



OSCE Human Dimension Implementation Meeting

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Contribution of the Council of Europe

Follow-up to the Strasbourg Declaration on Roma

September 2012 - September 2013

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

Full information: www.coe.int/Roma

INTRODUCTION

The Strasbourg Declaration on Roma adopted at the CoE High-level meeting of 20 October 2010 has generated a stronger focus on action to improve the situation of the Roma in the Council of Europe member States. Using transversal methods wherever possible and involving various sectors such as Education, the Congress of Local and Regional authorities and Youth, the Council of Europe has been able to mobilize resources which are strategically important for achieving progress on the social inclusion of Roma and the full respect of their human rights.

This document gives an overview of different lines and areas of action, such as the ROMED mediators training programme, the shift from standard-setting to implementation through innovations in the intergovernmental cooperation methods adopted by the CAHROM, the sharing of good practice among member states, the empowerment of Roma women, awareness raising activities through the Dosta! campaign and through the training of lawyers programme and, with the active involvement of the Congress, building capacities of national, regional and local authorities through the European Alliance of Cities and Regions for Roma Inclusion. Much of this work is carried out in cooperation with the other international organizations and NGOs.

For the coming years, the CoE plans to concentrate on:

- Inducing change through capacity-building and mutual learning, involving national, regional and especially local authorities in member states, and, in this context, promoting good practice and replication of local grass-roots initiatives
- Education as the most effective long-term investment to improve the situation
- Promoting empowerment and participation of Roma, notably women, children and youth
- Supporting efforts to combat anti-Gypsyism and discrimination against Roma.

I - CAPACITY BUILDING AND AWARENESS RAISING

1. European Roma Mediators Training Programme (ROMED)

In 2012, the ROMED Programme continued with the implementation of the activities included in its Action Plan. The Programme, which received a financial support of 1.000.000 Euros in 2011, was renewed in 2012 and another million was allocated to the implementation of the second phase. A total of over 1,100 mediators have been trained in the two years of implementation of the Programme. As of the 1st April 2012, starting date of the second phase of the contract, four additional countries (Albania, Belgium, the Russian Federation and the United Kingdom) joined the Programme which ends on 31 March 2013.

The main achievements of ROMED so far are:

- the design and elaboration of a new training curriculum for mediators (available in 20 languages);
- a European Code of Ethics for Mediators: a set of core principles and norms to guide the work of mediators has been identified as a key tool for protecting the mediator against abuse and for enhancing the quality of the services provided;
- the creation of a European pool of ROMED trainers: 67 trainers out of which more than half are of Roma origin;
- the creation of a European Database on Mediators, a valuable resource with up-to-date information on various aspects of Roma mediation in a number of countries. This tool is partially available online at www.coe-romed.org;

- over 80 events organised (training sessions for trainers, coordination meeting with the other international and European organisations);
- over 1100 mediators trained in 20 countries and Kosovo^[1]. A very large majority of mediators are Roma, the others have a very good knowledge of the Roma community;
- more than 500 representatives from national and local institutions have attended the training sessions (during each training session, a day was dedicated to the cooperation between mediators and public institutions and authorities);
- creation of a ROMED network (support for the national networks of mediators and European exchanges);
- recommendation on Mediation adopted by the Committee of Ministers of the Council of Europe (CM Recommendation 9/2012);
- European Congress of mediators with Roma communities organised by the European Commission in cooperation with the Council of Europe (Brussels, 17-18 January 2013);
- increased cooperation with national authorities in order to ensure sustainability (integrate ROMED approach in the national training programmes);
- from 1 April 2013, a second phase started focusing more specifically on the context of mediation at local level.

