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## EUROPEAN ROMA AND TRAVELLERS FORUM (ERTF)<sup>1</sup>

Working session 16 Specifically selected topic: Roma and Sinti  
**Roma and Sinti participation in public and political life**

Allow me to first thank on behalf of Roma and Travellers Forum, the OSCE ODIHR for its devoted work and 15 year long monitoring of the implementation of the recommendations directed to OSCE participating States on the Roma and Sinti Action Plan and in particular to its current Third Status Report. Despite of small steps taken forward by some participating States, in the five year period since the last Status Report and the increased international recognition of the need to increase Roma and Sinti participation in public and political life it has continued to go hand-in-hand with the economic impoverishment of marginalised Roma communities and a rise in anti-Roma racism in many participating States, particularly those with significant Roma populations.

In the last few years this was prompted by the rhetoric of radical populist scapegoating of vulnerable groups, primarily asylum - seekers but also Roma and Sinti, among others. In addition to violent hate crime, biased rhetoric and intensification of anti-gypsy/anti-ziganistic sentiment, Roma continue to be subject to every-day racism and institutional discrimination that impinges on their fundamental rights and dignity, as the Third Status Report rightly states.

According to ERTF member organisations field monitoring reports, more than 115 pogroms were committed against Roma during the past five years. Each and every day Roma women and children become victims of racist violence and hate mongering by the media and politicians. The number of violent attacks against Roma as well as the number of injured Roma is too numerous to count. Since year 2000, more than 1,500 Roma in Europe have been murdered because of their ethnicity, as victims of ultra-nationalistic actions and violent anti-ziganistic attacks. **Anti-Gypsyism is one of the main reasons why their general situation is not improving**, apart from small instances of progress in some countries. Anti-Gypsyist policies harm inclusion efforts as deeply rooted stereotypes prevent politicians from

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<sup>1</sup> The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

committing to Roma and Traveller inclusion policies on all levels. Therefore the European Roma and Travellers Forum are supporting the findings presented in the Third Status Report to the participating States and calls upon the participating OSCE States to denounce and eliminate:

- racist violence and all forms of antigypsyism/anti-ziganism against Roma women, children and/or towards entire Roma communities;
- forced evictions of Roma without providing any alternative accommodation;
- denounce and sanction populism and stereotyping of Roma and Sinti;

According to last year 2018 Central Council of German Sinti and Roma statement a recent European Parliament resolution highlights the devastating impact of antigypsyism on the equal social and political participation of Roma and Sinti in Europe. This resolution of 25 October 2017 on “*Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism*”, calls upon the European Commission and EU Member States to put the fight against antigypsyism **at the forefront of efforts for the social and economic inclusion of Roma**. The resolution calls upon the EU and Member States to establish a European, as well as national **Truth and Reconciliation Commissions** to acknowledge the persecution, exclusion and disownment of Roma throughout the centuries and to document these in an official white paper.

Related to our topic today on political participation of Roma and Sinti we have to acknowledge the fact that the 10 — 12 million European Roma and Sinti populations stays still far away from democratic public participation and political representation. And when we add on that, the fact that there is a fundamental lack of Roma civil society involvement and less opportunity than 10 years ago, to have their say, as civil society stakeholders, in Roma related policy making in European societies, it shows to us a huge development challenge, which we have in front of us when speaking about participation of Roma and Sinti in political and public affairs. This mountain can not be overcome by wellmeaning words and useless paper production.

**It demands a) positive narratives, b) strong and comprehensive policies to combat structural racism and antigypsyism, c) measure progress towards equality, d) end State discrimination and violence against Roma Sinti and other minorities, e) promote remembrance and f) redress for histories of enslavement and holocaust of Roma and Sinti.**

#### **The Roma and Travellers Forum calls upon the OSCE Participating States:**

1. To follow the Council of Europe and European Union to recognize antigypsyism as a specific form of racism, which constitutes the root cause of the exclusion of Roma and Sinti and a key barrier to their political participation;
2. To adopt a Ministerial Council decision that strengthens the mandate of ODIHR to monitor and combat antigypsyism and to enhance the political participation of Roma and Sinti as key priorities for an effective implementation of the OSCE Action Plan for Improving the Situation of Roma and Sinti;
3. To monitor antigypsyism as part of the OSCE election observation missions, and to respond with its institutions.

