

COMPILATION OF WRITTEN RECOMMENDATIONS (Covering Working sessions 16-17)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 17; documents received after this time will be included later in the consolidated summary.

Thursday, 26 September 2019

Working Session 16

Recommendations to participating States

European Union

To participating States:

- Take measures to combat any form of violence motivated by racism or xenophobia and ensure a vigorous, effective and independent investigation of racially motivated acts, as well as equal access to effective remedies (judicial, administrative, conciliation and mediation procedures). Hate-motivated attacks and violence against Roma and Sinti individuals must be immediately and fully investigated and responsible persons held accountable.
- Encourage OSCE participating States to make use of the ODIHR's role in conflict prevention and identification of areas of early intervention, and draw on the expertise of the OSCE High Commissioner on National Minorities in this regard.
- Take actions in order to increase the confidence of Roma and Sinti persons about reporting incidents of discriminatory treatment, hate motivated attacks and the trust that the competent authorities treat these complaints in a serious manner and follow-up on them.
- Design and promote policies and programs meant to build trust among police and Roma and Sinti individuals. We encourage the use by pS of the valuable expertise and assistance of the CPRSI in this field.
- Taking into account that anti-Gypsyism remains an important barrier to Roma inclusion, strongly encourage participating States to promote rights awareness campaigns about historical discrimination and segregation.
- Ensure a more effective Roma participation in policy making at all levels and involvement in the design, implementation and monitoring of policies for Roma, thus strengthening Roma voice and the ownership of the processes.
- We once again encourage participating States to strengthen their cooperation with the CPRSI, take advantage of its expertise and actively promote the human rights and fundamental freedoms of Roma and Sinti individuals across the OSCE region.
- Accurately address the specific disadvantages faced by Roma women, children and youth and other vulnerable Roma and Sinti individuals (persons with disabilities, elderly persons etc.). Roma women's issues should be systematically mainstreamed in all relevant policies designed for the Roma persons.

- Counter populist discourse and stop rhetoric that target the Roma and Sinti persons for political purposes. Promote cohesive and inclusive societies for all individuals.
- Put greater emphasis on actions in the areas of education and employment, promote the training of mediators and training-of-trainers and useful tools to strengthen community based approaches and human rights.
- Ensure greater access to quality and non-segregated education at all levels. In this regard, intensify efforts for access to personal documents, civil registration and identity documents.
- Encourage participating States to take effective measures to ensure respect of fundamental rights, in particular improving access to employment, healthcare and housing.
- Pay particular attention to Roma and Sinti migrants, refugees and IDPs and ensure that they are treated in accordance with the relevant international norms and standards of protection, without any discrimination. Coordinated actions with other international relevant actors are important in order to avoid overlapping and for better responses.
- Ensure a periodical review mechanism of strategies, policies and measures related to Roma and Sinti, in consultation with Roma and Sinti persons, for a better adjustment to the situation on the ground.
- Continue and enhance cooperation among international organizations with regard to improving the situation of Roma and Sinti.
- Continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti.

Russian Federation

To participating States:

- [...] хотелось бы отметить, что вопросы защиты прав цыган постоянно поднимаются в рамках ОБСЕ, однако, к сожалению, мы не видим должной реакции на конкретные случаи их преследования. В этой связи хотели бы призвать государства-участники принять действенные меры по выполнению своих обязательств, касающихся защиты национальных меньшинств, в том числе с целью улучшения положения цыган в Европе.

Council of Europe in Ukraine

To participating States:

- Further efforts are needed to ensure diverse political leadership, promote ethnic diversity in institutions and enable the participation and representation of Roma and Sinti, including women and youth, in public authorities and institutions, as well as governments and parliaments
- Skills building programs for Roma activists and local elected representatives are needed so they can communicate with and engage citizens, advocate for priority issues, and develop realistic legislative and policy options.
- Policy implementation addressing Roma and Sinti is often most active at the local level, particularly considering the principles of decentralization. Hence it is of particular importance that consultation mechanisms entail effective involvement of Roma and Sinti while fully considering the needs and priorities of Roma and Sinti communities, as determined by and together with them
- Roma need real policies and legislative agendas that address genuine everyday needs.

[From NGOs - alphabetically]

Antifascist Human Rights League

To Ukraine:

- To resolutely condemn any manifestations of national-radical, neo-Nazi ideology in all forms and shapes, in the past and present; cancel all legislative acts and by-laws dedicated to glorification and perpetuation of memory of OUN-UPA collaborators (Bandera, Shukhevych, the SS Galicia division servicemen) who are responsible for organizing and carrying out war crimes and crimes against humanity;
- To fire officials from the state authorities who are members of radical nationalistic parties and organizations;
- To dissolve military formations and other state-sponsored structures employing Nazi symbols;
- To verify statutory activities of political parties and public associations with a radical nationalistic orientation;

Center for Education and Human Rights

- OSCE participating States should increase their activities to mobilize public support and involve members of the majority population in full support of the implementation of OSCE Action Plan.

