



## OSCE Human Dimension Implementation Meeting

Warsaw, 10-21 September 2018

### Working session 9: tolerance and non-discrimination II

#### Contribution of the Council of Europe

## Roma and Sinti issues

### Introduction

In recent years, European and national policy frameworks for the inclusion of Roma and Travellers<sup>1</sup> have been developed. We witnessed significant developments in terms of policy design, adoption of strategies focused on Roma social inclusion and awareness-raising. There is also small progress in increasing the number of Roma children involved in primary education and in representation of Roma in political life and representation within national and international organisations. Unfortunately, the overall socio-economic situation of Roma remains problematic all over Europe and anti-Gypsyism strident. Lack of political will and capacity of local administrations to develop, implement and monitor effective policies and projects hamper the implementation of Roma integration strategies at local level, including the effective use of EU funds for that purpose. Often the lack of mutual trust also hinders co-operation between local authorities and local Roma communities.

### Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019)

The *Council of Europe [Thematic Action Plan on the Inclusion of Roma and Travellers \(2016-2019\)](#)*, adopted by the Committee of Ministers on 2 March 2016, fosters the implementation of the 2010 [Strasbourg Declaration on Roma](#) and provides the framework for the Organisation's work on Roma and Travellers, setting out the roadmap for legislation, policy and practice that ensure the protection of their rights and dignity, provide for equal opportunities and non-discrimination, and improve their living conditions. The Plan's 21 specific actions focus on the following three priorities: fight against discrimination and anti-Gypsyism; protection of the most vulnerable, such as children, youth and women; and promotion of innovative solutions at local level. It also contains some accompanying measures, such as the monitoring and intergovernmental cooperation and the dialogue with Roma and Traveller civil society. The [First Progress report](#) on the implementation of the Thematic Action Plan was adopted by the Committee of Ministers on 14 June 2017; a [Second Progress report](#) covering the period April 2017-April 2018 was adopted by the Committee of Ministers on 6 July 2018.

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<sup>1</sup> The terms "Roma" and "Travellers" are 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.

## **Priority area 1: Tackling anti-Roma and anti-Traveller prejudice, discrimination and crimes (“anti-Gypsyism”)**

### **Specific objective 1.1 Strengthening the competence to fight against anti-Gypsyism**

#### ***European Roma Institute for Arts and Culture (ERIANC)***

The European Roma Institute for Arts and Culture (ERIANC), which aims, *inter alia*, to promote arts and culture as a means to promote human rights and intercultural understanding and thereby to tackle anti-Gypsyism and discrimination against Roma in Europe and to increase their self-esteem, has been established and is fully operational. Its revised draft statutes were adopted on 18 January 2017. The constituting meeting of ERIAC as an association took place in Berlin in February 2017. ERIAC was subsequently registered as an association under German law with the competent court in Berlin in May 2017 and launched officially in the Federal Foreign Office of the German Government in Berlin, Germany, on 8 June 2017. ERIAC’s Executive Director took up her functions in September 2017. In December 2017, ERIAC opened its office in Berlin and was bestowed with financial contributions from the Council of Europe and the Open Society Foundations (OSF). The first regular ERIAC Board meeting took place in Berlin on 30 January 2018. In January and February 2018, ERIAC organised an “International Cultural Outreach Programme” to introduce ERIAC to diverse audiences in seven cities (Seville, Cracow, Budapest, Prague, Rome, Bucharest and Berlin). In March 2018, ERIAC presented the exhibition “Hidden Roma Masterpieces” at the Council of Europe. In 10 April 2018, a Memorandum of Understanding on the co-operation between the Council of Europe and ERIAC was signed. An external independent evaluation of ERIAC operations and activities from June 2017 to August 2018 is presently conducted until the end of September 2018.

#### ***Roma history teaching, including Roma Holocaust***

Co-operation is on-going with OSCE/ODIHR on a database containing a virtual library of the best-known and most useful publications and an interactive map where member states can indicate their special/distinctive features at national level. Council of Europe’s pedagogical factsheets on Roma history, culture and language were revised and made available online. The Roma and Travellers Team, the Roma Education Fund (REF) and the Georg Eckert Institute (GEI) contributed to a research project analysing the representation of Roma in European school curricula and textbooks at secondary education level. The report on the curricula was finalised in 2017, whilst the report on the text books, including recommendations to educational policy-makers on how to improve the representation of Roma, will be available in the second half of 2018. A thematic visit of the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) on the teaching of Roma history, including the Roma Holocaust, in textbooks and school curricula took place in Košice (Slovak Republic) in November 2017. A CAHROM drafting group for preparing a draft Committee of Ministers’ recommendation on the inclusion of the teaching of Roma history, including the Roma Holocaust, in textbooks and school curricula was set up and held its first meeting in Strasbourg on 6 September 2018. The second edition of “Right to Remember – A Handbook for Education with Young People on the Roma Genocide” was published by the Youth Department in April 2017 within the framework of its Roma Youth Action Plan (RYAP). Closer co-operation with the International Holocaust Remembrance Alliance (IHRA) was pursued the Roma Holocaust Day (2 August) was commemorated

#### ***DOSTA! Campaign***

A Dosta!-supported workshop, an awareness-raising event and an exhibition were organised in Kumanovo (“the former Yugoslav Republic of Macedonia”) during the Roma Pride events held in October and November 2017. Prejudices, stereotypes and discrimination faced by Roma pupils and students in the education system were addressed in order to change the current perception of Roma in primary and secondary schools. The Dosta! leaflet and toolkit were produced in

Greek for a training course on non-discrimination with the Greek police and for the JUSTROM programme in Greece. The Dosta! material was also produced in Georgian in view of future awareness-raising activities within the framework of the project “Fight against discrimination, hate crime and hate speech in Georgia”, implemented by the No Hate Speech and Co-operation Unit under the Council of Europe Action Plan for Georgia. A child-friendly version of the Dosta! campaign material is planned for 2018-2019. The concept for the child-friendly Dosta! toolkit was prepared in 2017 and validated following the consultation of 70 children from Albania, Hungary and Spain on how to raise awareness about racism and prejudice towards Roma.

