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Contribution of the Council of Europe

Follow-up to the Strasbourg Declaration on Roma

November 2010-September 2011

By the Special Representative of the Secretary General of the Council of Europe for Roma Issues

INTRODUCTION

Following the adoption on 20 October 2010 of "the Strasbourg Declaration on Roma" at the High-Level Meeting on Roma¹, and with a view to streamlining present actions on Roma issues by the different bodies and sectors of the Council of Europe, reducing duplication and optimising existing financial resources, the Secretary General has decided to reorganise resources in a transversal manner within the Council of Europe Secretariat with the task of further developing cooperation with national, regional and local authorities and international organisations in collecting, analysing, exchanging and disseminating information on policies and good practices on Roma, providing advice and support upon the request of national, regional and local authorities as well practical assistance in the implementation of new policy initiatives, specially at the local level, and providing access to training, capacity-building and education material².

After the adoption of the Strasbourg Declaration, the following immediate action was taken:

- the appointment of a Special Representative of the Secretary General (SRSG) for Roma issues, Mr Jeroen Schokkenbroek, in November 2010, responsible for organising Roma-related activities in a coordinated, transversal manner on the basis of the priorities and modalities set by the Strasbourg Declaration;
- the reinforcement of the operational capacity for activities on Roma by means of an increase of the operational appropriations in 2011 in the context of a new Programme "Roma: Promoting Social Inclusion and Respect for Human Rights". Furthermore, additional resources have become available through voluntary contributions. An additional contribution for the ROMED programme was received from the European Commission following the signature of a partnership agreement in Strasbourg on 6 July 2011³.

The information in this document concerns all sectors in the Organisation working on Roma issues and not only the specific activities of the Support Team on Roma issues.

I - CAPACITY BUILDING AND AWARENESS RAISING

1. European Roma Mediators Training Programme (ROMED)

The new European Roma Mediators Training Programme (ROMED), which the member states have agreed at the High-Level meeting, has been set up and is currently being implemented in an initial group of 15 beneficiaries. Since July 2011, the Programme is run as a joint action of the Council of Europe and the European Commission, with financial support of the latter. The Programme covers school, health and employment mediators. Since March 2011, a first series of in-country training sessions have successfully been launched in Bulgaria, Czech Republic, France, Germany Greece, Hungary, Italy, Moldova, Romania, Serbia, Slovakia, Spain, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine, as well as in Kosovo⁴ in the context of a separate joint programme between the Council of Europe and the European Commission. Already 422 mediators have been trained.

In parallel, the Council of Europe has taken the lead in creating a European Database on Mediators, which should be a valuable resource with up-to-date information on various aspects of Roma mediation in a number of countries. This tool is already available on line and will be regularly updated. The European Database on Mediators comprises a section on "successes and failures in mediation" which is a library of European examples in mediation practices.

¹ CM(2010)133 final. The term "Roma" used in the present text and in Council of Europe documents refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies".

² See paragraph 44 of the Strasbourg Declaration.

³ See information on ROMED in Section I.1. below.

⁴ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

2. Empowering lawyers to ensure Roma is equal and effective access to Human Rights protection at national level

A new training approach will focus on the need to ensure equal and effective access to the justice system for Roma at national level and provide appropriate and targeted training to lawyers based on the case-law of the European Court of Human Rights and the European Social Charter.A first national training took place in Greece (Athens, 19-20 July) and in France (Strasbourg, 30-31 August). Another such training is scheduled in Italy (Venice, 13-14 October), as well as in Turkey later this year.

3. Awareness-raising/Dosta! campaign "Go beyond prejudice, meet the Roma!"

Awareness-raising activities combating prejudices and stereotypes against Roma are being pursued, in particular by building on the good past experience of running the **Dosta! campaign**. A new Dosta! multilingual website⁵ is now operational. It includes all multimedia and visibility material and a forum accessible to visitors. The new website gives the possibility to national Dosta! partners to post information about Dosta! activities/events in their own language. In February 2011, the Dosta! campaign was launched in Greece, under the responsibility of the Ministry of Education.