Central Council of German Sinti and Roma

To participating States:

- We call upon the OSCE and the participating States to fully recognize the Holocaust of Sinti and Roma, as well as to strengthen the research, remembrance and education.
- [...] in particular in the media context, the Central Council of German Sinti and Roma recommends to the OSCE participating States that Sinti and Roma representatives are appointed to broadcasting councils and state media authorities.
- The Central Council urges all participating States to fully implement their laws and international commitments to sanction any form of hate speech, racism and antigypsyism in the public discourse.
- The Central Council of German Sinti and Roma urges the Ministerial Council and the OSCE participating States to recognize and combat antigypsyism, to strengthen the OSCE mandate in this regard, as well as to equip the ODIHR Contact Point for Roma and Sinti Issues with the necessary political mandate, funding and resources.
- We recommend that OSCE participating States establish “Expert Commissions on Antigypsyism” or so-called “Truth and Reconciliation Commissions” that analyse the historical and structural impact that antigypsyism has caused as a barrier to the public and political participation of Sinti and Roma in the specific country.

Central European University, Dr Iulius Rostas, Visiting Professor

To participating States:

- Develop and implement legal measure to effectively combat antigypsyism, including structural discrimination;
- Create mechanism for effective political representation of national minorities in decision making processes at all level;
- Make sure that Roma and Sinti women and youth are included in such mechanisms;
- Develop and implement project aiming at electoral education of marginalized groups, including Roma, with specific focus on Roma and Sinti women and youth;
- Enforce consistently the legal provision against vote-buying;

- Enforce immediately the legal provision on hate-speech, especially in cases involving politicians and state officials;
- Encourage mainstream parties to include Roma and Sinti on their lists of candidates by promoting diversity programs;
- Collect data on Roma and Sinti political participation.

European Center for Antiziganism Research (EZAF)

To the participating States:

- Cities and regions need to include Roma leaders into “Inclusion Councils” so that those issues can be handled on the ground where they happen.
- There need to be installed a Roma as a Commissioner of the European Commission.
- The Antiziganism must be tackled on all level of society from the local, over the national to the international.
- Roma need to be strengthened in their positive identity
- The OSCE Action Plan need to be implemented
- Political parties should grant Roma and Sinti quotas on electoral places
- Roma should be supported in parties, because of their expertise and not for that that they can play some “Gypsy” music for them.

European Roma and Travellers Forum (ERTF)

Calls upon the participating OSCE States to denounce and eliminate:

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

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

- To follow the Council of Europe and European Union to recognize antigypsyism as a specific form of racism, which constitutes the root cause of the exclusion of Roma and Sinti and a key barrier to their political participation;
- To adopt a Ministerial Council decision that strengthens the mandate of ODIHR to monitor and combat antigypsyism and to enhance the political participation of Roma and Sinti as key priorities for an effective implementation of the OSCE Action Plan for Improving the Situation of Roma and Sinti;
- To monitor antigypsyism as part of the OSCE election observation missions, and to respond with its institutions.
- To establish national Truth and Reconciliation Commissions, or Expert Commissions on Antigypsyism in order to analyse the long-lasting, structural barriers to the equal public and political participation of Roma and Sinti, and in order to develop counter-strategies;
- To sanction antigypsyism as well as antisemitism with all available legal and political tools.

European Roma Grassroots Organisations (ERGO) Network

To participating States:

- To develop measures with direct Roma empowerment as an objective and address empowerment as a multi-dimensional social process, that helps people gain control over their own lives, use and enhance their capacities to shape their communities and their society by acting on issues that they define as important.
- To envision and foster quality participation at all levels (local, national, regional, European) and all stages (design, implementation, monitoring and evaluation) of policy making, by establishing protocols of participation at different stages of policy processes.

Authorities at each level shall enrich and diversify regular policy consultation platforms, and develop more advanced and issue-specific forms of partnerships.

- To develop national policies addressing Roma participation, including in administrative personnel at all levels, by positive actions while being conscious that Roma should be part of not only processes narrowly defined as 'Roma issues'. Roma being employed and present in the decision-making structures in institutions such as equality bodies can fairly contribute to fighting antigypsyism, for example. Different opportunities such as internships, traineeships and employment opportunities should be created for young Roma, especially overcoming ethnic and gender gaps in employment. Importantly, the future policies should offer more systematic solutions related to employment of Roma in public sector, to counter the trend of employing Roma only for the duration of the Roma-related projects.
- To devise tools and resources for empowering civil society organizations, including for small grassroots organisations, while acknowledging civil society actors as advocates and safeguards of basic democratic principles and enriching the independent civil society monitoring mechanisms and capacities of assessing national governments' policy performance. Such funding should cover, as appropriate, the variety of activities of CSOs, such as service provision, watchdog activities, advocacy, litigation, campaigning, human rights, and civic education and awareness raising.
- To develop indicators to measure the frequency and quality of Roma participation and leadership. Participation and leadership are a policy matter and can be measured by using both quantitative and qualitative indicators. Relevant policies should be assessed in terms of objectives, targets and indicators. In order for Roma to climb the ladder of participation, policy work has to be focused on different steps, including assessing the developments and defining challenges, hindering factors and factors that help quality participation. Relevant policies should aim at overcoming the understanding of Roma participation as 'civil society consultation'.
- To contribute to diversifying Roma participation while embracing an understanding that besides 'women's' and 'youth issues', Roma women and youth have diverse expertise and should also occupy high level positions. The same understanding should be applied to other social groups on the intersections of different categories of difference such as sexuality, class, disability, geographical location. Marginalised groups' representation affects other people in similar positions to get more confidence to voice their needs.