### ***Dosta! Congress Prize 2017***

During the 33rd session of the Congress of Local and Regional Authorities of the Council of Europe (Strasbourg, October 2017), the 6th Dosta! Congress Prize for Municipalities was awarded to Şişli (Turkey), Volos (Greece) and Gliwice (Poland) for their innovative local-level Roma inclusion projects. A brochure to mark the 10th anniversary of the biennial Dosta! Congress Prize was produced in English and French.

## **Specific Objective 1.2 Improving the access of Roma and Travellers to justice**

### ***Improving access to justice for Roma and Travellers in Europe***

Recommendation CM/Rec(2017)10 on improving access to justice for Roma and Travellers in Europe was adopted by the Committee of Ministers on 17 October 2017. Drafted by the CAHROM in consultation with the European Committee on Legal Cooperation (CDCJ) and the Gender Equality Unit, this recommendation emphasises the need for equal access to legal aid and legal services and highlights the importance of quasi-judicial methods of conflict resolution and the effectiveness of judicial remedies. Particular attention is paid to the situation of persons suffering from intersectional discrimination, such as women and girls, young people and people with disabilities. A CAHROM thematic visit on Roma and Travellers’ access to justice was held in Helsinki (Finland) in March 2018.

More than 10,000 individuals benefited from information on human rights and legal advice under the European Commission and Council of Europe joint programme “Roma and Traveller Women’s Access to Justice (JUSTROM)”; lawyers from the eleven pilot legal clinics/centres assisted with 762 cases. The support provided was specialised, addressed legal or administrative proceedings, and covered issues such as family law, social security benefits, and payment of taxes.

### ***Operational Platform for Roma Equality (OPRE)<sup>2</sup>***

In May 2018, the Northern Ireland Human Rights Commission in Belfast (United Kingdom), hosted the 5<sup>th</sup> meeting of the OPRE platform. This was the first time that an OPRE meeting was jointly organised with the Platform on Social and Economic Rights (“4SocialRights” platform) and addressed the issues of accommodation for Travellers and Roma housing rights. The meeting also included discussions on the follow-up given to the June 2017 OPRE statement on evictions of Roma and Travellers, calling on member States to respect human rights standards and to provide alternative accommodation prior to their eviction.

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<sup>2</sup> OPRE members are the Council of Europe, the European Union Agency for Fundamental Rights (FRA), the European Network of European National Human Rights Institutions (ENNHRI), and the European Network of Equality Bodies (Equinet). OPRE associated partners include the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

### **Specific Objective 1.3 Developing the skills and knowledge of legal professionals and administrators**

In 2017, emphasis was put on both the training of legal and law enforcement professionals and the provision of adequate training materials. Training of trainers sessions on non-discrimination were organised: for 30 heads of anti-racist units in the police administration in Athens, Thessaloniki and Xanthi (Greece, July 2017); for 16 Bulgarian police officers (Sofia, Bulgaria, in November 2017); for 23 Romanian police officers (Bucharest, Romania, in December 2017); for legal professionals and 40 judges, procurers and lawyers in Rome, Italy, in December 2017. Two training sessions of prison staff in Bulgaria on non-discrimination with a focus on Roma, namely for 25 penitentiary staff in the male-only prison in Sofia and for 25 penitentiary staff in the Sliven female-only prison, both of which were held in November 2017. Training materials for prison staff on anti-discrimination and human rights standards were produced in English and Bulgarian. The Handbook for Lawyers on Roma and Traveller-related Case Law of the European Court of Human Rights (ECtHR) was translated into Bulgarian, Greek and Romanian. A Council of Europe Toolkit on non-discrimination for police officers on Council of Europe standards on racially-motivated crimes and non-discrimination with a focus on Roma was developed and translated into Bulgarian, Greek and Romanian. Training materials and a curriculum for police officers on non-discrimination, racist crimes and Roma were produced.

### **Priority area 2: Demonstrating innovative models for inclusive policies for the most vulnerable**

Under this priority area, specific emphasis is put on the support and empowerment of Roma and Traveller women, children and young people.

### **Specific objective 2.1 Strengthening the self-organisation of young Roma and Travellers and their participation in society**

#### ***Roma and Traveller Youth***

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 antigypsyism 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. 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 Focal Point on Roma and Sinti of the OSCE/ODIHR is invited to take part in the Contact Group's work.

For 2018, the Plan included regional and national activities to support the self-organisation and participation of young people, such as:

- strategic meeting of European Roma youth networks and organisations supporting Roma youth participation (27-28 February 2018);

- training seminar on Roma Genocide Remembrance for facilitators and youth leaders organised in partnership with TernYpe International Roma Youth Network (19-23 March 2018);
- round table discussion organised in partnership with the European Parliament, European Commission and Roma organisations about the presence and role of “Roma youth in the European Policy Agenda” (12 April 2018); training workshop on active participation of Roma youth in the Belgium context organised in partnership with the PPS Social Integration authorities (22 May 2018);
- commemoration of the Roma Genocide in partnership with TernYpe International Roma Youth Network (29 July – 4 August 2018).

The work on antigypsyism has attracted the interest of many national and local organisations seeking to promote a better understanding of the concept and to further support the work on antigypsyism and discrimination, using the manual *Mirrors* as an educational tool. In late 2017, a [Bulgarian version](#) of *Mirrors* was made available complementing the English, French and Russian versions.. A Hungarian version of the manual is expected to be launched in October 2018. The second edition of the handbook *Right to Remember* was finalised and promoted in 2018, a Lithuanian translation is underway and will be promoted by the Council of Europe and the Lithuanian authorities.

Further activities will be organised in 2018 within the framework of the RYAP support activities at various levels, from local to European, such as:

- study session to raise awareness and strengthen the voice of young people against antigypsyism (7-13 October 2018);
- national training workshop on combating antigypsyism and hate speech in Italy (October, Italy);
- national training workshop on education with young people on the Roma genocide (6-8 November 2018, Lithuania);
- seminar on the role of Roma youth in policy and decision-making bodies and structures (19-20 November 2018);
- national training programme in non-formal education and youth work with young Roma people (21-24 November 2018, Croatia).