#### **The European Roma and Travellers calls upon the OSCE Participating States**

4. To establish national Truth and Reconciliation Commissions, or Expert Commissions on Antigypsyism in order to analyse the long-lasting, structural barriers to the equal public and political participation of Roma and Sinti, and in order to develop counter-strategies;
5. To sanction antigypsyism as well as antisemitism with all available legal and political tools.

**The European Roma and Travellers calls upon the OSCE Parliamentary Assembly, Members of Parliament of the Participating States and political parties**

6. To endorse and respect the revised Charter of European Political Parties for a Non-Racist Society;
7. To establish a Parliamentary Coalition for Combating Antigypsyism in order to confront antigypsyism by condemning prejudice, discrimination, hate speech and hate crimes in the public discourse, in particular by refraining from and condemning stigmatization of Roma and Sinti during electoral campaigns;
8. To strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma civil society; also by reaching out to Roma to be politically active and to become members and candidates of political parties.

(End of oral presentation, continuation more detailed written recommendations)

**Roma and Sinti Participation in public and political life**

**Recommendations**

1. Member states should consider setting strong quota laws or parity systems (with high quota percentage, rank order rules, strict sanctions). More political parties should design measures to promote minorities' participation, including Roma, Sinti and Traveller, in elections, including through the inclusion of quotas. Quotas are a powerful tool to achieve better political representation.
2. Electoral systems and the geographical boundaries of electoral constituencies matter. Proportional electoral systems with closed lists have shown to increase in particular women's political representation, and countries should consider switching to such systems.
3. To promote minority participation, the legal threshold for parties under proportionate representation systems should be low enough.
4. Voting mechanisms should be designed to provide the possibility for Roma and Traveller to be voted all over the country in those countries where the minorities are scattered.
5. Funding should be made available for socially excluded Roma, Sinti and Traveller who want to campaign in elections. In every country where there is a law regarding the use of election funding, financial resources should be available also to the Roma and Traveller candidates in equal proportion.
6. Measures should be put in place to encourage Roma, Sinti and Traveller to enter the world of politics, through training, mentorship, career advising and peer networking. Political parties, international organisations, governmental and European representatives should train

Roma and Traveller, including women, to stand for political office, by facilitating mentorship programmes for Roma and Sinti (utilising existing role models from within the Roma and Sinti communities and mainstream politicians), by supporting exchange of expertise between Roma, Sinti and Traveller in politics but also with other groups representing diverse community interests or the mainstream. Support should be given on longer-term and in consistent manner, building on experiences, which led to effective participation.

7. International organisations, governments, civil society, practitioners and academics should invest in the capacity building of Roma, Sinti and Traveller women. In addition to designing specific initiatives, where needed, it is important to ensure that Roma, Sinti and Traveller have access to capacity building initiatives that exist at national level, as well as access to resources. Women's organisations and feminist parties should examine their own agendas and practices to ensure that Roma, Sinti and Traveller women's issue are included in the women's movements and political agenda.

9. Action should be taken to train leaders and executives of political parties, as well as the bodies responsible for choosing the candidates for elections, so they can reflect on their party's structure and address gender biases in the functioning, recruitment and selection practices in order to become inclusive, including by adopting strong political party quotas.

10. Participation of Roma and Sinti should be promoted in all decision-making bodies and administrative structures that affect their lives, including national and local government structures, law enforcement bodies and the judiciary.

11. Participation of Roma and Travellers, especially young people and women, as voters should be increased in order to act as a powerful electoral constituency.

13. One way to support Roma and Sinti's political participation, in particular women, is to support the education/training of voters and sensitisation campaigns targeting women by addressing family (group) voting and securing that women can take an informed, free and secret choice for casting the ballot, and by taking actions against vote manipulation and vote buying.