European Roma Rights Centre Brussels

To Bulgaria:

- Implement specific measures to allow Romani political candidates to campaign in Romanes, and campaign on a political platform which targets the needs of Romani voters in particular. Both of which are currently legally prohibited.
- Re-evaluate the six month residency period required for registration to vote. In theory this is meant to reduce controlled voting, but in practice disproportionately affects large numbers of Roma who are mobile or displaced. Many cannot prove six months' settlement in any specific place and often are unable to vote at their place of formal registration.
- Ensure that those who incite racial hatred against ethnic minorities in their capacity as elected politicians are fully held to account in a court of law, and if necessary removed from their position of influence.

To Hungary:

- Increase oversight from the National Election Office and the National Selection Committee on the administration of public works programmes in relation to vote buying

and voter coercion of Roma. The ERRC recommends that the OSCE investigates the allegations of clientelism involving Romani voters and the public works programme.

- Investigate how local level voter manipulation of vulnerable Romani communities impacts on the voter registration process for the national minority lists.
- Reverse the policy which lowered the school leaving age from 18 to 16, not only reducing opportunities for young people, but making Roma more reliant on public works and at the mercy of vote buying and voter coercion. The early leaving age also makes the path to political candidacy more difficult for Roma in particular.
- Provide stipends to keep disadvantaged children in school until the age of 18 and to meet EU targets on education, employment and training to ensure young Roma can access the labour market and fully participate in public life as active citizens.

GATEHerts Hate Crime Ambassador

To participating States:

- More funded programmes for the education of Roma and Sinti by OSCE states, especially in terms of political education, to be leaders of their own change and be represented in political and/or public positions.
- Counteract mainstream media negative representation of Roma and Sinti people by OSCE states through policy intervention, allowing more editorial power to communities over their experiences, and more funding towards training Roma and Sinti youth in journalism and film. This further includes more funding and public amplification of Roma and Sinti-owned media platforms.
- OSCE states need to educate elected representatives and authorities on Roma and Sinti issues, and be held wholly accountable for expressing antigypsyism. This includes allocating paid positions by members of the Roma and Sinti community as educators.
- Member states should consider setting strong quota laws or parity systems (with high quota percentage, rank order rules, strict sanctions). More political parties should design measures to promote minorities' participation, including Roma, Sinti and Traveller, in elections, including through the inclusion of quotas. Quotas are a powerful tool to achieve better political representation.
- Electoral systems and the geographical boundaries of electoral constituencies matter. Proportional electoral systems with closed lists have shown to increase in particular women's political representation, and countries should consider switching to such systems.
- To promote minority participation, the legal threshold for parties under proportionate representation systems should be low enough.
- Voting mechanisms should be designed to provide the possibility for Roma and Traveller to be voted all over the country in those countries where the minorities are scattered.
- Funding should be made available for socially excluded Roma, Sinti and Traveller who want to campaign in elections. In every country where there is a law regarding the use of election funding, financial resources should be available also to the Roma and Traveller candidates in equal proportion.
- Measures should be put in place to encourage Roma, Sinti and Traveller to enter the world of politics, through training, mentorship, career advising and peer networking. Political parties, international organisations, governmental and European representatives should train
- Roma and Traveller, including women, to stand for political office, by facilitating mentorship programmes for Roma and Sinti (utilising existing role models from within the Roma and Sinti communities and mainstream politicians), by supporting exchange

of expertise between Roma, Sinti and Traveller in politics but also with other groups representing diverse community interests or the mainstream. Support should be given on longer-term and in consistent manner, building on experiences, which led to effective participation.