The RYAP project was quite productive in 2017 and 2018, providing support and co-operating with a number of member states to strengthen the capacities of young Roma and their organisations at the national level and to allow for policy opportunities for their involvement and participation in social and political life. The partnerships established with the relevant authorities of Belgium, Croatia, Italy and Lithuania, amongst others, will continue in 2018 with the aim of complementing and securing better visibility for and participation of young Roma.

## **Specific objective 2.2 Better protecting the rights of Roma and Travellers children**

### ***Inclusive schools***

The European Commission and the Council of Europe are initiating a new joint project on “Inclusive schools: making a difference for Roma children (INSCHOOL)”, targeting schools where Roma children learn, in the Czech Republic, Hungary, Romania, the Slovak Republic and the United Kingdom. Instead of focusing on the child as the problem, INSCHOOL puts at the heart of its action the education system and its capacity to respond to the needs of Roma children, to celebrate differences and to support their learning experience. The main activities under this project will focus on two levels: the first level will be pilot schools, with the aim to

increase the understanding for the benefits of inclusive education<sup>3</sup>. Within each country, the programme will target up to 4 schools in different municipalities, and will include one additional school with proven know-how in inclusive education practices per country as “national support school”. The second level of intervention will target policy review and adaptation.

### ***Child and/or forced marriages***

A study visit of 12 experts from Finland, France, Greece, Ireland, Italy, and Poland on child and/or forced marriages within Roma and Traveller communities to the United Kingdom’s Forced Marriage Unit in London was held in December 2017.

## ***Specific objective 2.3 Empowering Roma and Traveller women and promoting gender equality***

### ***Roma women’s political representation and participation in politics***

The 6th International Roma Women’s Conference on “Women and Political Representation: The Case of Roma and Traveller Women” (Strasbourg, November 2017) was attended by more than 100 participants, including about 70 Roma and Traveller women, current and former members of parliament, representatives of political parties, international organisations, Permanent Representations, and Council of Europe entities (Parliamentary Assembly, Congress of Local and Regional Authorities, Gender Equality Unit, etc.). The Conference conclusions and recommendations were further discussed at the 5th meeting of the Council of Europe Dialogue with Roma and Traveller Civil Society in Strasbourg in June 2018.

A pledge to promote gender equality and the participation of women from minority groups, in particular Roma and Traveller women, in decision-making bodies and in political representation was signed by 13 representatives of political parties/groups in the margins of the above-mentioned Conference. In his message on the occasion of International Roma Day (8 April 2018), the Secretary General of the Council of Europe urged more political leaders and parties to sign this pledge.

### ***Roma Political Schools and political participation and representation of Roma women and youth***

In order to improve the political participation of Roma, “political Schools/academies” provide training to Roma citizens with a potential of standing for election at local level, in order to bring Roma closer to local decision-making and promote their active participation in local administration, The training in Bosnia and Herzegovina in 2016 resulted in the election of 12 persons of Roma ethnic origin, 10 of them where never before candidates in local elections. The political school/academy initiated in Portugal and Turkey in 2017 is continuing in 2018 and new school/training will start in Italy in the fall of 2018, The Roma and travellers team is also articulating its action with the Schools of Political Studies of the Council of Europe in order to generate qualified applicants of Roma Origin to the future editions of these Schools,

### ***Access to justice for Roma and Traveller women***

The European Commission and Council of Europe joint programme “Roma and Traveller women’s access to justice (JUSTROM)” provided legal aid through the setting up of legal clinics involving lawyers, paralegals and community mediators in Bulgaria, Greece, Ireland, Italy, and Romania. Within the JUSTROM Programme, two legal clinics per country were in operation from February 2017 to March 2018, providing information on human rights to approximately 10,000 Roma and Traveller women, with legal advice/aid provided to about 4,000 persons (including 3,000 women) in 50 communities. In December 2017, the European Commission agreed to

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<sup>3</sup> Inclusive education (ie), as defined in the Salamanca statement promotes the “recognition of the need to work towards ‘schools for all’/institutions which include everybody, celebrate differences, support learning, and respond to individual needs”

continue the Programme in co-operation with the Council of Europe: as a result, JUSTROM2 runs from 1 April 2018 to 31 March 2019 in four countries (Bulgaria, Greece, Italy and Romania).

### **Priority area 3: Promoting innovative models for local-level solutions**

***Specific objectives 3.1 Supporting the participation of Roma and Travellers in local decision-making and 3.2 Strengthening the capacity of local and regional authorities to develop and implement plans, strategies and services for the inclusion of Roma and Travellers***

#### ***European Commission/Council of Europe joint programmes ROMED, ROMACT, and ROMACTED***

Effective participation, empowerment, and capacity building are at the core of ROMED and ROMACT programmes, jointly implemented by the Council of Europe (CoE) and the European Commission (EC). The programmes provide local and regional authorities with assistance to enhance democratic participation and empowerment of local Roma communities and stimulate an increased responsiveness of local public institutions towards those communities. They also aim to provide additional technical assistance in project design, implementation and accessing EU and national funds. Both programmes are piloted at local level and affect directly not only the national policies, strategies and action plans, but also the actors targeted: local administrations and Roma citizens. Both programmes are based on bottom-up and top-down approaches and dialogue between different political and civic society layers.

ROMED: mediation processes at local level, mediators, and community action groups set up thanks to the programme, have improved the participation of Roma citizens in the decision-making processes in more than 80 municipalities in 12 member States. An external independent evaluation has confirmed the relevance of ROMED for strengthening community work, effective participation and active citizenship of Roma, in dialogue with local authorities.

ROMACT: the processes launched by ROMED are enhanced by the ROMACT programme, which assists local authorities to develop policies and public services that are inclusive of all, including Roma. The programme is currently being implemented in about 80 municipalities in five EU countries.