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

This line of action focuses on the need to ensure equal and effective access to the justice system for Roma at national level and provide appropriate and targeted training to lawyers based on the case-law of the European Court of Human Rights and the European Social Charter. Over 120 lawyers have benefited from trainings in Greece, France, Italy, Turkey (2011), Romania and Bulgaria (2012). In 2012, the SRSG Support Team for Roma Issues, in cooperation with the Council of Europe HELP programme devised an additional tool reinforcing the litigation capacities of lawyers: the online antidiscrimination training for lawyers and prosecutors will be launched in Lithuania and Italy in 2013. The master course which will consist of 30 hours will include 7 hours on discrimination of Roma. It will be ready mid-2013 and launches are programmed in the following countries: Italy Lithuania, Latvia, Greece, Slovakia and United Kingdom.

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

Awareness-raising activities combating prejudices and stereotypes against Roma are being pursued, in particular through the **Dosta! campaign**. A new Dosta! multilingual website¹ is now operational. It includes all multimedia and visibility material and a forum accessible to visitors. The new website gives the possibility to national Dosta! partners to post information about Dosta! activities/events in their own language. The Dosta! leaflet has been translated into five additional languages: Spanish, Slovak, Croatian, Latvian and Swedish. A new Dosta! toolkit for fighting prejudices and stereotypes is published. In April 2013 Lithuania and Spain joined the Dosta! campaign.

^[1] All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

¹ www.dosta.org

4. Mainstreaming Roma issues in general human rights capacity building

The Council of Europe European Programme for Human Rights Education for Legal Professionals (the HELP Programme) has developed a wide range of substantive and methodological resources for human rights training, including on non-discrimination, which are available in a number of languages on the HELP website (www.coe.int/help). The Programme has introduced a case study specifically dealing with Roma issues, which has been translated into eight languages. This case study is now used in human rights training activities organised by the Council of Europe (Directorate General of Human Rights and Legal Affairs), and by judicial training institutions. It is also available for use by any other interested organisation. As a further example of mainstreaming, the training for judges organised under the Joint Programme between the European Union and the Council of Europe entitled “Transparency and efficiency of the judicial system of Ukraine” (TEJSU) included seminars on the protection of Roma rights under the ECHR.

As explained under 2. above, preparations are under way for an online course for judges, lawyers and prosecutors on anti-discrimination, including as regards Roma.

Within the framework of the CoE/EU JP “Enhancing Human Rights Protection in Kosovo^{*}” training for NGOs, including those working with Roma, Ashkali and Egyptians (RAE), on the ECHR and the FCNM standards is being provided. In addition, the Project will undertake an expertise and propose amendments to the Law on Anti-discrimination.

5. Reference tools

The Council of Europe updated in May 2012 its glossary on Roma-related terminology (a transversal initiative between staff members of both the Council of Europe’s Translation Department and the Support Team of the SRSG for Roma issues). It also regularly updates a table of Roma population census figures and estimates in European countries. Both documents, available on the Council of Europe Roma portal (www.coe.int/roma), have become reference tools, not only internally but also for journalists and international organisations, in particular the European Union².

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

1. Database on Roma-related policies and good practices

Following the adoption of the Strasbourg Declaration, a database on Roma-related policies and good practices was set up in 2011 by the Council of Europe. This tool which aims at facilitating the exchange of experience at national, regional or local levels, includes a first set of good practices identified in member states through CoE committees and monitoring bodies, by the Commissioner for Human Rights, the Congress of Local and Regional Authorities or by international partners, such as the European Union, the OSCE and the Roma Decade. They cover a wide range of areas, such as facilitating access to employment, successful and non-segregated integration of Roma children in school, mediation, teaching of the Romani language at school or university, training capacities, development of pedagogical tools for nomadic Roma and

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

² The April 2011 Communication of the European Commission “An European Framework for National Roma Integration Strategies up to 2020” (COM(2011)173/3) contains an appendix listing population figures on the basis of data assembled by the Council of Europe.

Travellers, etc. which can be sorted out by country, theme, key-word, as well as by level (local, regional, national). Some 60 practices (either promising, demonstrated or replicated practices) are now included in the Database. Since September 2012, the database includes a geo-localization map of good practices policies and experts. A CD presenting the database and its functioning has been produced in April 2013. The database was developed with the financial support of the Finnish Government.