- International organisations, governments, civil society, practitioners and academics should invest in the capacity building of Roma, Sinti and Traveller women. In addition to designing specific initiatives, where needed, it is important to ensure that Roma, Sinti and Traveller have access to capacity building initiatives that exist at national level, as well as access to resources. Women's organisations and feminist parties should examine their own agendas and practices to ensure that Roma, Sinti and Traveller women's issue are included in the women's movements and political agenda.
- Action should be taken to train leaders and executives of political parties, as well as the bodies responsible for choosing the candidates for elections, so they can reflect on their party's structure and address gender biases in the functioning, recruitment and selection practices in order to become inclusive, including by adopting strong political party quotas.
- Participation of Roma and Sinti should be promoted in all decision-making bodies and administrative structures that affect their lives, including national and local government structures, law enforcement bodies and the judiciary.
- Participation of Roma and Travellers, especially young people and women, as voters should be increased in order to act as a powerful electoral constituency.
- One way to support Roma and Sinti's political participation, in particular women, is to support the education/training of voters and sensitisation campaigns targeting women by addressing family (group) voting and securing that women can take an informed, free and secret choice for casting the ballot, and by taking actions against vote manipulation and vote buying.
- Action needs to be taken to eradicate obstacles facing Roma and Travellers, including women, to fully exercise their electoral rights, by ensuring that all Roma, Sinti and Travellers have identity documents and are included in the voters' registration list. The travelling way of life of some communities should also be taken into consideration and appropriate measures taken to ensure the exercise of their electoral rights.
- Roma, Sinti and Traveller candidates should also be supported after their election.
- Measures to increase Roma and Sinti's political participation should be embedded in a larger national equality strategy, which should also include actions to overcome gender stereotypes in society and in Roma and Sinti communities, and support for the reconciliation of family and work. Furthermore, all Roma-related policies, frameworks and programmes at international, European, national and local level should integrate a strong gender mainstreaming component.
- There is still a pressing need to collect data about Roma, Sinti and Traveller participation in political life. More research is needed, such as a report on the impact of electoral systems on their representation in politics.
- Awareness should be raised among the media and the general public about the importance of having balanced participation in political and public decision-making, and the obstacles faced by minorities, including Roma and Sinti men and women, so that positive actions are supported as long as necessary.
- Awareness should be raised among political parties, media and the general public on the importance of language in reproducing, but also in countering racist and sexist mind-sets.

- International organisations, governments, political parties and civil society should design actions aimed at engaging Roma and Sinti women, girls and youth so that they consider political careers, including through role models and networking.
- Partnerships and co-ordination between and within governments, civil society, international organisations, media, political parties, practitioners and researchers are critical to the success of efforts to tackle the democratic deficit resulting from the unbalanced and severe under-representation of Roma and Sinti, in the political decision-making processes.
- All decision makers, including those in government and political parties, should make a strong commitment to balanced participation in political and public decision making from a gender and minority perspectives, leading to appropriate measures in legislation, policies and practice.

Qendra per te Drejtat e Gruas Rome (Roma Women Rights Center)

To participating States:

- Include Participation of Roma in public and political life as a strategic goal in the post 2020 national action plan for Roma Integration;
- Ensure by legal provisions and other relevant policies quota/ reserved seats for minority members are established political parties;
- Provide information and long term supporting of Roma, particularly women and youth to take part actively in the designing, implementing, and monitoring of local/national of development plans. Adopt special measures to promote their participation in the civil service;
- Establish mechanisms to ensure equal, direct and open communication between Roma and Sinti representatives and government authorities, including advisory and consultative bodies;
- Organize informative outreach activities or voter/civic education trainings. Ensure that Roma voters can make free and informed choices in elections;
- Address properly and in advance the illiteracy and lacking of documents issues of Roma and Egyptians and make sure they exercise their right and obligation of voting;
- Election administration staff engaged in communication /training of communities should be trained as well on specific needs of Roma and Egyptian Communities and effective ways how to approach them;
- Informative elections materials be prepared in Romani language and be distributed to community time ahead elections (Last two election periods, 2017, 2019, regardless it was planned , they fail to prepare and distribute them before elections)
- Spot information given by TV or other means before/during election period should be prepared in a friendly manner, targeting Roma and Egyptian, and in Roma language when relevant;
- The issue of oppressing /threatening happening often in R/E communities during election period should be addressed adequately by responsible bodies;

Roma National Center

To participating States:

- To endorse and respect the OSCE Action Plan on Improving the Situation of Roma and Sinti and the Lund Recommendations on the Effective Participation of National Minorities in Public Life; and to ensure that recommendations regarding political participation are being implemented accordingly;

- To ensure that Roma inclusion policies address the specific issues related to the participation of Roma women in politics . These measures should be properly budgeted, monitored and assessed;
- To design and deliver training programs aimed at developing leadership skills of young Roma girls, with particular focus on civic education and education for democracy;
- To solve the political and legal nature of incompatibilities which will allow Roma mediators, most of them women, to run for local offices and hold the local councillor mandate;
- To promote positive examples of successful Roma women which were and are engaged in political life.

TernYpe - International Roma Youth Network / Roma Active Albania

To participating States:

- TernYpe and its members recommend to member states to make it by law to stop evictions if not accompanied by the necessary safeguards. According to the UN Committee on Economic, Social and Cultural Rights, all evictions must abide by international human rights norms. In particular, forced evictions must meet the conditions set out in General Comment No.7 of the UN Committee of Economic and Social Rights on the right to adequate housing based on the principles of international law.
- We recommend participating States to support those Roma families who face challenges regarding documentation to benefit from the programmes on housing.