ROMACTED: a regional programme combining the ROMED and ROMACT approaches works in municipalities in the Western Balkans and Turkey aiming to assist local authorities in integrating Roma-specific dimensions and measures into mainstream local policies, budgets and public service delivery, while enhancing the participation of Roma citizens in the design, implementation and monitoring of those policies and projects.

All three joint programmes are involving European, national and local stakeholders and are largely implemented by experts of Roma origin. Thereby, they translate into practice the commitments taken by member States at EU level. They are implemented on the ground and are directly benefitting local administrations and Roma citizens. ROMED, ROMACT and ROMACTED are programmes where bottom-up and top-down approaches meet through dialogue between various stakeholders.

#### ***European Alliance of Cities and Regions for Roma Inclusion***

The European Alliance of Cities and Regions for Roma Inclusion was set up in 2013 by the Congress of Local and Regional Authorities of the Council of Europe with the support of Special Representative of the Secretary General (SRSG) for Roma Issues. It provides for its 130 members from 29 countries a platform for debating and advocating Roma inclusion at local and regional level. A “Declaration of Mayors and Elected Local and Regional Representatives of

Council of Europe Member States against anti-Gypsyism” was put forward in March 2017 by the Congress of Local and Regional Authorities and the Roma and Travellers Team. The Declaration helps local and regional authorities to position themselves explicitly against anti-Gypsyism and to deepen their efforts concerning Roma Inclusion. Translated into 23 languages, the Declaration, to date, was signed by 104 signatories from 33 member states.

2017 saw the launch of the Ukrainian Alliance of Cities and Regions on the development of Roma initiatives, a joint initiative by the European Alliance of Cities and Regions for Roma Inclusion and the Roma NGO Chiricli. A seminar held in Kyiv, Ukraine, in November 2017, was attended by 50 participants from different Ukrainian regions, municipalities and institutions, including representatives of the CoE, the UN, the EU and five Ukrainian ministries. In April 2018, the Alliance held a meeting in Athens, Greece, in April 2018, co-organised by the Greek Association of Municipalities (KEDE) in order to reinvigorate an Alliance of Cities and Regions for Roma Inclusion at national level in Greece. Representatives from 28 municipalities and regions attended this meeting and 16 additional Greek municipalities signed the Declaration.

### **Accompanying measures of the Thematic Action Plan**

#### ***Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)***

The Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) has been tasked by the Committee of Ministers to study, analyse and evaluate the implementation of policies and to identify good practices of member States concerning Roma and Travellers, with a view to promoting the implementation of relevant Council of Europe standards. To that end, CAHROM maintains a European database on policies/good practices for the integration of Roma and Travellers and has set up small thematic groups (peer groups) which keep under review the situation of Roma and Travellers in member states, according to the certain pre-defined themes, and through thematic visits. Since September 2017, CAHROM thematic peer reviews covered the teaching of Roma history, including the Holocaust, and its reflection in textbooks and school curricula hosted by the Slovak Republic in November 2017; Roma and Traveller’s access to justice (with a focus on Roma and Traveller women) hosted by Finland in March 2018; Roma children’ compulsory school education and added value of ensuring access to vocational education for Roma youth hosted by the Republic of Moldova in April 2018; and Roma access to employment (with a focus on Roma women and youth) hosted by the Netherlands in June 2018. In November 2017, the CAHROM endorsed and published a review of the 30 thematic visits held between 2012 and 2017 detailing the impact, outcomes and follow-up.

#### ***Council of Europe Dialogue with Roma and Traveller Organisations***

The dialogue between the Council of Europe and representatives of Roma and Traveller civil society was initiated by the Committee of Ministers at the end of 2015. To date, 5 meetings have been held, in which a total of more than 150 participants debated issues such as poverty, internal and cross-border migration of Roma, combating hate speech against Roma and Travellers, housing and (forced) evictions, the situation of Roma youth and of Travellers in Europe, transition from education to employment (4th Dialogue, Strasbourg, 18-19 September 2017) and political participation (20-21 June 2018). In 2017, new methods were introduced for the selection of participants, who were for the first time identified through an open call published on the internet. The 6<sup>th</sup> Dialogue meeting, scheduled in Strasbourg on 15-16 October 2018, will focus on a Joint assessment of the Council of Europe Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019).

#### ***Recruitment of Roma professionals to the Council of Europe Secretariat***

The Thematic Action Plan also provides for the recruitment of Roma professionals to the Council of Europe Secretariat. There are currently 13 staff members of Roma ethnic origin employed on different types of contract and in different locations (Strasbourg headquarters, both European



Youth Centres, and field offices). Their employment contracts are often linked to the implementation of Council of Europe/European Commission Joint Programmes. Moreover, co-operation started in 2017 between the Council of Europe Secretariat and the Central European University (CEU), Budapest, Hungary, with a view to offering traineeship places to CEU graduates of Roma origin. To date, two CEU Roma trainees have joined the Secretariat, one working in the Secretariat of the European Commission against Racism and Intolerance (ECRI) and one in the Youth Department.



## **OSCE Human Dimension Implementation Meeting**

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**Working session 9:**

**Roma/Sinti issues**

**Contribution of the Council of Europe**

### **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 10, 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 10 – The right to vocational training**

Part I: “Everyone has the right to appropriate facilities for vocational training.”

Part II: “With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

[...]

3. to provide or promote, as necessary:

a) adequate and readily available training facilities for adult workers;

[...]

5 to encourage the full utilisation of the facilities provided by appropriate measures such as:

[...]

b) granting financial assistance in appropriate cases;”

[...]

Violations of this right have been found on the grounds of discrimination against Roma in access to schooling, to vocational training and to support in access to employment or employment policy measures.

### **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;

[...]

4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.”

Violations of this right have been found on the ground of lack of medical assistance for migrant Roma lawfully resident or working regularly in a member State .

#### **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;
- undue interference in the private and family life of Roma and Sinti, on account of procedures of identification and census of Roma and Sinti which were not accompanied by the due safeguards for privacy and against abuses; evictions carried out without the necessary safeguards.

