minorities. Thus, already at the end of the 1990s the Commission was receiving reports that clearly showed the link between ethnic minority status and socio-economic disadvantage across Europe.

The sobering findings of the EUMC heralded a period of activism on issues of ethnic and racial discrimination. In 2000 the EU Charter of Fundamental Rights was proclaimed, which included an explicit prohibition of '[a]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation' (art. 21).<sup>19</sup> The same year, two key anti-discrimination directives were passed: the Racial Equality Directive and the Employment Equality Directive. The first established the principle of equal treatment of all persons irrespective of their racial or ethnic origin; the second focused on equal treatment in the labour market. Both had to be transposed by the member states within three years.

After the Directives were passed, a flurry of EU activity on discrimination took place. A community action programme against discrimination (2001–2006) was established with a budget of 98.4 million euros; the Copenhagen European Council of December 2002 remarked on 'the high risk of poverty and social exclusion faced by some men and women

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<sup>18</sup> These can be found here: <http://fra.europa.eu/>. Last accessed 1 March 2017.

<sup>19</sup> For the charter see: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf). Last accessed 9 March 2017.

as a result of immigration’ and called on all member states to focus on that in their National Action Plans.<sup>20</sup> Moreover, the European Employment Guidelines (2003) listed minorities among the groups who face particular labour market obstacles; the Commission issued a Communication on immigration, integration and employment (2003), calling for a holistic approach to the integration of third-country nationals that includes socio-economic and labour integration;<sup>21</sup> and in November of the same year it published an independent research to demonstrate the ‘emerging business case’ for diversity.<sup>22</sup>

In the meanwhile, regular reports informed the Commission about the status of the implementation of fundamental rights by member states. These expert reports lamented delays in the adoption of the 2000 Directives, and the slow progress with the ratification of the FCNM and the European Charter for Regional or Minority Languages. In 2002, the expert report concluded that the situation in member states ‘does not give any cause for optimism’ (CFR-CDF, 2002, p. 174).<sup>23</sup> The 2004 report went further, arguing that member states should have an obligation to guarantee ‘full and effective equality’ in all spheres of life, including social and economic. It remarked abundantly on the need to collect more data to assess the minority-specific effects of social policies, especially to do with employment, education and housing. All reports insisted that statistical data are essential to monitor not

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<sup>20</sup> These were highlighted in the Commission’s Green Paper, discussed below: [http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2004/0379/COM\\_COM%282004%290379\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2004/0379/COM_COM%282004%290379_EN.pdf). Last accessed 9 March 2017.

<sup>21</sup> This can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:c10611>. Last accessed 9 March 2017.

<sup>22</sup>For a summary of the report: [http://europa.eu/rapid/press-release\\_IP-03-1540\\_en.htm](http://europa.eu/rapid/press-release_IP-03-1540_en.htm). Last accessed 1 March 2017.

<sup>23</sup> The experts’ reports can be found at [http://ec.europa.eu/justice/fundamental-rights/document/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/document/index_en.htm). Last accessed 9 March 2017. They are referenced here as CFR-CDF, followed by year and relevant page number.

only direct discrimination (covered by Directives 2000) but also indirect (structural) discrimination. Notwithstanding these repeated and unequivocal requests, lack of data remains an issue to this day.<sup>24</sup>

This increasing interest on issues of discrimination culminated in the 2004 Commission Green Paper on *Equality and Non-Discrimination in an Enlarged European Union*. This reaffirmed that ‘the principles of equal treatment and non-discrimination are at the heart of the European Social Model’ (p. 3). The Green Paper reviewed the member states’ National Action Plans and noted that they largely failed to link measures to reduce social exclusion to measures to combat discrimination. It also criticized member states for shifting the burden of integration on migrants and minorities while neglecting to target majority populations’ discriminatory practices (pp. 27–28).

The Green Paper demonstrates a growing willingness to look into systemic reasons behind minorities’ higher levels of social exclusion. On the bases of the consultations conducted in writing it, the Commission released the *Communication on Non-Discrimination and Equal Opportunities for All*.<sup>25</sup> With this, the Commission openly recognized the need to go beyond individual rights and non-discrimination, to tackle the structural barriers and multi-dimensional inequalities experienced by certain groups, including ethnic minorities (CFR-CDF, 2006, p. 164; FRA, 2007, p. 135). Once again noting the lack of data, the Communication established a special High Level Advisory Group of Experts (HLAG), tasked with writing a report on European minorities’ social integration and participation in the labour market. The Justice and Home Affairs Council joined the discussion by issuing the

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<sup>24</sup> The need for comparable data was reiterated in the Council’s Zaragoza Declaration on Migrant Integration Indicators (2010).