14. Action needs to be taken to eradicate obstacles facing Roma and Travellers, including women, to fully exercise their electoral rights, by ensuring that all Roma, Sinti and Travellers have identity documents and are included in the voters' registration list. The travelling way of life of some communities should also be taken into consideration and appropriate measures taken to ensure the exercise of their electoral rights.

15. Roma, Sinti and Traveller candidates should also be supported after their election.

16. Measures to increase Roma and Sinti's political participation should be embedded in a larger national equality strategy, which should also include actions to overcome gender stereotypes in society and in Roma and Sinti communities, and support for the reconciliation of family and work. Furthermore, all Roma-related policies, frameworks and programmes at international, European, national and local level should integrate a strong gender mainstreaming component.

17. There is still a pressing need to collect data about Roma, Sinti and Traveller participation in political life. More research is needed, such as a report on the impact of electoral systems on their representation in politics.

18. Awareness should be raised among the media and the general public about the importance of having balanced participation in political and public decision-making, and the obstacles faced by minorities, including Roma and Sinti men and women, so that positive actions are supported as long as necessary.

19. Awareness should be raised among political parties, media and the general public on the importance of language in reproducing, but also in countering racist and sexist mind-sets.

20. International organisations, governments, political parties and civil society should design actions aimed at engaging Roma and Sinti women, girls and youth so that they consider political careers, including through role models and networking.

21. Partnerships and co-ordination between and within governments, civil society, international organisations, media, political parties, practitioners and researchers are critical to the success of efforts to tackle the democratic deficit resulting from the unbalanced and severe under-representation of Roma and Sinti, in the political decision-making processes.

22. All decision makers, including those in government and political parties, should make a strong commitment to balanced participation in political and public decisionmaking from a gender and minority perspectives, leading to appropriate measures in legislation, policies and practice.

Therefore, all political parties/groups in Europe should sign the “Pledge on political representation of Roma and Traveller women” launched at the Council of Europe’s 6 th International Roma Women Conference in Strasbourg on 6-7 November 2017. (available online at: <https://www.coe.int/en/web/portal/roma-women/>).

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Working session 17 Specifically selected topic: Roma and Sinti

**Housing and Living conditions, particularly relating to the situation of forced eviction and segregation of Roma and Sinti**

**Recommendations collected as coordinator by European Roma and Travellers Forum as an outcome of CoE Roma Civil Society Dialogue meetings**

1. Housing is a human right. International law enshrines this right and states that member states must work towards making sure everyone has access to adequate and affordable housing. Unfortunately, Roma and Sinti, are not able to benefit from their rights due to discrimination based on their ethnicity, social and economic status, and nomadic or semi nomadic way of life. When these multiple factors intersect, the disadvantage often creates institutional barriers that lead to entrenched poverty, segregation and homelessness.

2. The right to housing is connected to other fundamental rights. Affordable, adequate housing is a necessity for everyone in Europe. There is an undeniable link between affordable and adequate housing and quality of life. Housing provides the foundation for interacting with the broader community and for general well-being, economic and social inclusion. Adequate housing facilitates access to suitable employment or occupation, community resources and support as well as educational opportunities for all citizens.

3. The current housing situation of Roma and Travellers constitutes a serious problem and needs to be addressed through urgent action by member states, international organisations, EU and UN agencies and local authorities in order to ensure equal treatment and foster social inclusion. In this regard, the active participation of Roma and Travellers at all stages of the development of housing policies, from planning, implementation to evaluation and review, national, regional and local level, is essential. Furthermore, efforts to improve equal treatment and foster social inclusion need to actively combat residential segregation. As evidenced by all recent monitoring reports, segregation is still evident in many European states. Furthermore, some housing projects targeting Roma and Travellers maintain or further the isolation and segregation of these communities, or do not take sufficient account of the nomadic or semi-nomadic way of life. Segregation and/or inadequate housing and accommodation can limit the access to education, employment and health care for many Roma and Travellers. In countries with a substantial Traveller community, the shortage and/or inadequacy of permanent and transient halting sites and pitches is tangible, despite the implementation of relevant programmes. The most commonly cited reasons are the difficulties of finding suitable land plots as well as financial resources, yet one of the strongest elements appears to be the opposition of non-Travellers in the locality. In addition to the lack of sites, there are also instances of regulations in some member states which create specific obstacles for Travellers and their mobile accommodations to use sites, to have the right to halt where needed for occupational, personal or family activity, and/or to obtain planning permission on their private land. The fact that mobile accommodation and the nomadic way of life are refused prevents equal rights and status with mainstream housing and sedentary way of life, which entails both direct and structural discrimination. In some member states, legal means to provide security and protection against forced evictions of vulnerable groups and families are missing. National legislation does not envisage alternative housing as a preventive measure in cases of eviction. Thus, the requirement of balance between personal and public interests is not met.