#### **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 and access to school should be guaranteed.

### **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;
- discrimination in access to voting rights, resulting in social exclusion.

### **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
- 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 169 complaints registered to date, 20 concern the situation of Roma and Travellers directly (see Appendix).

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>

**For further information, please contact:**

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**OSCE Human Dimension Implementation Meeting**

**Warsaw, 10-21 September 2018**

**Working session 9:**

**Roma/Sinti issues**

**Contribution of the Council of Europe**

## **APPENDIX**

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### **A. Conclusions finding situations of non-conformity specifically relating to Roma, Sinti, Travelers (reporting cycles 2010-2017)**

1. (2017 – 31§1 - UKR) The Committee concludes that the situation in Ukraine is not in conformity with Article 31§1 of the Charter on the grounds that (...) it has not been established that measures are taken by public authorities to improve the substandard housing conditions of Roma.
2. (2017 – 31§2 – SLV) The Committee concludes that the situation in Slovenia is not in conformity with Article 31§2 of the Charter on the ground that it has not been established that sufficient procedures have been put into place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned.
3. (2015(XX-4) – 16 – CZE) The Committee concludes that the situation in Czech Republic is not in conformity with Article 16 of the 1961 Charter on the grounds that housing conditions of Roma families are not adequate; (...)
4. (2015 – 16 – HUN) The Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter on the grounds that (...) Roma families do not have access to adequate housing;
5. (2015 – 16 – ROU) The Committee concludes that the situation in Romania is not in conformity with Article 16 of the Charter on the grounds that the right to adequate housing is not guaranteed for Roma families;(…)
6. (2015 – 16 – SLK) The Committee concludes that the situation in Slovak Republic is not in conformity with Article 16 of the Charter on the grounds that: the right to housing of Roma families is not effectively guaranteed;(…)
7. (2015(XX-4) – 16 – UK) The Committee concludes that the situation in United Kingdom is not in conformity with Article 16 of the 1961 Charter on the grounds that in England, the right of Roma/Traveller families to housing is not effectively guaranteed; (...)
8. (2015 – 17§2 - HUN) The Committee concludes that the situation in Hungary is not in conformity with Article 17§2 of the Charter on the

- ground that Roma children are subject to segregation in the educational field.
9. (2015 – 17§2 – MDA) The Committee concludes that the situation in the Republic of Moldova is not in conformity with Article 17§2 of the Charter on the grounds that (...) measures taken to ensure that Roma children complete compulsory education are not sufficient.
  10. (2015 – 17§2 - SLK) The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§2 of the Charter on the ground that Roma children are disproportionately represented in special classes.
  11. (2015 – 31§1 - LIT) The Committee concludes that the situation in Lithuania is not in conformity with Article 31§1 of the Charter on the ground that measures taken by public authorities to improve the substandard housing conditions of most Roma are insufficient.
  12. (2015 – 31§1 – SLV) The Committee concludes that the situation in Slovenia is not in conformity with Article 31§1 of the Charter on the grounds that (...) measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma are not sufficient.
  13. (2015 – 31§1 – UKR) The Committee concludes that the situation in Ukraine is not in conformity with Article 31§1 of the Charter on the grounds that (...) it has not been established that measures are taken by public authorities to improve the substandard housing conditions of Roma.
  14. (2015 – 31§2 – SLV) The Committee concludes that the situation in Slovenia is not in conformity with Article 31§2 of the Charter on the grounds that: (...) it has not been established that sufficient procedures have been put into place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned;
  15. (2013 – 11§1 – FRA) The Committee concludes that the situation in France is not in conformity with Article 11§1 of the Charter on the ground that migrant Roma do not enjoy an adequate access to health care.
  16. (2013 – 11§2 – FRA) The Committee concludes that the situation in France is not in conformity with Article 11§2 of the Charter on the ground that opportunities for pregnant Roma women and children to have access to free and regular consultations and screening are insufficient.
  17. (2013 – 11§3 – FRA) The Committee concludes that the situation in France is not in conformity with Article 11§3 of the Charter on the ground of a lack of prevention of diseases and accidents in the Roma community.
  18. (2013 – 30 – FRA) The Committee concludes that the situation in France is not in conformity with Article 30 of the Charter on the grounds that: follow-up of decisions on the merits of Collective Complaints No. 33/2006 and 51/2008 remains unsatisfactory; there was discrimination of migrant Roma in respect of housing policy during the reference period (Collective Complaint No. 67/2011).
  19. (2013 – 30 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 30 of the Charter on the grounds that (...)

- there is discriminatory treatment of migrant Roma and Sinti with regard to citizen's participation
20. (2013 – 30 – PRT) The Committee concludes that the situation in Portugal is not in conformity with Article 30 of the Charter on the ground that there was a lack of a co-ordinated policy in housing matters with regard to Roma (Collective Complaint No. 61/2010).
  21. (2011 – 16 – BIH) The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 16 of the Charter on the ground that it has not been established that the living conditions of Roma families and other vulnerable families in housing are adequate.
  22. (2011 – 16 – BGR) The Committee concludes that the situation in Bulgaria is not in conformity with Article 16 of the Charter on the grounds that it has not been established that: Roma families are guaranteed equal access to family benefits; Roma families receive adequate protection with regard to housing.
  23. (2011(XIX-4) – 16 – GRC) The Committee concludes that the situation is not in conformity with Article 16 of the 1961 Charter on the grounds that: housing conditions of Roma families are not adequate; Roma families still not have sufficient legal protection;(...)
  24. (2011 – 16 – HUN) The Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter on the grounds that (...) Roma families do not have access to adequate housing.
  25. (2011 – 16 – ITA) The Committee concludes that the situation of Italy is not in conformity with Article 16 on the grounds of (...) undue interference in the family life of Roma and Sinti families (this ground of non-conformity led to the finding of a violation in COHRE v. Italy).
  26. (2011 – 16 – ROU) The Committee concludes that the situation in Romania is not in conformity with Article 16 of the Charter on the ground that the living conditions of Roma families in housing are not adequate.
  27. (2011 – 16 – SLK) The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 16 of the Charter on the grounds that the right to housing of Roma families is not effectively guaranteed; (...)
  28. (2011 – 16 – SLV) The Committee concludes that the situation in Slovenia is not in conformity with Article 16 of the Charter on the grounds that: it has not been established that Roma families have sufficient legal protection; (...)
  29. (2011 – 17§2 – HUN) The Committee concludes that the situation of Hungary is not in conformity with Article 17§2 of the Charter on the ground that Roma children are subject to segregation in the educational field.
  30. (2011 – 17§2 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 17§2 of the Charter on the ground that it has not been established that measures taken to improve access for Roma children to education are sufficient.
  31. (2011 – 17§2 – SLK) The Committee concludes that the situation in Slovak Republic is not in conformity with Article 17§2 of the Charter on

