



OSCE Human Dimension Implementation Conference

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Working session 15: Tolerance and non-discrimination, including Roma and Sinti issues, including: Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

Contribution of the Council of Europe

Roma Youth Action Plan

The **Roma Youth Action Plan** is the Council of Europe's response to the challenges faced by young Roma people in Europe, particularly in relation to their empowerment and participation in policy and decision-making processes and structures at European level, as well as the realities of discrimination and particularly the anti-Gypsyism with which they are confronted. The project aims to improve the participation of young Roma in youth and Roma-related policies from European to local level, by initiating programmes and projects to combat discrimination and enable the involvement of young Roma people in all matters that concern them.

The project includes activities of the Youth Department and of other sectors of the Council of Europe as well as activities by other partners – intergovernmental and non-governmental – co-operating with the Council of Europe in order to secure maximum impact and avoid duplication.

In March 2016, the Joint Council on Youth – as the central decision-making body of the Youth Department's co-management system – adopted the new [*Guidelines for the Implementation of the Roma Youth Action Plan 2016-2020*](#). The Plan provides the project's strategic orientations, priority areas and main approaches for the upcoming implementation period. The revised orientations give priority to local and national level Roma youth participation processes.

In October, 2015 a second Roma Youth Conference was organised by the Youth Department to review the four years of experience of the project and to provide input to the future Roma youth agenda at local, national and European levels, including for the Roma Youth Action Plan. The conference gathered together 110 participants from 30 European countries, including around 80 Roma youth leaders and members of Roma youth organisations and around 30 representatives of international organisations. An overview of the debates and discussions, together with the resulting proposals are presented in the [conference's report](#). An [evaluation](#) of the impact of the Roma Youth Action Plan was finalised at the end of 2015.

For 2016, the Plan includes educational activities for youth organisations to disseminate manuals on combating anti-Gypsyism; study sessions organised in co-operation with Roma

youth organisations; and national and regional level youth meetings to support Roma youth mobilisation.

The following meetings will be organised in co-operation with national partners by the end of 2016:

National training course on the participation of young Roma people in Ukraine – the event is planned for 16-19 October 2016 and will bring together 30 participants to improve their competencies on the topic but also to explore possibilities, within the current general youth policy processes, to improve the participation of young Roma people at local and national levels;

Regional training course on combating anti-Gypsyism through human rights education and youth participation for youth leaders from Belarus, the Russian Federation and the Republic of Moldova – the event will bring together 25 Roma youth representatives and leaders in order to improve their competencies in combating discrimination and to address issues of participation. The event will be held in Ukraine and in parallel with the national training course in order to enable an exchange of information and improve networking among participants and organisations;

National training course on combating anti-Gypsyism through human rights education in Greece – the training course is planned for the end of November and aims to improve the competencies of 25 participants in addressing discrimination and anti-Gypsyism. The training course will complement national partners' work on anti-discrimination and make use of the Greek translation of "Mirrors – a manual on combating anti-Gypsyism through human rights education" which will be officially promoted during the training course;

National training course on combating anti-Gypsyism through human rights education for participants in Balkan countries – the training course is part of the work on raising awareness and improving understanding of the concept of anti-Gypsyism and the use of human rights-based methodologies to address these human rights violations. The course will be organised in parallel with the national training course in Greece in order to promote a better learning process among participants and organisations. The event will gather together 25 multipliers and educators.

A concept to establish a Roma Youth Academy is being developed within the frame of the Roma Youth Action Plan, the aim being to enhance the role of Roma youth leaders in democratic processes, to help them to become organised and to economically empower them. The Academy will train the emerging generation of Roma youth leaders at national and European levels. A consultative meeting with stakeholders and potential partners will be organised in November to further develop the initial concept.

A seminar on combating anti-Gypsyism through human rights education was organised in April 2015. The seminar included the official launch of the manual "Mirrors – a manual on combating anti-Gypsyism through human rights education". The seminar trained 30 multipliers, active in formal and non-formal education, in engaging young people to combat anti-Gypsyism.

A national-level seminar was held in Ukraine, 29 – 30 May 2015, which started the mobilisation of young Roma from various regions of Ukraine and created a link between Roma youth issues and youth policy development in Ukraine.

The Roma Youth Action Plan is run in close connection with other activities of the Council of Europe and of other stakeholders towards and with Roma youth. An Informal Contact Group meets at least once a year to develop a strategy based on the Action Plan's activities and other existing programmes and initiatives. The OSCE/ODIHR is invited to take part in the work of the Contact Group.

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European Academic Network on Romani Studies

The European 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, by offering an interface between academic researchers and political decision-makers. The project raises the visibility of existing research and fosters cooperation with policymakers in order to allow for the implementation of better conceived policy initiatives, based on reliable evidence. One of its key roles is thus to provide references and guidance to policymakers but also to young researchers, by mapping relevant research in the field of Romani studies and developing a scientifically reliable knowledge database on Roma.