2. Ad hoc Committee of experts on Roma issues (CAHROM)

This intergovernmental body, responsible directly to the Committee of Ministers, is largely focused on the analysis and evaluation of the implementation of national Roma policies/strategies, as well as, following the adoption of new working methods, on thematic exchanges of experience and good practices among member states.

At its 3rd meeting in Ohrid, “the former Yugoslav Republic of Macedonia” (23-25 May 2012), the CAHROM endorsed two thematic reports of groups of experts, namely on school drop-out/absenteeism of Roma children (with The Netherlands as requesting country and Hungary, Spain and Sweden as partner countries) and on the role of state, regional and local authorities in implementing Roma national strategies (with the Republic of Moldova as requesting country and Finland, Romania and Slovenia as partner countries). Other thematic reports on social housing for Roma (with “the former Yugoslav Republic of Macedonia” as requesting country and Bosnia and Herzegovina, Croatia and Spain as partner countries), and on inclusive education as opposed to special schools (with Czech Republic and Slovak Republic as requesting countries and Hungary, Slovenia and United Kingdom as partner countries), were presented and endorsed at the 4th CAHROM meeting in Strasbourg on 28-30 November 2012. At the forthcoming 5th CAHROM meeting (Strasbourg, 14-16 May 2013), new thematic reports will be presented, one on school enrollment of Roma children and girls in particular (with Finland as a requesting country and Latvia, Norway and Sweden as partner countries), and another as on halting sites and other issues relevant for nomadic Roma and Travellers (with Belgium as a requesting country and France, Switzerland and the United Kingdom as partner countries).

Further results of the work of the CAHROM were the adoption by the Committee of Ministers in February 2012 of a Declaration on the rise of anti-Gypsyism and racial violence against Roma in Europe and the CM Recommendation on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma, adopted in September 2012.

III – ADDRESSING ROMA ISSUES WITHIN DIFFERENT INSTITUTIONS, BODIES AND SECTORS OF THE COUNCIL OF EUROPE

The human rights dimension

The European Court of Human Rights

The European Court of Human Rights continues to receive applications alleging violation of the European Convention on Human Rights (ECHR) in respect of Roma. The Court publishes information on its case-law in a fact sheet (Factsheet – Roma and Travellers) which is available on the Court’s website and is regularly updated. In the reference period, the Court delivered judgment in some twenty cases, dealing with a wide range of human rights issues under the ECHR. A summary of these cases is appended.

Execution of judgments

During the reference period, the Committee of Ministers continued its supervision of the state of execution of several judgments of the European Court of Human Rights concerning Roma. A selection of main cases is appended.

European Social Charter (ESC)

During the period concerned the European Committee for Social Rights adopted the following decisions on the merits with regard to the following cases:

- Complaint No. 67/2011 Médecins du Monde - International v. France (11 September 2012): The European Committee of Social Rights concluded that there was a violation of Article E read in conjunction with Articles 11§§1-3 (right to health), 13§1 and 4 (right to social and medical assistance), 16 (right to appropriate social, legal and economic protection for the family: housing), 17§2 (right of children and young persons to appropriate social, legal and economic protection), 19§8 (guarantees concerning expulsion), 30 (right to protection against poverty and social exclusion) and 31§§1-2 (right to housing) of the Revised Charter. In regard to other situations, the Committee concluded that there was no violation of Article E, read in conjunction with Article 16 (right to appropriate social, legal and economic protection for the family: family benefits) and of Article 13§4 (right to social and medical assistance: for those not residing lawfully or not working regularly). It transmitted its report containing its decision on the merits of the complaint to the Parties and to the Committee of Ministers on 20 September 2012.