Recommendations to the OSCE Institutions

Central Council of German Sinti and Roma

To the OSCE:

- The Central Council of German Sinti and Roma calls on the OSCE to monitor and intervene against antigypsyism in media and as online hate speech.

Central European University, Dr Iulius Rostas, Visiting Professor

To the OSCE:

- Develop regional initiatives for political education of Roma in the participating States;
- Continue to monitor election process in the participating States with due attention paid to Roma communities and the representation of Roma women and youth within these processes;
- Recruit whenever possible Roma as part of OSCE electoral monitoring missions.

European Roma and Travellers Forum (ERTF)

To the OSCE Parliamentary Assembly, Members of Parliament of the participating States and political parties:

- To endorse and respect the revised Charter of European Political Parties for a Non-Racist Society;
- To establish a Parliamentary Coalition for Combating Antigypsyism in order to confront antigypsyism by condemning prejudice, discrimination, hate speech and hate crimes in the public discourse, in particular by refraining from and condemning stigmatization of Roma and Sinti during electoral campaigns;

- To strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma civil society; also by reaching out to Roma to be politically active and to become members and candidates of political parties.

Qendra per te Drejtat e Gruas Rome (Roma Women Rights Center)

To ODIHR:

- OSCE/ODHIR departments make sure to involve Roma in all its activities and do not rely only in Contact Point for Roma and Sinti Initiative Office activities;
- Support Roma, particularly young women and youth who aspire or have potential to be in politics through suitable mentoring programs;
- OSCE/ODHIR and domain organizations involved in observation engage more observers in Roma and communities. Roma and Egyptian individuals should be encouraged and supported to engage as observers during elections;

Spain's National Congress

To the OSCE:

- To increase the visibility of Roma & Sinti citizens in electoral census; still in many countries Roma and Sinti are underrepresented in the census; and in some cases Roma are not represented at all.
- To focus on political education for Roma and Sinti citizens, in order to get clear understanding on their rights as voters and as potential candidates.
- To promote the inclusion of Roma candidates in electoral lists.
- To support Roma candidates by include them in different political forums; whether organized by media corporations, intergovernmental organizations or Civil Society networks.

Recommendations to the International Organizations

Central Council of German Sinti and Roma

- The Central Council calls upon the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the European Parliament and Members of national Parliaments to establish this Parliamentary Coalition for Combating Antigypsyism (PCCA).

Central European University, Dr Iulius Rostas, Visiting Professor

- Make use of all opportunities to participate in decision-making processes at all levels;
- Organize Roma and Sinti and engage actively with local authorities and other state institutions to address the needs and priorities of Roma and Sinti communities;
- Pressure the mainstream political parties to include Roma and Sinti candidates on their lists with special attention to Roma and Sinti women and youth;
- Continue to monitor electoral processes and report cases of hate-speech and other incidents against Roma and Sinti.

Thursday, 26 September 2019

Working Session 17

Recommendations to participating States

Equal Opportunities Initiative Association

To participating States:

In this situation the member States have to urgently consider the following recommendations:

- Adoption of legislative measures, allowing for the legalization of soundly constructed buildings for residential use, which constitute only homes. These should include: Detailed mapping of the areas with building constructions in Roma neighborhoods and identification of stable ones;
- Raising the capacity of local authorities to take measures to raise funds for the regulation of neighborhoods with concentrated Roma/Sinti population which should take into consideration existing construction as far as possible;
- Designation of public land for residential use, which the families will be able to purchase, and provision of support for the families with respect to the construction of buildings in accordance with construction rules and norms;
- Taking measures to construct social housing for families that do not have the resources to purchase land and/or a home and to settle them in;
- Taking measures to incorporate into national legislations the international legal framework for protection of citizens in cases of compulsory demolitions and/or evictions from only homes;
- Monitoring assessment of the progress of implementation of the NRISs' priority of improving housing conditions;
- Planning the after 2020 period taking into account the monitoring assessment and lessons learned, with specific measures on improving the housing conditions of Roma/Sinti in Europe;
- Adoption of measures to enforce the decisions of the European Court of Human Rights concerning the protection of citizens of Roma ethnic origin in cases of threats to remove their sole residences.