<sup>25</sup> This can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52005DC0224>. Last accessed 9 March 2017.

*Common Basic Principles for Immigrant Integration Policy in the EU*, reiterating that 'employment is a key part of the integration process'.<sup>26</sup>

The HLAG report was released in 2007,<sup>27</sup> and was presented as a complement to the Lisbon Strategy. It gathered existing data on the correspondence between ethnic minority status and disadvantage, and showed negative recurrent patterns across all member states. In particular, it noted that the barriers to full economic participation are higher for visible minorities, whatever their citizenship status, and stated in no uncertain terms that '[e]mpirical facts prove that membership of an ethnic minority is a labour market disadvantage *per se*'.<sup>28</sup>

After the report was released, the EU Fundamental Rights Agency (FRA) was established as a successor to the EUMC and was tasked with producing annual reports (starting in 2007) on how member states are promoting rights and equality.<sup>29</sup> FRA reports assess the situation of fundamental rights across member states, including regarding discrimination and social exclusion, and usually discuss minorities, migrants and refugees under the same category (FRA, 2008, p. 15). They summarize available data and independent research findings on discrimination in employment, education, housing and, since 2008, healthcare. They consistently found that minorities and migrants have worse outcomes in all those areas, even allowing for some variations between member states and

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<sup>26</sup> These can be found here: [http://www.eesc.europa.eu/resources/docs/common-basic-principles\\_en.pdf](http://www.eesc.europa.eu/resources/docs/common-basic-principles_en.pdf). Last accessed 16 March 2017.

<sup>27</sup> For the full text see: <http://ec.europa.eu/social/BlobServlet?docId=766&langId=en>. Last accessed 9 March 2017.

<sup>28</sup> For the HLAG memo on this see: [http://europa.eu/rapid/press-release\\_MEMO-07-536\\_en.htm](http://europa.eu/rapid/press-release_MEMO-07-536_en.htm). Last accessed 9 March 2017.

<sup>29</sup> All FRA reports can be downloaded from <http://fra.europa.eu/en/publications-and-resources/publications>. They are referenced here as FRA, followed by year and relevant page numbers.

minority groups. Year after year, the reports also remark on the necessity for more and better data. Importantly, FRA experts were keen from the very beginning to highlight the multidimensionality of exclusion and the need for member states to collect data that take it into account. While some good practices emerged over time, data scarcity remained a problem throughout. In the words of the 2011 FRA report,

Existing structural inequalities between ethnic minorities and majority populations are likely to persist. [...] there is a need for more systematic and comprehensive data collection practices to ensure better understanding of the scale and nature of ethnic discrimination and racist violence and crime in the EU. (FRA, 2012, p. 175)

In the meanwhile, the Treaty of Lisbon (2007) for the first time mentioned minorities and included the possibility for EU institutions to take direct action in promoting the ‘integration of third-country nationals’.<sup>30</sup> While this arguably constituted a more solid basis to promote a EU minority inclusion agenda, as the FRA experts made clear, this did not ‘equip[...the EU] with a competence to legislate on “minority rights” in the stricter sense’ and once again left the definition of ‘minority’ to the member states (FRA, 2010, p. 22). In remarking on this, the FRA experts exposed the gulf between their calls for an evidence-based, multi-dimensional approach to social division, and the actual reality of EU institutions’ and member states’ lukewarm espousal of such an approach.

### ***The crisis***

Since its inception, the economic crisis became the necessary context to any EU initiative, including on social inclusion. The European Commission recognized that ‘the economic

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<sup>30</sup> For the EU official website on migrant integration see <https://ec.europa.eu/migrant-integration/home>. Last accessed 7 March 2007.

crisis triggered an ongoing social crisis' in Europe, and that policies for socio-economic inclusion, especially social protection systems, have to be modernized to confront this new situation (FRA, 2015, p. 20). The crisis affected priorities, goalposts, and strategies, as all have to be revised in line with a new post-crisis growth strategy for Europe.<sup>31</sup> But did this significantly change how minorities' socio-economic integration is framed?