4. Mainstreaming Roma issues in general human rights capacity building

The Council of Europe European Programme for Human Rights Education for Legal Professionals (the HELP II Programme) has developed a wide range of substantive and methodological resources for ECHR training, including on the non-discrimination clauses, which is available in English, French, German, Russian and Serbian on the HELP website (www.coe.int/help). Recently, the Programme has commissioned a case study specifically dealing with Roma issues, which will be translated into eight languages. This case study will then be used in human rights training activities organised by the Council of Europe (Directorate General of Human Rights and Legal Affairs), and by judicial training institutions. It is also available for use by any other interested organisation. As a further example of mainstreaming, the training for judges to be organised under the Joint Programme between the European Union and the Council of Europe entitled "Transparency and efficiency of the judicial system of Ukraine" (TEJSU) will include seminars on the protection of Roma rights under the ECHR.

5. Reference tools

The Council of Europe has recently updated its glossary on Roma-related terminology (a transversal initiative between staff members of the Council of Europe Translation Department and of the Support Team of the SRSG for Roma issues). It also regularly updates a table of Roma population census figures and estimates in European countries. Both documents have become reference tools, not only internally but also for journalists and international organisations, in particular the European Union⁶.

II - ANALYSIS AND EXCHANGE OF POLICIES AND GOOD PRACTICES ON ROMA IN MEMBER STATES

1. Database on policies and good practices: A new Council of Europe Roma Portal has been operational⁷ since early September; it reflects the transversal approach decided at the High-Level meeting and includes *inter alia* a link to all Romarelated texts adopted by various Council of Europe bodies, as well as updated information concerning various CoE Romarelated projects. As part of that Portal, the database should be operational by the end of 2011. Examples of policies and good practices are at present being collected for this database in co-operation with member states, the Congress of Local and Regional Authorities, the Office of the Commissioner for Human Rights, and international partners such as the Decade for Roma Inclusion, FRA, OSCE ODIHR, etc.

⁵ www.dosta.org

⁶ The April 2011 Communication of the European Commission "An European Framework for National Roma Integration Strategies up to 2020" (COM(2011)173/3) contains an annex with population figures on the basis of data assembled by the Council of Europe.

⁷ www.coe.int/roma

2. Ad hoc Committee of Experts on Roma issues (CAHROM): following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the CM. The terms of reference place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. International governmental organisations, the European Roma and Travellers Forum and other relevant (Roma) non-governmental organisations are associated as observers to the CAHROM.

III - TRANSVERSALITY AND COORDINATION

1. Transversality and coordination within the Council of Europe

The human rights dimension

European Court of Human Rights

The European Court of Human Rights continues to receive applications alleging violation of the European Convention on Human Rights (ECHR) in respect of Roma. In the reference period the Court delivered judgement in the following cases: *Mizigarova v. Slovakia*, no 74832/01, 14 December 2010 (death and lack of effective investigation, violation of Article 2); *Dimitrova and Others v. Bulgaria*, no. 44862/04, 27 January 2011 (lack of an effective investigation into the death of a young man of Roma origin following a fight in which he was involved, violation of Article 2); *Soare v. Romania*, no. 24329/02, 22 February 2011 (excessive use of police force against a young Roma man, violation of Articles 2, 3 and 13); *Seidova v. Bulgaria*, no. 310/04, 18 November 2010 (lack of an effective investigation into the circumstances of the death of the applicants' close relative, who was shot dead while stealing onions from a field, violation of Article 2 – lack of an effective investigation); *Seferovic v. Italy*, no. 12921/04, 8 February 2011 (unlawful detention pending deportation of a Roma woman who had recently given birth, violation of Article 5 § 1 (f) and Article 5 § 5 - right to liberty and security).