European Roma and Travellers Forum (ERTF)

To participating States:

- Housing is a human right. International law enshrines this right and states that member states must work towards making sure everyone has access to adequate and affordable housing. Unfortunately, Roma and Sinti, are not able to benefit from their rights due to discrimination based on their ethnicity, social and economic status, and nomadic or semi nomadic way of life. When these multiple factors intersect, the disadvantage often creates institutional barriers that lead to entrenched poverty, segregation and homelessness.
- The right to housing is connected to other fundamental rights. Affordable, adequate housing is a necessity for everyone in Europe. There is an undeniable link between affordable and adequate housing and quality of life. Housing provides the foundation for interacting with the broader community and for general well-being, economic and social inclusion. Adequate housing facilitates access to suitable employment or occupation, community resources and support as well as educational opportunities for all citizens.
- The current housing situation of Roma and Travellers constitutes a serious problem and needs to be addressed through urgent action by member states, international organisations, EU and UN agencies and local authorities in order to ensure equal treatment and foster social inclusion. In this regard, the active participation of Roma and

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

- Housing is more than just a roof over the head. A shelter is not a home. Quality houses within neighbourhoods are important aspects of a community. Families grow up best in well-structured communities with access to services and amenities. Lack of security of tenure is a particularly acute problem for Roma and Traveller communities living in informal settlements or in rented accommodation. Persons living in informal settlements are particularly vulnerable to forced evictions. There are instances of forced evictions of Roma from municipal accommodation, including evictions of Roma who are regular rent payers, evictions without prior notice, evictions without genuine consultation with the affected communities, and evictions involving police violence and destruction of personal property. There are cases where authorities fail. Council of Europe member states need to ensure that Roma and Travellers have security of tenure, available services and infrastructure; that their housing is adequate, affordable, habitable and accessible; and that they live in an adequate location and culturally appropriate homes. Member states should provide without undue delay potable water, electricity, waste removal, public transportation, road provision, and other infrastructure to Roma settlements and Traveller sites lacking any of these facilities. The quality of housing of Roma and Travellers needs to be constantly monitored and improved. Member states should affirm the right of people to pursue sedentary or nomadic way of life, according to their own free choice. In order to ensure equal treatment all conditions necessary to pursue these lifestyles should be made available to them by the national, regional and local authorities in accordance with the resources available and within the legal framework relating to building, planning and access to private land.
- Fighting anti-Gypsyism, discrimination and residential segregation should form part of any housing strategy. The main reason for the substandard housing conditions of Roma and Travellers is racial discrimination, both direct and indirect. Sometimes local authorities deny access to social housing through measures that are directly or indirectly discriminatory against Roma and Travellers. Landlords sometimes refuse to let housing

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

- Anti-Gypsyism and structural discrimination are the roots to those barriers that inhibit Roma and Travellers from accessing their right to decent housing. Even when Roma and Travellers can access housing, they are often the victims of residential segregation. Therefore, there is a need for institutional recognition of antiGypsyism and anti-nomadism, which should be recognised within the legal arguments of rights claims and remedies, and on an equal basis with anti-Semitism.
- Adequate housing/accommodation for Travellers is intrinsically linked to the right to pursue a nomadic or semi-nomadic way of life. National and local authorities should refrain from applying policies, legislations or practices leading to induced or forced sedentarisation of nomadic or semi-nomadic citizens, as well as refrain from general off-limit policies addressing mobile accommodation. Halting and stopping of Traveller mobile accommodations should be authorized throughout the national territories except in specifically forbidden areas. Access to quality education and training, as well as health care services should not be conditioned by mandatory prolonged settlement but adapted to a nomadic or semi-nomadic way of life. The legal protection and the notion of decent housing applied to brick and mortar dwellings should be extended to other homes, namely traveller mobile accommodation.
- Securing access to all rights, including access to housing and decent living conditions, can only be achieved through political commitment and stronger tools for rights defenders to enforce the laws and standards. Even when court judgements are made, there is a weakness of enforcement. There is an urgent need for the appointment of an EU Ombudsman for Roma and Traveller Rights and a Special Representatives of the Secretary General of the Council of Europe for Roma Issues as political representatives and promoters of Roma equality.
- The Council of Europe through its legal instruments and bodies such as the European Court of Human Rights and the European Committee for Social Rights, as well as its other monitoring bodies, should recognise antiGypsyism and anti-nomadism within their mandate. In particular, the ECtHR should incorporate the term antiGypsyism and evoke Article 14 while examining applications from Roma and Travellers.
- The collective complaints mechanism of the European Social Charter is a dynamic human rights procedure which can bring to the surface the violation of Roma and Travellers' rights, particularly in the area of housing. Unfortunately, many member states have not yet ratified the additional protocol on the collective complaints procedure within the Charter. In a joint initiative, the European Roma and Travellers Forum (ERTF) and Caritas Europe should publish a statement and send to member states who have not yet ratified the collective complaints procedure. The European Social Charter Secretariat should publish the list of NGOs which can launch collective complaints.