Several reports issued since 2012 show that there has been a recognition that minorities might be suffering particularly heavily for the consequences of the economic crisis and budget cuts. The FRA report on 2012 dedicated a special section to 'Safeguarding fundamental rights in times of crisis' (FRA, 2013, pp. 11–36) and was particularly strong in suggesting that the financial crisis and austerity policies hinder the implementation of fundamental rights across Europe. The report painted a rather bleak picture, noting that the situation of already vulnerable groups worsened (pp. 14–15), that there are serious concerns that vulnerable groups might become scapegoats and victims of 'increasing social exclusion and persecution' (p. 20), and that budget cuts are reducing access to justice for vulnerable groups (p. 248). Subsequent FRA reports expressed similar concerns (FRA, 2014, 2015, 2016, 2017).

In 2013 the European Parliament added to these concerns, releasing a resolution on the economic crisis' impact on access to care for vulnerable groups.<sup>32</sup> In calling member states to ensure adequate social provision for all, and lamenting the fact that austerity policies in a majority of member states have cut essential social services, the Parliament also remarked on the additional barriers experienced by members of minority groups. In

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<sup>31</sup> In May 2015, the Commission launched public consultations on this new strategy (FRA, 2015, p. 126).

<sup>32</sup> For the text of the resolution see: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0328&language=EN>. Last accessed 9 March 2017.

November 2014 the European Commission and the Italian Presidency in Rome organized a high-level event to discuss ‘equality and non-discrimination in economic recovery’.<sup>33</sup> The following year, the European Parliament issued a report on the impact of the economic crisis on rights, which pointed out that vulnerable groups (including minorities) are disproportionately affected by budget saving measures.<sup>34</sup> This shows that across EU institutions there has been a certain preoccupation with or at least awareness of minorities’ specific vulnerability in the context of the economic crisis and austerity policies.

However, this awareness was not matched by a strengthening of the minority socio-economic inclusion agenda. On the contrary, that agenda seems to have been de-prioritized, in a context in which ‘growth’ is increasingly presented as the main response to social exclusion. This is evident, for example, in the Commission’s European Semester reports on economic and social policies, which include country-specific recommendations.<sup>35</sup> In some cases (Austria, Belgium, Denmark, Germany, the Netherlands, and Sweden) the specific disadvantage of people with migrant background is noted, and the reports call member states to utilize migrant minorities’ ‘labour market potential’ more fully. Roma are also mentioned as an especially socially excluded group in several central and eastern European countries (Bulgaria, Czech Republic, Hungary, Romania, and Slovakia). The general thrust of the recommendations, however, is that member states should focus on the promotion of growth and the reduction of ‘macroeconomic imbalances’, they should conduct ‘structural

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<sup>33</sup> As reported in the 2014 Commission Report on the Charter of Fundamental Rights: [http://ec.europa.eu/justice/fundamental-rights/files/2014\\_annual\\_charter\\_report\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/2014_annual_charter_report_en.pdf). Last accessed 9 March 2017.

<sup>34</sup> For the report see: [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU%282015%29510021](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU%282015%29510021). Last accessed 9 March 2017.

<sup>35</sup> These can be found here: [http://ec.europa.eu/europe2020/making-it-happen/index\\_en.htm](http://ec.europa.eu/europe2020/making-it-happen/index_en.htm). Last accessed 7 March 2017.

reforms of labour and product markets’, and minority social inclusion will derive naturally from the resulting ‘increasing employment and lowering prices for consumers’.<sup>36</sup>

The low priority of minority social inclusion is reflected in the European Commission’s Employment, Social Affairs and Inclusion main webpage.<sup>37</sup> It recognizes that the economic crisis is one of the main challenges for the EU, but minorities (whether ethnic, racial or migrant) do not feature in the list of groups with special vulnerabilities that the Commission’s Social Investment Package is designed to support. The Justice and Fundamental Rights webpage also makes no mention of minorities, focusing entirely on individual rights.<sup>38</sup> Thus, while the FRA experts highlight the iniquitous impacts of austerity and warn about the increased risk of exclusion for minorities in post-crisis Europe,<sup>39</sup> their calls seem to remain largely unheeded in a context in which the general focus on the EU social agenda is in serious retreat (Hermann, 2014; Romano and Punziano, 2015).