European Commission against racism and intolerance (ECRI)

During the reference period, ECRI published country reports on Azerbaijan, Cyprus, Serbia, Lithuania, Italy, Latvia, Luxembourg, Montenegro, Ukraine, Andorra, Denmark, Croatia, Sweden, Ireland and Liechtenstein. The reports concerning the following countries contain recommendations on specific Roma issues: Azerbaijan, Cyprus, Serbia, Lithuania, Italy, Latvia, Luxembourg, Montenegro, Ukraine, Denmark, Croatia and Sweden. ECRI also visited San Marino, Finland, Russia, Malta, Portugal, Netherlands, Moldova, Romania, Germany and Belgium in order to prepare country reports. The implementation of priority recommendations on Roma-related issues has been monitored in the following countries: Bulgaria, Slovakia, Czech Republic, Belgium, Greece, Albania, Estonia and United Kingdom.

ECRI's dramatic country-by-country findings have prompted it in 2011 to release a new General Policy Recommendation (GPR No.13) on combating anti-Gypsyism and discrimination against Roma. In this text ECRI requests the authorities of all member States to adopt up to 90 measures, including encouraging Roma victims of violence and other forms of crime – as well as police misconduct - to lodge complaints and calling on the media to avoid inflammatory reporting. According to GPR No.13, lack of access to decent housing is another major problem for Roma coupled with eviction without notice or appropriate rehousing. ECRI, accordingly, calls upon States to consider, among other steps, legalising long-tolerated Roma sites, even if they have been built in breach of town planning regulations. At the same time ECRI stresses that it is indispensable for the Roma community to contribute itself, to the extent that it can, to combating

anti-Gypsyism. A number of events were organised to launch the Recommendation. ECRI continues its close contact and dialogue with Roma organisations.

In the framework of its country monitoring work, ECRI urges the member states to efficiently implement and fund their strategies and action plans for Roma integration (see also the EU Framework for National Roma Integration Strategies up to 2020).

Framework Convention for the protection of national minorities (FCNM)

The Advisory Committee has regularly examined the situation of Roma in its Opinions³. Not all Council of Europe member states recognise Roma as belonging to national minorities, and in a number of states, even where Roma are a recognised national minority, some Roma are excluded from the protection afforded by the state under the Framework Convention because they lack the necessary documents to prove their citizenship, raising issues under Article 3 of the Framework Convention.

The Advisory Committee has regularly raised concerns under Articles 4 and 15 regarding the continued socio-economic marginalisation of Roma and discrimination in access to education, employment, housing and health. Despite efforts by states to implement action plans in these fields, the Advisory Committee's monitoring over the past two years shows that full and effective equality remains far out of reach for many Roma in Europe today. Education about Romani culture and history, as well as teaching in the Romani language, is also seldom sufficient, raising issues under Articles 12 to 14 of the Framework Convention, and media in Romani remain rare, raising concerns under Article 9. The Advisory Committee has also regularly voiced concern under Article 6 of the Framework Convention about persisting prejudice against Roma, which not only creates unfavourable conditions, and sometimes an overtly hostile climate, for everyday life but also exacerbates the difficulties faced in overcoming discrimination.

The Council of Europe Commissioner for Human Rights

The Commissioner's work on Roma in the reference period includes: 1) the continuing focus on the human rights of Roma in the context of his country monitoring and thematic work; and 2) the launch in February 2012 of a report on the human rights of Roma and Travellers in the member states of the Council of Europe⁴.

This report⁵ presents the first overview of the human rights situation of Roma and Travellers, covering all 47 member states of the Council of Europe. Its purpose is to encourage a constructive discussion about policies towards Roma and Travellers in Europe today, focusing on what must be done in order to put an end to the discrimination and marginalisation they suffer. Summaries of the

³ Between 1 April 2011 and 31 March 2013, the Advisory Committee published new Opinions on the following countries: Albania, Armenia, Austria, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, Italy, Lithuania, Norway, Romania, the Russian Federation, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia" and the United Kingdom. It also adopted new Opinions on Azerbaijan, Bosnia and Herzegovina, Ireland, Malta, Switzerland, Ukraine and Kosovo*, which are currently restricted.