- the ground that Roma children are disproportionately represented in special classes.
32. (2011 – 19§1 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 19§1 of the Charter on the ground of the racist misleading propaganda against migrant Roma and Sinti indirectly allowed or directly emanating from public authorities (This ground of non-conformity led to the finding of a violation in COHRE v. Italy).
  33. (2011 – 19§4 – FRA) The Committee concludes that the situation of France is not in conformity with Article 19§4 of the Charter on the grounds that (...) the housing conditions of Roma migrant workers in a legal situation are not adequate.
  34. (2011 – 19§4 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 19§4 of the Charter on the grounds that: (...) the forced evictions of Roma migrant workers were carried out without due respect of the necessary procedural safeguards guaranteeing that in respect of housing for such workers treatment is not less favourable than that of nationals (this ground of non-conformity led to the finding of a violation in COHRE v. Italy).
  35. (2011 – 19§8 – FRA) The Committee concludes that the situation in France is not in conformity with Article 19§8 of the Charter on the ground that during the reference period Roma were expelled for reasons not permitted by the Charter.
  36. (2011 – 19§8 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 19§8 of the Charter on the grounds that during the reference period "security measures" representing a discriminatory legal framework target Roma and Sinti, making it very difficult for them to obtain identification documents in order to legalise their residence status and, therefore, permit even the expulsion of Italian and other EU citizens.
  37. (2011 – 31§1 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 31§1 of the Charter on the ground that measures taken by public authorities to improve the substandard housing conditions of most Roma in Italy are inadequate (this ground of non-conformity led to the finding of a violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory. This ground of non-conformity also led to the finding of a violation in COHRE v. Italy).
  38. (2011 – 31§1 – LIT) The Committee concludes that the situation in Lithuania is not in conformity with Article 31§1 of the Charter on the grounds that: (...) insufficient measures were taken by public authorities to improve the substandard housing conditions of most Roma in Lithuania.
  39. (2011 – 31§1 – PRT) The Committee concludes that the situation in Portugal is not in conformity with Article 31§1 of the Charter on the ground that the measures taken by public authorities to improve the substandard housing conditions of most Roma are inadequate.
  40. (2011 – 31§1 – SLV) The Committee concludes that the situation in Slovenia is not in conformity with Article 31§1 of the Charter on the grounds that: (...) insufficient measures were taken by public authorities to improve the substandard housing conditions of a considerable number of Roma in Slovenia.

41. (2011 – 31§1 – TUR) The Committee concludes that the situation in Turkey is not in conformity with Article 31§1 of the Charter on the grounds that measures taken by public authorities to improve the substandard housing conditions of most Roma in Turkey are inadequate;(...)
42. (2011 – 31§1 – UKR) The Committee concludes that the situation in Ukraine is not in conformity with Article 31§1 of the Charter on the grounds that (...) insufficient measures were taken by public authorities to improve the substandard housing conditions of many Roma and Crimean Tatars.
43. (2011 - 31§2 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 31§2 of the Charter on the grounds that: (...) evictions of Roma and Sinti continue to be carried out without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity and without alternative accommodation being made available (this ground of non-conformity led to the finding of a violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory; this ground also led to the finding of a violation in COHRE v. Italy); intervention in Roma and Sinti settlements by the police, has not been respectful of the dignity of their inhabitants and those responsible for destroying the personal belongings of the inhabitants of the settlements have not always been investigated nor have they, if identified, been condemned for their acts (this ground of non-conformity led to a finding of violation in COHRE v. Italy).
44. (2011 – 31§2 – TUR) The Committee concludes that the situation in Turkey is not in conformity with Article 31§2 of the Charter on the ground that evictions of Roma have occurred without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity.
45. (2011 – 31§3 – ITA) The Committee concludes that the situation in Italy is not in conformity with Article 31§3 of the Charter on the grounds that: (...) it has not been demonstrated that resources have been invested with the effect of improving in practice access of Roma and Sinti to social housing without discrimination (this ground of non-conformity led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory. This ground of non-conformity also led to the finding of violation in COHRE v. Italy).

## **B. Complaints finding violations of social rights of Roma, Sinti, Travelers**

1. **European Roma Rights Centre v. Greece, Collective Complaint No. 15/2003**, decision on the merits of **8/12/2004**: insufficiency of permanent dwellings; lack of temporary stopping facilities; forced eviction and other sanctions of Roma (3 violations of Article 16 of the 1961 ESC). **Follow-up assessment 2015**: Not in conformity.
2. **European Roma Rights Centre (ERRC) v. Italy, Collective Complaint No. 27/2004**, decision on the merits of **7/12/2005**:

- insufficiency and inadequacy of camping sites (violation of Article 31§1 + E RESC); forced eviction and other sanctions (violation of Article 31§2 + E RESC); lack of permanent dwellings (violation of Articles 31§1 and 31§3 + E RESC). **Follow-up assessment 2015:** Not in conformity.
3. **European Roma Rights Centre (ERRC) v. Bulgaria, Collective Complaint No. 31/2005**, decision on the merits of **18/10/2006**: inadequate housing of Roma families and lack of proper amenities (violation of Article 16 + E RESC); lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them (violation of Article 16 + E RESC). **Follow-up assessment 2015:** Not in conformity.
  4. **International Movement ATD Fourth World v. France, Collective Complaint No. 33/2006**, decision on the merits of **5/12/2007**: deficient implementation of legislation on stopping places for Travellers (violation of Article 31§3 + E RESC).
  5. **European Federation of National Organisations working with the Homeless (FEANTSA) v. France, Collective Complaint No. 39/2006**, decision on the merits of **5/12/2007**: (...) deficient implementation of legislation on stopping places for Travellers (violation of Article 31§3 + E RESC).
  6. **European Roma Rights Centre (ERRC) v. Bulgaria, Collective Complaint No. 46/2007**, decision on the merits of **3/12/2008**: failure of the authorities to take appropriate measures to address the exclusion, marginalization and environmental hazards which Roma communities were exposed to in Bulgaria, as well as the problems encountered by many Roma in accessing health care services (violation of Article 11§§ 1, 2 and 3 + E) (...). **Follow-up assessment 2015:** not in conformity.
  7. **International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, Collective Complaint No. 49/2008**, decision on the merits of **11/09/2009**: different situation of Roma families not sufficiently taken into account with the result that a significant number of Roma families continued to live in conditions that failed to meet minimum standards (violation of Article 16 ESC); Roma families continued to be forcibly evicted in breach of the Charter and the legal remedies generally available were not sufficiently accessible to them (violation of Article 16 ESC). **Follow-up assessment 2015:** not in conformity.
  8. **European Roma Rights Centre (ERRC) v. France, Collective Complaint No. 51/2008**, decision on the merits of **19/10/2009**: inadequate implementation of the legislation on stopping places for Travellers, poor living conditions and operational failures at stopping places, lack of access to housing for settled Travellers (violation of Article 31§1 RESC); unjustified violence in eviction procedures and other penalties (violation of Article 31§2 RESC); discrimination of Travellers in access to housing (violation of Article 31+ E RESC); lack of family housing for Travellers (violation of Article 16 and 16 + E RESC); inadequate housing policy for Travellers, failure to adopt a co-ordinated approach to promoting effective access to housing for persons who live or risk living in a situation of social exclusion (violation of Article 30 RESC); discrimination of Travellers in access to voting

rights and in terms of social exclusion (violation of Article 30 + E RESC); less favourable treatment of Romani migrants in access to housing (violation of Article 19§4c RESC). **Follow-up assessment 2015:** not fully in conformity.

9. **International Federation of Human Rights (FIDH) v. Belgium, Collective Complaint No. 62/2010**, decision on the merits of **21/03/2010**: failure in the Walloon Region to recognise caravans as dwellings and existence, in the Flemish and Brussels Regions, of housing quality standards relating to health, safety and living conditions that are not adapted to caravans and the sites on which they are installed (violation of Article 16 + E RESC); lack of sites for Travellers and the state's inadequate efforts to rectify the problem (violation of Article 16 + E RESC); failure to take sufficient account of the specific circumstances of Traveller families when drawing up and implementing planning legislation (violation of Article 16 + E RESC); situation of Traveller families with regard to their eviction from sites on which they have settled illegally (violation of Article 16 + E RESC); lack of a co-ordinated overall policy, in particular in housing matters, with regards to Travellers in order to prevent and combat poverty and social exclusion (violation of Article 30 + E RESC).
10. **Centre on Housing Rights and Evictions (COHRE) v. Italy, Collective Complaint No. 58/2009**, decision on the merits of **25/09/2010**: unsatisfactory situation with regard to the living conditions of Roma and Sinti in camps or similar settlements in Italy (violation of Article 31§1 + E RESC); practice of evicting Roma and Sinti and the violent acts often accompanying such evictions (aggravated violation of Article 31§2 + E RESC); segregation of Roma and Sinti in camps (violation of Article 31§3 + E RESC); discriminatory treatment with regard to the right to vote or other forms of citizen participation for Roma and Sinti, resulting in marginalisation and social exclusion (violation of Article 30 + E RESC); Roma and Sintis families' lack of access to adequate housing and lack of protection against undue interference in family life (violation of Article 16 + E RESC); use of xenophobic political rhetoric or discourse resulting from direct action by the authorities and leading to stigmatisation of Roma and Sinti (aggravated violation of Article 19§1 + E RESC); unsatisfactory situation with regard to the living conditions of Roma and Sinti in camps or similar settlements in Italy (violation of Article 19§4.c + E RESC); expulsion of the Roma and Sinti (violation of Article 19§8 + E RESC). **Follow-up assessment 2015:** not in conformity
11. **Centre on Housing Rights and Evictions (COHRE) v. France, Collective Complaint No. 63/2010**, decision on the merits of **28/06/2011**: the conditions in which the forced evictions of Roma camps had taken place in the summer of 2010 were incompatible with human dignity (aggravated violation of Article 31§2 + E RESC); Roma of Romanian and Bulgarian origin consented to repatriation to their countries of origin in the summer of 2010 under constraint and against a background of racial discrimination (violation of Article 19§8 + E RESC). **Follow-up assessment 2015:** Not in conformity.
12. **European Roma Rights Centre (ERRC) v. Portugal, Collective Complaint No. 61/2010**, decision on the merits of **30/06/2011**:

inadequate housing conditions of many Roma, failure by the authorities to take sufficiently into account their specific differences when implementing housing programmes, resulting in discrimination or segregation of Roma (violation of Article 31§1 + E RESC) ; inadequate housing conditions of Roma families (violation of Article 16 + E RESC); lack of an “overall and coordinated approach” of housing programmes (violation of Article 30 + E RESC). **Follow-up assessment 2015:** Not in conformity.