### **Trickle-down minority social integration**

The analysis above shows a widening mismatch in the EU minority inclusion agenda between a growing recognition of minorities’ structural socio-economic vulnerabilities and a diminishing willingness to propose structural solutions. While an increasing focus on

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<sup>36</sup> For the recommendations for the euro area see: [http://ec.europa.eu/europe2020/pdf/csr2015/csr2015\\_euroarea\\_en.pdf](http://ec.europa.eu/europe2020/pdf/csr2015/csr2015_euroarea_en.pdf). Last accessed 9 March 2017.

<sup>37</sup> For this webpage see: <http://ec.europa.eu/social/main.jsp?catId=1044&langId=en>. Last accessed 7 March 2017.

<sup>38</sup> For this webpage see: [http://ec.europa.eu/priorities/justice-and-fundamental-rights\\_en](http://ec.europa.eu/priorities/justice-and-fundamental-rights_en). Last accessed 7 March 2017.

<sup>39</sup> This was reiterated by FRA director at the third European Migration Forum in March 2017: <http://fra.europa.eu/en/news/2017/facing-challenges-migrant-integration>. Last accessed 13 March 2017.

employability and individual-level solutions vis-à-vis systemic approaches can be detected, one would be hard pressed to indicate a watershed date (or event) when this change took place. Rather, different tendencies and agendas have coexisted throughout the period, with the ‘growth first, inclusion will follow’ approach crystallizing over time.

Already in 2000, ostensibly at the peak of the social inclusion enthusiasm, the Lisbon Strategy and the Social Policy Agenda’s focus on employability was criticized, as insisting on individual activation ‘does not after all guarantee that enough jobs will be available’ (Nicaise and Groenez, 2003, p. 9). Indeed, even one of the more advanced national action plans (by the UK) that clearly identified the link between belonging to a minority and socio-economic exclusion, still focused most of its planned actions on boosting individual employability.<sup>40</sup>

Since at least 2005, a shift to the right in the European Commission reinforced these tendencies, amid the ‘growing impression that Social Europe has come to a standstill, or even that it is in retreat’ (Rubio, 2009, p. 58). In particular, the Kok Report and the Social Agenda 2005–2010 encouraged approaches to social exclusion that see growth and job creation as the solution to all problems. *Europe 2020* reaffirmed this approach, shifting the focus from society-level social integration to individual-level labour market integration.<sup>41</sup>

The dominance of this individualistic approach to minority social integration is in keeping with the centrality of non-discrimination in EU minority policy. Already between 2002 and 2005, HLAG criticized the EU non-discrimination approach to minority inclusion as insufficient, because it neglects structural barriers and multiple, mutually reinforcing disadvantages. After that, FRA reports continued highlighting the intersectional nature of

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<sup>40</sup> For the UK Action Plan see: [http://www.networkforeurope.eu/files/File/Objective 2/H EF Obj2 Useful Docs - uknap2001\\_03.pdf](http://www.networkforeurope.eu/files/File/Objective%202/H%20EF%20Obj2%20Useful%20Docs%20uknap2001_03.pdf). Last accessed 9 March 2017.

<sup>41</sup> This is evidenced, for instance, in the Commission’s guidelines for Europe 2020: <http://ec.europa.eu/eu2020/pdf/Brochure%20Integrated%20Guidelines.pdf>. Last accessed 9 March 2017.

inequality, asking member states to collect multi-dimensional data, warning about the disproportionately negative effects of budget cuts on already marginalized groups, and calling for more systemic approaches to combating poverty and social exclusion. However, the FRA experts – echoed by recent Council of Europe and OSCE documents on diversity – seem to have become an increasingly isolated voice and, year after year, they kept repeating the same calls with little apparent effect.

Thus, while the EU agenda on minority social inclusion was not abandoned, the tendency consolidated to reduce it to reinforcing non-discrimination mechanisms. Of course, any improvement on non-discrimination legislation and on the possibility for people who experience discrimination to seek legal redress is to be welcomed. However, the tendency to see non-discrimination as the beginning and end of minority social inclusion is problematic. The non-discrimination approach to social integration is predicated on the requirement that, *all other characteristics being equal*, a person from a majority background should not be favoured (for example, for employment) over a person from a minority background. While it is not bad per se, if not accompanied by other, more systemic measures, this approach neglects (and in so doing normalizes) the structural facts that determine that persons with a minority background are more likely to be at a disadvantage on those ‘other characteristics’, for instance, education or work experience.<sup>42</sup>