- As collective evictions are a serious human rights violation, there should be an alert system in place with emergency responses from the Council of Europe.
- Roma and Traveller integration is a shared responsibility and all actors, including Roma and Traveller civil society, should take a vital role in it. It is important that civil society voices form part of the mandatory consultation process within the instruments of the Council of Europe. The Dialogue meetings between the Council of Europe and Roma and Traveller civil society should form part of a coherent strategy of incorporating their voice into the mandate of all sectors of the Council of Europe, thus ensuring a wider dialogue and a transversality of Roma and Traveller issues from a grassroots perspective.
- Taking into consideration the shrinking financial capacities of member States to seek solutions to the housing and accommodation issues, Roma and Traveller NGOs should take on a more active role and mediate between Roma and Traveller communities and local/national authorities. To this effect, Roma and Traveller NGOs should receive financial and structured support.
- Sharing best practices in housing and accommodation and its effects on its members should form part of the knowledge sharing practices of the Council of Europe. An innovative sharing mechanism should be developed for sharing best practices regarding Roma and Traveller family life issues. Existing tools for sharing good practices should be made more visible.
- In order to increase the visibility of the work of Roma and Traveller civil society organisations, they should seek to become members of the Council of Europe INGO Conference by applying for ‘participatory status’ with the organisation.
- Tenure security is connected to security of life choices. Roma and Traveller civil society should seek collaborative initiatives to support the legalisation of ownership of homes through various legal, technical support, financial and micro credit schemes.
- Ensure relevant and effective mechanisms by the Council of Europe for adequate and timely implementation of decisions issued on the ground of article of the European Convention on Human Rights. In spite of the fact that a monitoring mechanism is in place, rulings and judgements are often not respected by member states. Efficient sanction mechanism should be put in place in order to secure adherence to judgements in cases of human rights violations.
- A balanced position to overcoming housing segregation is required, ensuring the protection of the right of communities to reside/live together, if this is their desire. However, establishing active measures to improve access to public services and social as well as technical infrastructure should not be directed towards further segregation.
- Policy development regarding housing conditions for Roma and Traveller communities should take place at European level in addition to the national level. Thus, the opportunity to replicate successful practices of different countries in the framework of Council of Europe member states would be enforced.
- Housing solutions should work to overcome cost and spatial inequalities. This requires both policy change and investment. The Council of Europe Development Bank (CEB) should prioritise Roma and Traveller issues into its housing projects by targeting investment access to property ownership, rented accommodation and urban renewal through municipal housing-related infrastructure.

European Roma Grassroots Organisations (ERGO) Network

To participating States:

- ERGO Network calls upon the OSCE participating States to recognize housing as a fundamental rights issue in future policies and legislation and

- To work on increasing political will, especially of local authorities/municipalities;
- To address the lack of Roma participation at all levels (participation in urban planning and budgeting for example), especially in order to prevent the lack of understanding of the problems and consequently improper responses, including investment;
- To enable preconditions for evidence-based measures. People themselves, researchers and civil society have to be invested in so they can provide useful and up-to-date information about the conditions and needs;
- To treat forced evictions, residential segregation and the lack of legislation to forbid forced evictions as forms of systemic antigypsyism. In addition, discrimination at the housing market is also a manifestation of antigypsyism and have to be prevented and sanctioned;
- To halt forced evictions, demolitions of houses Roma live in, placement of Roma in segregated camps and emergency shelters cut off from basic services and erection of walls around Roma settlements;
- To take into consideration unequal treatment of housing issues – Considering the diversity of contexts is important to avoid exclusion of certain issues from the political and policy agendas. This means that, for example, if we talk about housing, we must not forget about the lack of access to sites.
- To avoid harmful initiatives/bad investments – Moving Roma from one bad housing condition to another is as well a result of improper actions of the responsible authorities. It happens that Roma people are placed in a new house, but with no infrastructure and then the municipality does not have further resources to invest. Solutions to the housing issues, as could be concluded from this case, have to go far beyond ‘building a house’. To ensure a comprehensive and integrated approach that avoids a one-size-fits-all understanding of ‘the issue’.
- To secure Roma people's full access to quality and affordable housing, clean water, healthy environment, public transportation and sewage systems.
- Address the lack of awareness of the ‘mainstream’ measures – Relevant policies have not been implemented, neither Roma-specific not mainstream policies. One of the needs identified in the context of the EU Member States is raising awareness of the European Pillar of Social Rights and specifically of the Principle 19 (that includes three relevant issues – social housing, forced evictions and homelessness).

European Roma Rights Centre

To the Italian government:

- Establish, monitor and enforce policies which prohibit the use of housing funding to create or maintain ethnically segregated accommodation such as camps or shelters.
- Fund projects providing for integrated housing settings and inclusion paths which ensure family are not separated.
- Empower Roma to take control of their own housing fate; involve members of affected communities in the planning and implementation of all actions to address their housing situation from the earliest stages.
- Immediately cease the practice of forcibly evicting Roma without undertaking any of the measures required by international human rights law to provide socially inclusive alternatives consistent with the commitments on housing for Roma made in the NRIS.