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

⁴ See also Commissioner's thematic website on Roma

http://www.coe.int/t/commissioner/activities/themes/Roma/RomaRights_en.asp

⁵ Human rights of Roma and Travellers in Europe, Council of Europe Publishing, February 2012.

report have been published in the following languages: Albanian, Bulgarian, Czech, French, German, Hungarian, Italian, Romani, Romanian, Russian, Serbian, Slovak, Spanish and Turkish.

Regarding country work, the situation of Roma was reviewed in a number of reports or letters by the Commissioner in the reference period: Republic of Moldova (October 2011), Serbia (November 2011), Slovak Republic (December 2011), Bulgaria (February 2012), United Kingdom (March 2012), Portugal (May 2012) and Italy (report is forthcoming)⁶. The main issues raised by the Commissioner in these reports include: persisting anti-Gypsyism and discrimination, segregation in the fields of housing and education, statelessness, violations of housing rights and gaps in the implementation of policies towards Roma.

Commissioner Muižnieks, who took up office in April 2012, intends to focus on the following main issues during his mandate: the need to expand the fight against anti-Gypsyism as an underlying principle of all policies and measures to improve the situation of the Roma; tackling the problem of statelessness affecting many Roma, including the lack of identity documents, with a particular emphasis on children; tackling school segregation affecting many Roma children throughout Europe; and emphasising the need for a human rights-based approach when dealing with issues related to the migration of Roma.

Gender equality: Roma women

In view of the 4th International Conference of Roma Women in Finland (September 2013), the SRSG Support Team in cooperation with the Finnish government initiated an inclusive consultation process with the Roma women's international networks and national associations. In order to prepare the conference, a questionnaire was sent by the Finnish government to the main national organisations of Roma women and a preparatory meeting was hosted by the Romanian authorities in Bucharest on 3 and 4 October 2012.

Roma migrants

The respect of the right to leave one's country remains a priority for the Migration Co-ordination. A seminar on measures adopted or planned by governments in the region to prevent potential asylum-seekers from leaving their countries was held in Belgrade in June 2012 (with the participation of the HR Commissioner's office, PACE, SRSG Roma Support Team, and Ombudsmen of Serbia). The discussions on this issue will continue this year with a possible participation of the representatives of the main destination countries. A seminar is envisaged to take place in the second part of 2013. A seminar aimed at exchange of good practices on monitoring access of IDPs to rights by ombudsmen was held in Belgrade (Serbia) in December 2012. The seminar was attended by the Ombudsmen of the Balkan and South Caucasus countries. Following this seminar, a project will be developed on strengthening the capacity of the Office of the Ombudsman of Serbia by promoting the use of the relevant experience from other countries. A similar project will be prepared for BiH for 2014.

⁶ All reports can be found at: www.commissioner.coe.int

Trafficking

A recent conference on preventing trafficking (Bulgaria, December 2012) included a session on prevention among vulnerable groups, in particular Roma, which was attended inter alia by local Roma mediators from Varna. One of the issues raised was related to the question of forced (early) marriages resulting in trafficking. In order to examine the link between forced (early) marriages and trafficking a small scale expert meeting will take place in the margins of the next CAHROM meeting (13 May-Strasbourg). The conclusions of the expert meeting will be presented in one of the workshops during the 4th International Roma Women's Conference. Moreover, the conclusions will be presented to GRETA and the CAHROM.

In GRETA's view, although the exploitation of begging is not expressly mentioned in the Convention on Action against Trafficking in Human Beings, this phenomenon should be considered as a form of forced labour for the purposes of this Convention. Some countries have specifically included forced begging among the forms of exploitation covered by the offence of human trafficking. In its country evaluation reports, GRETA considers issues related to trafficking for the purpose of exploitation of begging, in particular of Roma children. The issue of criminalisation of begging in itself does not however fall under GRETA's mandate.