Notwithstanding HLAG and FRA experts’ objections, the narrative consolidated that member states should primarily concentrate on economic growth and job creation, as this will – in the presence of effective anti-discrimination mechanisms – automatically improve minorities’ social inclusion. This ‘trickle-down’ approach to minority social inclusion neglects that, while minorities suffer particularly in times of economic crisis, they have been

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<sup>42</sup> For a summary of the main critiques to non-discrimination approaches to equality promotion see Fredman (1992).

disproportionally disadvantaged also in periods of economic growth.<sup>43</sup> It is important to note, however, that the economic crisis did not *cause* this de-prioritization of minority socio-economic inclusion. The theoretical acknowledgment of group-based systemic disadvantages (especially evident in FRA reports) was accompanied all along by an inclusion agenda that struggled to go beyond employability and non-discrimination. If anything, the crisis had the effect of further crystallising a tendency to seek economic solutions to social problems that was already prevalent in some quarters of the EU.

The growing mismatch between the knowledge of the problem as systemic and the predominance of a ‘trickle down’ approach that individualizes issues of minority exclusion speaks of a disconnect between a rhetoric of values (and the agencies and institutions that push for it) and a policy approach that fails to foreground these values, seeing them as secondary to key economic aims. A recent FRA report recognized this disconnect, reporting on an NGO’s complaint that the EU dispenses good recommendations on rights promotion, but these are often overridden by ‘more powerful recommendations based only on short-term financial considerations’ (FRA, 2015, p. 131). Scholarship on the European social model highlights the persistent asymmetry (Scharpf, 2002; Moses, 2011) or ambivalence (Daly, 2006) between the EU’s focus on market-oriented policies and the growing body of policies to promote equality. This same ambivalence underpins EU efforts for minority social inclusion.

## **Conclusions**

Three main observations can be drawn from the analysis of the EU agendas on social inclusion (in general) and minority social inclusion (in particular). First of all, there is a

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<sup>43</sup> On this point, see Strolovitch (2013).

chronic lack of data across EU member states about the extent of minority social exclusion, its variations across countries, across minorities and within minority groups, and its direct and indirect causes. This means that policy-making and policy assessment cannot be based on an appropriate understanding of the minority-specific effects of policies. Nevertheless, the data that are available to EU institutions clearly show that ethnic minorities are disproportionately at risk from social exclusion and that this was made worse by the economic crisis and austerity. However, seeing the problem as structural does not mean that there has been consistent willingness to tackle it as such.

This leads to the second point. That is, that there is a clear and growing mismatch between the increasing recognition that minorities are at a particular socio-economic disadvantage across Europe and the dominant policy paradigm that economic growth will fix this. I call this the 'trickle down' approach to minority social inclusion. This is predicated on the expectation that economic growth will stimulate job creation, which, provided there are robust non-discrimination policies, will in turn mean that members of minorities will have higher chances of joining the labour market and of becoming socially integrated. This 'trickle down' approach neglects the multi-dimensional, systemic and self-reinforcing nature of minority exclusion, which operates during periods of economic growth as much as it does during periods of crisis.

Thirdly, the economic crisis affected the way in which minority social integration has been framed in EU policy, but did not *per se* determine a radical paradigm shift. Rather, it contributed in taking the wind away from a multi-dimensional approach to social inclusion, reinforcing the focus on growth as the panacea against EU societies' ills. While this approach did not start with the crisis, the crisis exacerbated tendencies that were already present in the early days of the social inclusion agenda and that were already becoming dominant from the mid-2000s.

In her analysis of EU minority policies, Kristin Henrard argued that the EU's interest in minority socio-economic inclusion could become a 'catalyst' for deeper cultural integration (2011, p. 60). My findings add caution to this optimistic expectation. Although it is true that minority social inclusion has featured more prominently in EU documents, this has increasingly been framed within a 'trickle down approach'. The resulting individualization of exclusion does little to redress persistent structural disadvantage. To the contrary, it fosters blindness towards the minority-specific effects of economic policies, which is likely to have negative repercussions on minorities' lives and European societies' social cohesion. If the 'legal, moral and economic imperatives' to work towards 'a more cohesive society' expressed by the Commission in 2016 are to be taken seriously,<sup>44</sup> a more serious effort must be made to map, understand and tackle minority social exclusion.

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<sup>44</sup> For the text of the Communication see [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_action\\_plan\\_integration\\_third-country\\_nationals\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf). Last accessed 16 March 2017.

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