On 22 March 2011, a Chamber of Section IV heard the *V.C. v. Slovakia*, no. 18968/07 case concerning the allegedly forced sterilisation of Roma women. On 13 April 2011, the Grand Chamber of the Court held a hearing in the case of *Aksu v. Turkey*, nos. 4149/04 and 41029/04. The applicant is of Roma origin and alleges that two government-funded publications included remarks and expressions that reflected anti-Roma sentiment.

Execution of European Court of Human Rights' judgments

An increasing number of judgments of the European Court of Human Rights (the Court) concerns violations of the ECHR in respect of Roma. The main judgments under execution supervision to ensure that violations committed are not repeated and that applicants obtain redress relate to:

- Failures by the Authorities to protect Roma from violence both from police and civilians and failures to investigate racial motives of attacks, and to provide redress (judgments against Bulgaria, Greece, Hungary, Romania and "the former Yugoslav Republic of Macedonia").
- Discriminatory treatment of Roma children as regards schooling (Croatia, Czech Republic and Greece).
- Discriminatory treatment against people of Roma or Jewish origin in standing for election (Bosnia and Herzegovina).
- Refusal to grant a pension to a Roma widow (Spain).
- Refusal to suspend a sentence on account of the accused's Roma origin (Bulgaria).

The execution of all cases is followed closely by the Committee of Ministers and important progress has been noted in relation to several violations.

European Social Charter (ESC)

Three new collective complaints concerning rights of Roma have been registered during the period concerned: *Centre on Housing Rights and Evictions (COHRE) v. France*; Complaint No 63/2010 (registered on 15 November 2010); *European Roma and Travellers Forum (ERTF) v. France*, Complaint No 64/2010 (registered on 28 January 2011) *and Médecins du Monde International v. France* (registered on 19 April 2011)⁸.

The examination of national reports which takes place in 2011 (publication late 2011/early 2012) concerning "children, families and migrants" (including the right to housing) will touch upon Roma rights.

European Commission against racism and intolerance (ECRI)

During the reference period, ECRI delegations visited Iceland, Italy, Latvia, Lithuania, Luxembourg and Montenegro, Sweden and Ukraine. ECRI published country reports on Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Lithuania, Monaco, Serbia, Spain and Turkey.

On 21 March 2011 the Chair of ECRI together with the Directors of ODIHR and FRA issued a joint statement on the occasion of the international day for the elimination of racial discrimination, which stressed that "the Roma are the ethnic group most discriminated against across Europe" and drew attention to "recurring forms of stigmatisation of Roma communities in public discourse".

Early 2011, a working group set up by ECRI finalised a draft General Policy Recommendation on anti-Gypsyism and discrimination against Roma. In the preparatory phase it consulted all partner IGOs (including ODIHR and FRA) and 77 NGOs. ECRI adopted this General Policy Recommendation during its 55th plenary meeting (21-24 June 2011). Following its adoption by the Committee of Ministers, ECRI officially launched its guidelines for governments to combat anti-Gypsyism in Brussels on 19 September, in the presence of the Special Representative of the Secretary General for Roma Issues.

The Council of Europe Commissioner for Human Rights

The Commissioner's work on Roma in the reference period and in the rest of 2011 include: 1) the continuing focus on the human rights of Roma in the context of his country monitoring and thematic work; and 2) the preparation of a report on the human rights situation of Roma in the member states of the Council of Europe.

Regarding the first aspect, the main specific areas which will continue to be in focus comprise: anti-Gypsyism (including the use of stigmatising rhetoric in public and political discourse and the need to promote Roma history and culture); housing and evictions, hate crimes; the human rights of Roma migrating in Europe; forced or other returns of Roma, Ashkali and Egyptians to Kosovo*; statelessness, including lack of personal identification documents; and the need for de-segregated, quality education for Roma children.

These topics will be dealt with in both the Commissioner's country monitoring work and thematic work. As part of the former, in the reference period the Commissioner published reports on Armenia, Bosnia and Herzegovina, Czech Republic, Georgia, Ireland, Italy, Malta and Turkey, as well as letters he addressed to the Bulgarian, Romanian, German, Slovenian and Spanish authorities. In September the Commissioner presented his second quaterly activity report (1 April-30 June 2011) to the Committee of Ministers which included his assessment of the situation of Roma in Italy, Serbia, Slovenia, and Spain.