4. Housing is more than just a roof over the head. A shelter is not a home. Quality houses within neighbourhoods are important aspects of a community. Families grow up best in well-structured communities with access to services and amenities. Lack of security of tenure is a particularly acute problem for Roma and Traveller communities living in informal settlements or in rented accommodation. Persons living in informal settlements are particularly vulnerable to forced evictions. There are instances of forced evictions of Roma from municipal accommodation, including evictions of Roma who are regular rent payers, evictions without prior notice, evictions without genuine consultation with the affected communities, and evictions involving police violence and destruction of personal property. There are cases where authorities fail. Council of Europe member states need to ensure that Roma and Travellers have security of tenure, available services and infrastructure; that their housing is adequate, affordable, habitable and accessible; and that they live in an adequate location and culturally appropriate homes. Member states should provide without undue delay potable water, electricity, waste removal, public transportation, road provision, and other

infrastructure to Roma settlements and Traveller sites lacking any of these facilities. The quality of housing of Roma and Travellers needs to be constantly monitored and improved. Member states should affirm the right of people to pursue sedentary or nomadic way of life, according to their own free choice. In order to ensure equal treatment all conditions necessary to pursue these lifestyles should be made available to them by the national, regional and local authorities in accordance with the resources available and within the legal framework relating to building, planning and access to private land.

5. Fighting anti-Gypsyism, discrimination and residential segregation should form part of any housing strategy. The main reason for the substandard housing conditions of Roma and Travellers is racial discrimination, both direct and indirect. Sometimes local authorities deny access to social housing through measures that are directly or indirectly discriminatory against Roma and Travellers. Landlords sometimes refuse to let housing to Roma even if the accommodation is sought by the welfare services.

6. Closing the gap between legislation and its implementation on the ground should form part of local and national strategies on securing housing. National governments should recognise the multifaceted problem in housing provision encountered by local authorities and put in place measures that activate obligations in equal treatment and promote social inclusion practices. At the same time, they should monitor and sanction any directly or indirectly discriminatory practices undertaken at local level. Specialised bodies, e.g. equality bodies, have a particularly important role to play in ensuring that victims are provided with access to complaint mechanisms. Roma inclusion policy initiatives need to take account of the needs and circumstances of women and children from Roma and Traveller communities. They should address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.

## **Recommendations 2. on antigypsyism in housing**

1. Anti-Gypsyism and structural discrimination are the roots to those barriers that inhibit Roma and Travellers from accessing their right to decent housing. Even when Roma and Travellers can access housing, they are often the victims of residential segregation. Therefore, there is a need for institutional recognition of anti-Gypsyism and anti-nomadism, which should be recognised within the legal arguments of rights claims and remedies, and on an equal basis with anti-Semitism.

2. Adequate housing/accommodation for Travellers is intrinsically linked to the right to pursue a nomadic or semi-nomadic way of life. National and local authorities should refrain from applying policies, legislations or practices leading to induced or forced sedentarisation of nomadic or semi-nomadic citizens, as well as refrain from general off-limit policies addressing mobile accommodation. Halting and stopping of Traveller mobile accommodations should be authorized throughout the national territories except in specifically forbidden areas. Access to quality education and training, as well as health care services should not be conditioned by mandatory prolonged settlement but adapted to a nomadic or semi-nomadic way of life. The legal protection and the notion of decent housing applied to brick and mortar dwellings should be extended to other homes, namely traveller mobile accommodation.