To the Slovak government:

- Resolve urgent issues of land ownership arising from the transition to a market economy and decentralised governance;

- Immediately cease illegal forced evictions of Roma; and ensure that evictions are a means of last resort which are carried out in accordance with both national and international obligations, including provision of alternative accommodation;
- Ensure that social or alternative housing offered to Roma meets acceptable standards for human habitation;
- Adopt law explicitly recognizing the human right to water and sanitation and ensure that all people in Slovakia enjoy access to safe drinking water and sanitation; and adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems;
- Stop targeting socially excluded Romani communities with higher policing; and establish a fully independent autonomous institution, outside of the structures of the Ministry of Interior that will be responsible for the investigation of complaints of alleged ill-treatment treatment by police officers as well as all complaints with a possible racial motive.

GATEHerts Hate Crime Ambassador

To participating States:

- OSCE states need to provide policy alteration and intervention on custody of children by Roma and Sinti families living in distinctive communities and/or sites. This includes ensuring that Roma and Sinti living is not considered ‘mentally damaging’ to children in cases of law and custody of Roma and Sinti children.
- OSCE states need to provide more intervention on companies refusing service to Roma and Sinti communities locally, and consider this when allocating sites and areas for Roma and Sinti communities.
- OSCE states require policy intervention on forced assimilation of Roma and Sinti communities through responses to roadside encampments and forced evictions from historical Roma and Sinti sites and communities.

National Roma Centrum (NRC)

To North Macedonia:

- Legalization of Roma Housing in Republic of North Macedonia
- Plans for urbanization to respect the principles of non-discrimination and anti-segregation
- Improve the housing conditions of Roma in Republic of North Macedonia
- Resolving the issue of Roma homes ownership and land on which they are found, by finding constructive and durable solutions
- Specialized training for administrative workers for their greater professionalism

Thursday, 26 September 2019

Side Event: Racism, intolerance and violence against Roma and Sinti in the OSCE area

Recommendations to participating States

European Roma Grassroots Organisations (ERGO) Network

To participating States

- **RECOGNISING PRESENT AND HISTORICAL RESPONSIBILITY AND IMPROVING INSTITUTIONAL FRAMEWORKS**
 - To prioritise the fight against antigypsyism and to mainstream and operationalise it in all relevant institutional structures, policies and legislation, including funding instruments;
 - To implement concrete, targeted, proactive and reactive measures to respond to antigypsyism and all its manifestations such as discrimination, hate-speech and hate-crime and establish clear targets and specific and measurable indicators that would be used for monitoring and evaluation of the implementation;
 - To educate law enforcement officers, teachers, judiciary and civil servants, social workers and other state employees in close collaboration with Romani and anti-racist civil society organisations, experts and activists to identify antigypsyism in order to effectively prevent and counter the phenomenon;
 - To recognise the historical dimension of antigypsyism and demonstrate responsibility of the institutions towards Romani communities;
- **COLLECTING DATA AND MONITORING ANTIGYPSYISM**
 - To invest financial and other resources to strengthen the role of civil society as watchdog organisations of fundamental rights and empower civil society to advocate for changes and feed into relevant policy and legislative processes;
 - To invest efforts into analyzing the impact of antigypsyist behaviour and structural antigypsyism on Roma living in deep poverty, Romani women, elder persons, youth, children, Roma migrants and EU mobile Roma, LGBTIQ+ and persons with disabilities;
 - To encourage and support national human rights institutions, equality bodies and ombudspersons in equality data collection and reporting on cases of antigypsyism; establish an obligation of the relevant institutions at national and local level to collect disaggregated data on hate-speech and hate crimes committed with antigypsyist motivation, including intersectional data, to allow analysis of trends;
- **ENABLING ACCESS TO JUSTICE**
 - To counter and sanction hate-speech in public discourses: in the media, academia, among politicians, state authorities and civil servants, in particular by fostering counter-narratives for inclusive society and by ensuring the meaningful participation of Roma in supervisory structures;
 - To fully implement all relevant policies and legislation that respond to hate-speech and hatecrime and, if necessary, amend legislative frameworks to enable the right for civil society to litigate against antigypsyist speech;
 - To train state officials in order to recognise antigypsyism as bias motivation, including intersections of antigypsyism with nationality, language, religion, gender, age, mental or physical disability, sexual orientation; this should be made mandatory, especially for judges; to ensure that antigypsyist crimes and misdemeanours are recognised by police, prosecutors and the courts as motivated by antigypsyism and prosecuted as such;
 - To set up and/or support programmes and/or initiatives for supporting the victims and potential victims of antigypsyist crimes, speech, discrimination and misdemeanours, especially in addressing underreporting and other obstacles to access to justice;
- **ENDING ALL FORMS OF STRUCTURAL ANTIGYPSYISM IN ALL PARTS OF SOCIETY**

- To address and end any form of structural antigypsyism, including all forms of segregation, forced evictions, environmental racism and other manifestations of antigypsyism in education, employment, health and housing;
- **STRENGTHENING ROMA LEADERSHIP, PARTICIPATION, EMPOWERMENT AND SELFORGANISATION**
 - To treat Roma and Sinti as equal partners, support and finance free, independent and diverse selforganisation and other forms of empowerment, including promoting leadership and recruiting Roma for high-level positions in public administrations at all levels;