⁸ For further details, consult the factsheet "The European Social Charter and Roma Rights" at http://www.coe.int/t/dghl/monitoring/socialcharter/Theme%20factsheets/RomaRightsIndex_en.asp

^{*} See footnote 6 on page 3.

The report on the human rights situation of Roma and Travellers, which is under preparation, was commissioned by the Commissioner to identify possible gaps in the enjoyment by Roma of human rights guaranteed by international and Council of Europe standards and serve as a baseline study to bring about improvements at national, regional or local level. This report will be published early 2012.

Gender equality: Roma women

In early 2011, the Support Team of the Special Representative for Roma Issues, in co-operation with the Directorate of Culture, began a partnership with Advocacy Project to help Roma women tell their story through quilting. Helped by an artist, eight Roma women completed a quilt for the 2011 Biennale in Venice. The quilt was exhibited in the Roma Pavilion, along with the works of 16 Roma artists and was launched at Venice Biennale in the presence of the Deputy Secretary General of the Council of Europe, Maud De Boer-Buquicchio. This Quilt will be also exhibited by the Strasbourg municipality during the Summit of Mayors on Roma Issues in September. Advocacy Project is working on similar Roma women's quilts in the Czech Republic and Kosovo.

The 4th International Congress gathering Roma women from all Council of Europe member states, with additional participation from Latin America, North Africa and the Middle East, organised in co-operation between the Council of Europe and the Spanish Ministry of Social Affairs, will take place in Granada, Spain, on 24-25 October 2011. Roma women will address issues affecting their full access to human rights such as gender inequalities, early marriages and forced sterilisation.

The local dimension

The Congress of Local and Regional Authorities of the Council of Europe

In February, the Congress, together with the SRSG Support Team, launched the 3rd edition of the Dostal-Congress Prize for Municipalities, which is awarded for innovative municipal projects promoting Roma integration, combating discrimination and prejudices against Roma, and raising awareness of the Roma culture and rights. The award ceremony is scheduled to take place on 19 October during the Congress' 21st session (Strasbourg, 18-20 October 2011).

On 22 March 2011, during its 20th session in Strasbourg, the Congress held a current affairs' debate on the situation of Roma: a challenge for local and regional authorities. The Congress' Current Affairs Committee, meeting in Strasbourg on 23 March 2011, decided to prepare a report on the situation of Roma, with specific recommendations addressed to both local and regional authorities and national governments on ways of promoting and improving Roma integration. The report is scheduled to be prepared for debate by the Congress during its 21st session in October 2011.

On 22 September, a Summit of Mayors on Roma Issues under the theme "Building mutual trust at the grassroots" was organised in Strasbourg by the Congress of Local and Regional Authorities in co-operation with the SRSG for Roma Issues and in partnership with the City of Strasbourg and the Strasbourg Club municipal network. This Summit brought together representatives of municipalities, regions and networks actively addressing the situation of Roma or interested in becoming involved, Roma organisations and elected representatives, as well as other institutions concerned with this situation. A Declaration was adopted at the Summit and is available on the websites of the Congress and the SRSG Support Team for Roma Issues. A tangible result is the decision to create an Alliance of Cities and Regions for Roma Inclusion, as a key tool for increasing local and regional capacities in this area.