3. Securing access to all rights, including access to housing and decent living conditions, can only be achieved through political commitment and stronger tools for rights defenders to

enforce the laws and standards. Even when court judgements are made, there is a weakness of enforcement. There is an urgent need for the appointment of an EU Ombudsman for Roma and Traveller Rights and a Special Representative of the Secretary General of the Council of Europe for Roma Issues as political representatives and promoters of Roma equality.

4. The Council of Europe through its legal instruments and bodies such as the European Court of Human Rights and the European Committee for Social Rights, as well as its other monitoring bodies, should recognise antiGypsyism and anti-nomadism within their mandate. In particular, the ECtHR should incorporate the term antiGypsyism and evoke Article 14 while examining applications from Roma and Travellers.

5. The collective complaints mechanism of the European Social Charter is a dynamic human rights procedure which can bring to the surface the violation of Roma and Travellers' rights, particularly in the area of housing. Unfortunately, many member states have not yet ratified the additional protocol on the collective complaints procedure within the Charter. In a joint initiative, the European Roma and Travellers Forum (ERTF) and Caritas Europe should publish a statement and send to member states who have not yet ratified the collective complaints procedure. The European Social Charter Secretariat should publish the list of NGOs which can launch collective complaints.

6. As collective evictions are a serious human rights violation, there should be an alert system in place with emergency responses from the Council of Europe.

7. Roma and Traveller integration is a shared responsibility and all actors, including Roma and Traveller civil society, should take a vital role in it. It is important that civil society voices form part of the mandatory consultation process within the instruments of the Council of Europe. The Dialogue meetings between the Council of Europe and Roma and Traveller civil society should form part of a coherent strategy of incorporating their voice into the mandate of all sectors of the Council of Europe, thus ensuring a wider dialogue and a transversality of Roma and Traveller issues from a grassroots perspective.

8. Taking into consideration the shrinking financial capacities of member States to seek solutions to the housing and accommodation issues, Roma and Traveller NGOs should take on a more active role and mediate between Roma and Traveller communities and local/national authorities. To this effect, Roma and Traveller NGOs should receive financial and structured support.

9. Sharing best practices in housing and accommodation and its effects on its members should form part of the knowledge sharing practices of the Council of Europe. An innovative sharing mechanism should be developed for sharing best practices regarding Roma and Traveller family life issues. Existing tools for sharing good practices should be made more visible.

10. In order to increase the visibility of the work of Roma and Traveller civil society organisations, they should seek to become members of the Council of Europe INGO Conference by applying for 'participatory status' with the organisation.

11. Tenure security is connected to security of life choices. Roma and Traveller civil society should seek collaborative initiatives to support the legalisation of ownership of homes through various legal, technical support, financial and micro credit schemes.



12. Ensure relevant and effective mechanisms by the Council of Europe for adequate and timely implementation of decisions issued on the ground of article of the European Convention on Human Rights. In spite of the fact that a monitoring mechanism is in place, rulings and judgements are often not respected by member states. Efficient sanction mechanism should be put in place in order to secure adherence to judgements in cases of human rights violations.

13. A balanced position to overcoming housing segregation is required, ensuring the protection of the right of communities to reside/live together, if this is their desire. However, establishing active measures to improve access to public services and social as well as technical infrastructure should not be directed towards further segregation.

14. Policy development regarding housing conditions for Roma and Traveller communities should take place at European level in addition to the national level. Thus, the opportunity to replicate successful practices of different countries in the framework of Council of Europe member states would be enforced.

15. Housing solutions should work to overcome cost and spatial inequalities. This requires both policy change and investment. The Council of Europe Development Bank (CEB) should prioritise Roma and Traveller issues into its housing projects by targeting investment access to property ownership, rented accommodation and urban renewal through municipal housing-related infrastructure.