Between June 2013 and May 2015, the project completed its second phase. Emphasis was on the facilitation of exchanges and the creation of an interface between the academic community and policy-making bodies, such as National Ministries of Education, Culture and Social Affairs of the European Union and the Council of Europe member States, international organisations, and other transnational actors in policy making. By also promoting and improving the existing resources on the European Roma communities, the Network shall ultimately allow for the implementation of better conceived policy initiatives based on reliable evidence.

As part of the 2013-2015 agenda, the Scientific Committee, as steering body of the network, held its 5th meeting on 25 and 26 September 2013 in Marseilles, France, followed by an academic seminar on the “European dimension of Roma Culture: scientific and political discourses”, involving approximately 40 experts, as well as a public conference, organised to disseminate the outcomes of the seminar to a wider audience.

During 2015 the following seminars were organised:

- *‘Roma as a political subject: Between Status, National Minority and Vulnerable Group’* Workshop in Bucharest, on 10-11 February 2015.
- *‘Safeguarding Roma children: is it a cultural problem?’* Workshop at the University of Manchester, on 25 February 2015;
- *‘Enhancing Roma Participation in Public Policy in the Slovak Republic’* workshop organised by the Centre for Research of Ethnicity and Culture (CVEK) from 26 to 27 February 2015 in Bratislava.
- *‘Pathways of Roma Housing Inclusion: Practices and Tools between Research and Policy’* The thematic Workshop organized on 19 and 20 March 2015 at the University of Turin.
- *‘Ciganos and education – Dialogue between Academics, Policy Makers, Policy Practitioners and Ciganos’* Workshop Lisbon, Portugal, 23-24 March 2015.
- *‘The Role of Informal Education in the Social Inclusion of Romani Children’* Workshop in Budapest, Hungary, on 24 March 2015.

On 22 April 2015 a final Network Showcase Event was organised in Strasbourg (<http://romanistudies.eu/news/final-showcase-event/>). The main aim was to present the achievements of the network to the broader public and to continue the dialogue with key stakeholders in the domain of Roma related policies within the Council of Europe and beyond. On the meeting agenda was a panel discussion focusing on two main questions: How can research benefit policy on Roma? How can Roma empowerment benefit from research? Presentations of exemplary case studies from the domain completed this session. In the concluding part of the event an open exchange workshop was organised involving all

participants to resume experiences and expectations on the interaction between research and policy making. The event was accompanied by a posted exhibition presenting the main project parameters and achievements in form of facts and figures.

Two relevant discussion threads have been extracted from the e-mail list archive edited and published for the general public on the website. The Newsletter of the Network is published periodically (4 issues have been circulated so far) and archived on the Network website. The implementation of the action plan adopted by the SC was evaluated at the 8th meeting of the SC (22 April 2015).

Grants to early career researchers were an important part of the 2014 work agenda. The grants offered will encourage young career researchers in Roma and Roma-related areas to travel, publish and participate in major international events.

In order to ensure the sustainability of the Network structures and functions the SC decided that the Network should remain open to new members. There is a systematic plan to preserve the legacy of the Network project by maintaining the domain as the property of the Council of Europe. The website, including the database of members, will continue to be hosted by the University of Manchester, and new membership applications are vetted by a group formed voluntarily among the SC members. The communication channels will be also maintained, and the Network will continue to encourage members to become engaged in policy relevant work and discussions to improve the Roma-related policies on all levels.

The communication platforms of the network have become significant visibility tools: the interactive website (<http://romanistudies.eu>) was renewed in the spring/summer of 2014 with improved access to the full list of more than 420 members of the network and their main publications. The site also offers a searchable database of experts as well as regularly updated news reports; the network page on the Council of Europe portal is also kept up to date (www.coe.int/romastudies); the email-group of the membership is used for internal discussions (romani_studies_network@yahoo.com); the Facebook page (www.facebook.com/romanistudies.eu) of the network has more than 1700 regular followers for dissemination of information to the wider public.

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The European Social Charter and Roma Rights

The European Social Charter lays down fundamental rights (related to housing, health, education, employment, social and legal protection and non-discrimination), which States Parties have undertaken to secure to nationals of the States Parties (43 out of the 47 member states). In addition, no one (i.e. including nationals of non-Council of Europe member states, persons in an irregular situation, undocumented persons and thus also Roma and Travelers falling within these categories) may be deprived of the rights under the Charter which are linked to life and dignity (e.g. urgent medical assistance should be granted to everyone; no one may be evicted, not even from an illegally occupied site, without respecting the dignity of the persons concerned and without alternative accommodation being made available; everyone has a right to shelter; everyone has a right to procedural safeguards in the event of expulsion, etc.).