Education, Culture, Youth and Children

Several relevant projects are being carried out by the Directorate General of Education, Culture and Heritage, Youth and Sport:

- the Roma Routes project is part of the Cultural Routes of the Council of Europe. This project (June 2010 – May 2012), funded by the EU, is made up of a partnership of heritage organisations, including museums and local government supportive of museums and members of the Roma community (United Kingdom, Germany, Greece,

Romania and Slovenia). The heritage partners and Roma representatives plan to explore, celebrate and develop best practice in making Roma culture visible across Europe. Many cultural events will take place in the coming months and the Roma Routes website was launched in April 2011;

- the Roma Academic Network on Romani Studies, a Joint Action of the Council of Europe and the European Union, seeks to facilitate intercultural dialogue and support efforts towards the social inclusion of the Roma population in Europe. The project will raise the visibility of existing research and foster co-operation with policymakers, by providing evidence for better conceived policy initiatives. One of its key roles will be to provide references and guidance to policymakers and young researchers. The network which involves recognised academics working on Romani studies, as well as junior researchers, held its first meeting in Paris in June. It will establish close co-operation with civil society organisations and policymakers;
- in the framework of the transversal programme on the **remembrance of the Holocaust**, the Roma genocide is duly integrated and Roma survivors are invited to give testimony either in European workshops with teachers and teacher trainers or in high level events. On 2 August, the Council of Europe Secretary General made a statement to commemorate the genocide of the Roma (Samudaripen/Pharrajimos);
- in a joint project with the EU, a **Roma Pavillion** was set up at the **Venice Biennale**, with an exhibition of Roma artists and a platform for testimonies on injustices suffered by the Roma (see above the Roma women's Quilt project);
- a **two-year youth project** comprising a training course for Roma youth leaders and facilitators in human rights education (2011), a training workshop for (young) Roma journalists, particularly targeted at those working with radio broadcasting and new media, a study session at the European Youth Centre on the social inclusion of young Roma (2011), as well as the dissemination of human-rights education and training materials in Romani language;
- as of 2011, the priorities for **pilot projects on human rights education** supported through the European Youth Foundation (EYF) include a specific reference to Roma ("initiatives addressing situations of exclusion and discrimination of Roma young people using a human rights education approach");
- in the framework of its pan-European programme to promote diversity and fighting against discrimination, the Enlarged Partial Agreement on Sport (EPAS) has invited representatives of the Roma minority to its previous conferences and seminars, in particular those organised in the Western Balkans. These regional seminars aimed at discussing the role of sport in promoting intercultural dialogue and favouring the inclusion of minorities in society; including the fight against prejudices and stereotypes against Roma. The co-operation between the EPAS and the Football against Racism in Europe (FARE) network will be pursued in 2011 and 2012 in the Western Balkans, with a particular focus on supporting the inclusion of Roma as well as increasing the access of Roma population in sport activities.

Co-operation has been initiated between the Roma Programme and the similarly transversal Council of Europe programme "Building a Europe for and with Children". In the short term, this will result in the translation into the Romani language of several existing child-friendly materials developed under the Children programme. For the medium term, the current preparations for a Council of Europe Children Strategy 2012-2015 provide a timely opportunity for further mainstreaming issues relating to Roma children.

Apart from the above-mentioned activities, other avenues of transversal co-operation have been pursued by the SRSG and relevant Council of Europe sectors, including the organisation of a transversal Experts' Meeting on "Effective strategies to end or prevent segregation of Roma children in education" held in Strasbourg on 5-6 September involving inter alia experts from the Steering Committee on Education (CDED) and the CAHROM.

The Council of Europe (Directorate of Youth and Sport in co-operation with the SRSG Roma Team) is also organising a Roma Youth Conference in Strasbourg on 27-30 September 2011, in order to consult Roma young people and Roma youth organisations about the strategic priorities of the Council of Europe youth policy regarding Roma and to support the further development of Roma youth organisations. This will also give an important opportunity to young Roma to examine how their organisations can contribute to the implementation of the Strasbourg Declaration on Roma.

Parliamentary Assembly

In Resolution 1740 (2010) on "The situation of Roma in Europe and relevant activities of the Council of Europe", the **Parliamentary Assembly** resolved to propose a co-operation agreement to the ERTF.

The Parliamentary Assembly is addressing Roma issues in various other ways.