The local dimension

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

Following the adoption of a Declaration at the Summit of Mayors on Roma under the theme "Building mutual trust at the grassroots" which took place on 22 September 2011, it was decided to set up a **European Alliance of Cities and Regions for Roma Inclusion**, as a key tool for increasing local and regional capacities in this area. A kick-off group including six European cities and regions (Aubervilliers/France, Kavarna/Bulgaria, Malaga/Spain, Region of Madrid/Spain, Heraklion/Greece and the 5th district of Bucharest/Romania) was created to build on this Summit and to prepare for the establishment of this new European network at grassroots level. A preparatory meeting for the launch of the Alliance was held on 27 June 2012 in Strasbourg and a pre-launch event took place on 25 September 2012, also in Strasbourg.

The Alliance has adopted an integrated transversal approach with a view to building the capacity of cities and regions to develop policies for the inclusion of Roma. In its work it takes into account other initiatives of the Council of Europe, such as the ROMED programme and CAHROM work, Intercultural Cities, relevant activities of the Youth Department and others. The Alliance already implemented two pilot events in the late 2012 on the topics of inclusive education and housing intervention. The official launch ceremony of the Alliance took place on 20th March 2013 during the 24th Session of the Congress.

In 2013-2014 the Alliance plans to implement a joint Council of Europe/European Commission project (ROMACT), which is currently under discussion between the two organisations.

The activities of the Alliance are steered in close cooperation and coordination with the SRSG Roma and his Support Team.

To ensure Roma young people's concerns were covered by the report, a consultation meeting was organised on 25 November 2012 in cooperation with the Council of Europe Youth Sector. The meeting brought together some 20 participants, namely the Congress's co-Rapporteurs on Roma Youth, members of the Congress Current Affairs Committee, the Congress's expert on Roma Youth, ten Roma young people and representatives of Roma youth networks, members of the Advisory Council on Youth of the Council of Europe, a member of the European Alliance of Cities and Regions for Roma Inclusion and a mediator from the ROMED programme.

The report is due to be adopted by the Congress at its 25th session in October 2013.

Education, Culture, Sport, History, Youth and Children

The European Academic Network on Romani Studies

The European Academic Network on Romani Studies, a joint Action of the Council of Europe and the European Union, seeks to facilitate intercultural dialogue and support efforts towards the social inclusion of the Roma population in Europe. The project raises the visibility of existing research and fosters cooperation with policymakers by providing evidence for better conceived policies. One of its key roles is thus to provide references and guidance to both policymakers and young researchers.

As part of the 2012 agenda of the Network, a summer school involving more than 50 young scholars was held covering the multi-disciplinary field of Romani studies, organised in partnership with the Central European University in Budapest, Hungary.

Grants to young career researchers are an important part of the 2012 work agenda. The grants encourage young career researchers in Roma and Roma-related areas to travel, publish and participate in major international events.

In the frame of Supporting Roma in Academia the Network organized anti-discrimination measures and positive action for inclusion of young Roma scholars; 3 Romani interns are placed at the ECMI - European Centre for Minority Issues in Flensburg, and 4 seminars organized in European research centres in Chisinău (Md), Cluj-Napoca (Ro), Budapest (Hu), and Liverpool (UK), involving more than 16 professors and some 40 young scholars of Romani background from all over Europe.

The new website romanistudies.eu was developed in 2012 and has become a significant visibility tool for the network; its database contains details of more than 200 members of the network, which can be searched by specialisation with the help of a search engine.

Roma Routes project

Initiatives towards a future **Roma Routes project** as part of the Cultural Routes of the Council of Europe were carried out in 2010-2012, involving the United Kingdom, Germany, Greece, Romania and Slovenia and supported by the EU. During the closing conference of the project held at the Heidelberg Roma and Sinti Documentation Centre in March 2012, it was decided to further develop the Roma Route, which aims to explore and disseminate best practice in making Roma past and present culture visible across Europe.