The European Committee of Social Rights (“The Committee”) rules on the conformity of national law and practice with the Charter. The monitoring is carried out through two procedures:

- on the basis of regular reports submitted every year by States Party, the Committee adopts **conclusions**.
- on the basis of **collective complaints** that may be lodged by a series of actors against states having accepted the procedure, the Committee adopts decisions on the merits.

Within this context, in particular of the latter procedure (see section II), the Committee has been directly called upon to assess the situation of Roma and Travelers. To date, it has found violations of the rights of Roma and Travelers under **Articles 11, 13, 16, 17, 19, 30 and 31, as well as Article E** taken in conjunction with these Articles of the Charter (see section I below).

I. Overview of the violations of the rights of Roma and Travelers found under the European Social Charter

Article 11 – The right to protection of health

Part I: Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.

Part II: With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

1. To remove as far as possible the causes of ill-health;
2. To provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. To prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Violations of this right have been found on the grounds of failure of the authorities to take appropriate measures to address the exclusion, marginalization and environmental hazards which Romani communities are exposed to, as well as the problems encountered by many Roma in accessing health care services.

Article 13 – The right to social and medical assistance

Part I: Anyone without adequate resources has the right to social and medical assistance.

Part II: With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

[...]

Violations of this right have been found on the ground of denial of continued social assistance to persons in need, which resulted in depriving them of adequate resources to continue to live in a manner compatible with their human dignity.

Article 16 – The right of the family to social, legal, and economic protection

Part I: The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.

Part II: With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Violations of this right have been found on the grounds of:

- insufficient legal protection of Roma and Travelers' families due to the fact that their legal status is not ensured (lack of identity documents and/or birth certificates);
- discriminatory access in practice to social services, family benefits and housing;
- procedures of identification and census of Roma and Sinti were not accompanied by the due safeguards for privacy and against abuses, they instead amounted to an undue interference in the private and family life of the Roma and Sinti concerned.

Article 17 – The right of children and young persons to social, legal and economic protection

Part I: Children and young persons have the right to appropriate social, legal and economic protection.

Part II: With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organizations, to take all appropriate and necessary measures designed:

[...]

2. to provide children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Violations of this right have been found on the ground that while educational policies for Roma children may be accompanied by flexible structures to meet the diversity of the group and may take into account the fact that some groups live an itinerant or semi-itinerant life style, there should be no separate schools for Roma

Article 19 – The right of migrant workers and their families to protection and assistance

Part I: Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.

Part II: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. [...] to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

[...]

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters: [...]

c) accommodation;

[...]

8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

[...]

Violations of this Article have been found on the grounds of

- racist and/or misleading propaganda allowed by or emanating from public authorities,
- segregation and poor living conditions in camps and stopping places,
- *de facto* collective expulsions of Roma and Travelers migrants.

In the case of evictions and of racist propaganda, the fact that public authorities not only did not take appropriate action against the perpetrators of the violations found but also contributed to such violence, and the circumstance that the violations found were specifically targeting and affecting vulnerable groups amounts, according to the European Committee on Social Rights, to an “aggravated violation.”

Article 30 – The right to protection against poverty and social exclusion

Part I: Everyone has the right to protection against poverty and social exclusion.

Part II: With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a) to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b) to review these measures with a view to their adaptation if necessary.

Violations of this Article have been found on the grounds of

- failure to adopt a coordinated approach to promoting effective access to housing for persons who live or risk living in a situation of social exclusion,
- segregation, poverty and marginalization affecting most Roma and Sinti living in camps or similar settlements.

Article 31 – The right to housing

Part I: Everyone has the right to housing.

Part II: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

Violations of this right have been found, *inter alia*, on the grounds of:

- poor living conditions of Roma and Travelers in camps or stopping places,
 - the failure to create a sufficient number of stopping places for Travelers,
 - the carrying out of evictions without respecting the dignity of the persons concerned and without alternative accommodation being made available,
 - the lack of legal remedies and/or legal aid to those who need it to seek redress from the courts following evictions
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- the lack of adequate supply of affordable housing for persons with limited resources.

Article E – Non-discrimination

The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

As Article 14 of the ECHR, the function of Article E is to help secure the equal effective enjoyment of all the rights concerned regardless of difference.

As regards Roma, Sinti and/or Travellers, most of the violations found with regard to the rights mentioned above were also held to constitute racial discrimination or discrimination on the basis of ethnic origin.

II. Overview of the Collective Complaints concerning Roma and Travelers

Out of the 138 complaints registered to date, 20 concern the situation of Roma and Travellers directly. More detailed information on the collective complaints procedure can be obtained by using the following link: <http://www.coe.int/en/web/turin-european-social-charter/collective-complaints-procedure>

More general information on the European Social Charter can be obtained by using the following link: <http://www.coe.int/en/web/turin-european-social-charter>

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