Reports on specific issues: on 12 November 2010, the Standing Committee adopted Resolution 1768 (2010) and Recommendation 1941 (2010) on Roma asylum seekers in Europe. As a follow-up to PACE Resolution 1760 (2010) on the Recent rise in national security discourse in Europe: the case of Roma, the Committee on Migration, Refugees and Population is currently preparing a report on "The situation of Roma in Europe: movement and migration".

Several other reports are currently being prepared where Roma issues, where relevant, may be included in a mainstreamed perspective, including⁹: trafficking of migrants workers for forced labour: time for a closer look; the portrayal of migrants and refugees in election campaigns; the situation in Kosovo*; access to nationality; drafting an additional protocol to the ECHR: basic standards for national minorities; putting an end to coercive sterilisations and castrations; the right of everyone to take part in cultural life; families' freedom of choice in education in each member state; fighting the global backlash against women's human rights.

Council of Europe Development Bank (CEB)

The CEB is actively involved in operations aimed at improving the living conditions of the Roma, in the form of loans, but also grants. The CEB benefits from fruitful co-operation with the Council of Europe, the World Bank, the European Commission and the specialised agencies of the United Nations".

2. Co-operation and coordination with third parties

The Council of Europe, represented by the SRSG on Roma issues, attended a number of national and international events to foster co-operation between the Council of Europe and national authorities and international governmental and non-governmental organisations. Examples of co-operation are the following:

The SRSG attended and addressed the 4th and 5th meetings of the European Platform for Roma Inclusion, organised by the European Commission, on 13 December 2010, and on 8 April 2011, respectively. These meetings, organised around specific Roma-related themes (education at the 4th meeting, integration strategies at the 5th meeting), are attended by all inter-governmental organisations and institutions and several NGOs.

Together with the Presidency of the European Union, the Council of Europe SRSG convened two meetings of the Informal Contact Group of international inter-governmental organisations and institutions and non-governmental organisations dealing with Roma issues (ICG) – on 1 December 2010 under the Belgian Presidency, and on 18 February 2011, under the Hungarian Presidency.

The European Parliament held a hearing on an EU strategy on Roma Inclusion on 30 November – 1 December 2010. A member of the Council of Europe SRSG Roma Support Team addressed the hearing on the conclusions of the High-level meeting.

In January the Director of Education represented the Council of Europe at the EU's European Economic and Social Committee (EESC) Hearing on Education and Training: Tools for Roma Education. The rapporteur in charge of drafting an opinion by the EESC on Roma questions visited the Council of Europe to meet the Director of Education and the SRSG. As a result, the Committee became a member of International Task Force for the Education of Roma (ITFER), initiated by the Council of Europe and the OSCE/ODIHR in 2009, now has ten members (Council of Europe, OSCE/ODIHR, European Commission, UNESCO, UNICEF,

⁹ See also Dick Marty's report on Inhuman treatment of people and illicit trafficking in human organs in Kosovo; the victims of these practices are likely to include Roma from Kosovo. See Doc. 12462.

^{*} See footnote 8 on page 3.

Roma Education Fund, Open Society Institute, International Step by Step Associations, European Wergeland Centre and the European Economic and Social Committee). The EU Fundamental Rights Agency (FRA) was invited to join ITFER.

As a result of interinstitutional co-operation, the Council of Europe (DGIV) has developed in close co-operation with OSCE/ODIHR an internet site on the Roma genocide (http://www.romagenocide.org). The website, officially launched in Cracow, Poland, on 1 August 2011, comprises a data base on the Roma genocide, with a virtual library of the best-known and most useful publications, and an interactive map on which countries can indicate their special/distinctive features at national level. The website also provides information on curricula, available teaching materials, school textbooks, places of remembrance, and innovative practices introduced by ministries, civil society, international organisations, museums and schools.

Other examples of inter-institutional co-operation under way are the production of a kit for early childhood care and education, comprising a pedagogical kit produced by the Council of Europe, a study on the situation of preschool attendance of Roma children carried out by OSCE/ODIHR and a publication with guidelines for preschool education jointly produced by the Council of Europe and UNESCO.