13. **European Roma and Travellers Forum (ERTF) v. France, Collective Complaint No. 64/2011**, decision on the merits of **24/01/2012**: the administrative decisions whereby, after the summer of 2010, Roma of Romanian and Bulgarian origin had been ordered to leave French territory, where they had been resident, had not been founded on an examination of their personal circumstances, had not respected the proportionality principle and had been discriminatory in nature since they had targeted the Roma community (violation of Article 19§8 + E RESC); situation of Travellers with regard to the right to vote (violation of Article 30 + E RESC); deficient implementation of the legislation on stopping places for Travellers and Roma of Romanian and Bulgarian origin (violation of Article 31§1 + E RESC); with regard to Travellers, the execution of the forced eviction procedure governed by Articles 9 and 9-I of the Law of 5 July 2000 was inadequate and, as to Roma of Romanian and Bulgarian origin, the conditions in which forced evictions of Roma camps took place were inconsistent with human dignity (violation of Article 31§2 + E RESC); no effective access to social housing for Travellers and Roma wishing to live in mobile homes (violation of Article 31§3 + E RESC); see grounds related to Article 31 +E with regard to Travellers and Roma of Romanian and Bulgarian origin (violation of Article 16 + E RESC). **Follow-up assessment 2015:** Not in conformity.
14. **Médecins du Monde - International v. France, Collective Complaint No. 67/2011**, decision on the merits of **11/09/2012**: too limited access to housing of an adequate standard and degrading housing conditions for migrant Roma lawfully resident or working regularly in France (violation of Article 31§1 + E RESC); eviction procedure of migrant Roma from the sites where they are installed (violation of Article 31§2 + E RESC); lack of sufficient measures to provide emergency accommodation and reduce homelessness of migrant Roma (violation of Article 31§2 + E RESC); lack of sufficient measures to provide housing to families of migrant Roma residing lawfully or working regularly in France (violation of Article 16 + E RESC); insufficient measures to promote effective access to housing to migrant Roma residing lawfully or working regularly in France (violation of Article 30 + E RESC); breaches in the expulsion procedure of migrant Roma (violation of Article 19§8 + E RESC); French education system not sufficiently accessible (violation of Article 17§2 + E RESC); difficulties of access to health care for migrant Roma, whatever their residence status (violation of Article 11§1 + E RESC); lack of information and awareness-raising and of counseling and screening on health issues towards migrant Roma (violation of Article 11§2 + E RESC); lack of prevention of diseases and accidents of migrant Roma (violation of



- Article 11§3 + E RESC); lack of medical assistance for migrant Roma lawfully resident or working regularly in France for more than three months (violation of Article 13§1 + E RESC); lack of medical assistance for migrant Roma lawfully resident or working regularly in France for less than three months (violation of Article 13§4). **Follow-up assessment 2015:** Not fully in conformity.
15. **European Roma Rights Centre (ERRC) v. Ireland, Complaint No. 100/2013**, decision on the merits of **1/12/2015**: insufficient provision of accommodation for Travellers (violation of Article 16 RESC); inadequate condition of many Traveller sites (violation of Article 16 RESC); inadequate safeguards for Travellers threatened with eviction under the Criminal Justice (Public Order) Act 1994 (as amended) (violation of Article 16 RESC); inadequate safeguards for Travellers threatened with eviction under the Housing (Miscellaneous Provisions) Act 1992 (as amended) (violation of Article 16 RESC); evictions carried out in practice without the necessary safeguards (violation of Article 16 RESC).
16. **European Roma and Travellers Forum (ERTF) v. Czech Republic, Complaint No.104/2014**, decision on the merits of **17/05/2016**: insufficient access to housing, poor housing conditions and territorial segregation (violation of Article 16 ESC); forced evictions (violation of Article 16 ESC); exclusion in the field of health and inadequate access to health care services (violation of Article 11 ESC).
17. **European Roma and Travellers Forum (ERTF) v. France, Complaint No. 119/2015**, decision on the merits of **5/12/2017**: failure by the authorities to provide the schooling required by the Charter because of repeated evictions, insecure living conditions, particularly with regard to housing, a lack of classes geared to the difficulties encountered by Roma children and transport difficulties (violation of Article 17§2 RESC); discrimination against Roma in access to schooling, to vocational training and to support in access to employment or employment policy measures (violation of Articles 10§§3 and 5 + E RESC, violation of Article 17§2 + E RESC); lack of access to adequate housing (violation of Article 31 + E RESC); lack of protection against poverty and social exclusion (violation of Article 30 + E RESC).

## **C Complaints relating to social rights of Roma, Sinti, Travelers under examination by the European Committee of Social Rights**

1. **Equal Rights Trust (ERT) v. Bulgaria, Complaint No. 121/2016**, admissibility decision of 5/07/2016 (*ERT alleges that the situation in Bulgaria amounts to a violation of Articles 12§3, 16 and 17§2 either alone or in conjunction with Article E as well as of Article G of the Charter on the ground that the Bulgaria's Family Allowances for Children Act, as amended on 28 July 2015, provides that: - monthly child allowance can only be paid in-kind rather than in cash, if the qualifying parent is a minor; - monthly child allowance terminates where the child stops attending school, and is thereafter stopped for a minimum period of one year, even if the child returns to school; -*

*monthly child allowance terminates where that child becomes a parent. ERT further complains that these provisions could seem racially discriminatory, in that Roma community is much more likely than other ethnic groups to be adversely affected).*

2. **European Roma Rights Centre (ERRC) v. Bulgaria, Complaint no. 15/2017**, admissibility decision of 16/10/2017 (*ERRC alleges that the situation in Bulgaria constitutes a violation of Articles 11§§1 and 2, 13§§1 and 2, and E in conjunction with each of these provisions of the Charter. The ERRC states that Bulgaria has failed to eliminate systemic discriminatory practices targeting Romani women in access to sexual and reproductive healthcare services, and these discriminatory policies and practices undermine the protection of the reproductive health of Romani women in Bulgaria).*
3. **European Roma Rights Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic: Complaint No. 157/2017**, admissibility decision of 23/01/2018 (*The complainant organisations allege that the Czech Republic has failed to comply with its obligations to refrain from the institutionalisation of young children in particular infants under 3 years of age, and in particular children with disabilities and of Romani origin in violation of Article 17 of the 1961 Charter).*