Cultural Resources for Roma Inclusion

With a view to setting up a new project on “Cultural Resources for Roma Inclusion”, a feasibility study was funded by the Open Society Foundation and carried out by the Slovenian NGO Misija on the positive experience in the Kamenci settlement, Slovenia, in using cultural activities based on Roma culture to foster interaction and dialogue between Roma and the wider community. The study identified five Roma settlements/organisations in Europe able to adopt the “Kamenci model”. The new Joint Programme will start in April 2013 and will allow the 5 selected settlements to design detailed business plans for the implementation of the Kamenci model.

Roma Genocide

In the framework of the programme «Passing on the remembrance of the Holocaust and prevention of crimes against humanity: a cross cutting approach», all the victims of the Nazi regime are taken into consideration.

In all Council of Europe European workshops for teachers and teacher trainers (or other target groups) there is a session on the Roma genocide (official term of the International Holocaust Remembrance Alliance) or “*Samudaripe(n)*” or “*Phar(r)aj(i)mos*” or “*Por(r)ajmos*”.

Enlarged Partial agreement on Sport (EPAS)

Within the framework of its pan-European programme to promote diversity and fighting against discrimination, the **Enlarged Partial Agreement on Sport (EPAS)** has invited representatives of the Roma communities to its conferences and seminars, in particular those organised in the Western Balkans. These regional seminars are aimed at discussing the role of sport in promoting intercultural dialogue and favouring the inclusion of minorities in society, including the fight against prejudices and stereotypes against Roma. The co-operation between the EPAS and the Football Against Racism in Europe (FARE) network was continued in 2012 in the Western Balkans, with a particular focus on supporting the inclusion of Roma, as well as increasing the access of Roma population in sport activities.

Roma Children

Cooperation continues between the Roma Programme and the similarly transversal Council of Europe Programme "**Building a Europe for and with Children**". The Council of Europe Strategy for the Rights of the Child (2012-2015) includes an explicit reference to Roma children in its chapter on guaranteeing the rights of children in vulnerable situations. In the short term, this cooperation will result in the translation into the Romani language of several existing child-friendly materials developed under the Children Programme. In the medium term, it will include the organisation of activities to further mainstream issues relating to Roma children. In addition, as part of the implementation of the Council of Europe Strategy for the Rights of the Child 2012-2015, the SRSB Support Team is supporting the elaboration of a concept paper on the feasibility of conducting a comparative study on the prevalence of Romani children among the victims of sexual exploitation and sexual abuse in Hungary, Italy and Romania.

Youth

Since 2011 the Youth activities – a joint venture between Council of Europe, Roma and non Roma Youth organisations and other organisations such as OSCE/ODIHR and OSF aim at mainstreaming youth issues in Roma policies. The Youth activities concerning Roma focus mostly on capacity building of NGOs, fighting anti-Gypsyism and supporting the youth NGOs on Remembrance.

The starting point was a Roma Youth Conference organised in Strasbourg on 27-30 September 2011 by the Youth sector in co-operation with the SRSR Roma Team. The objective of the conference was to consult with young Roma people and Roma youth organisations about the strategic priorities of the Council of Europe's youth policy regarding Roma and to support the further development of Roma youth organisations, for the next 2-5 years. The conference gave young Roma the opportunity to examine how their organisations could contribute to the implementation of the Strasbourg Declaration on Roma. Some 60 youth representatives attended the conference, together with international Roma youth networks and other relevant international actors (Open Society Foundations, OSCE – ODIHR, European Roma Rights Centre, ERGO, ternYpe, FERYP etc.).

The conference resulted in a Roma Youth Action Plan for meeting the challenges faced by Roma young people in Europe, particularly in relation to their empowerment, participation in policy decision-making processes and structures at European level and the realities of discrimination and particularly anti-Gypsyism that they are confronted with.

The action plan includes activities of the Youth Department and of other sectors of the Council of Europe as well as activities implemented by other partners – intergovernmental and non-governmental – cooperating with the Council of Europe and interested in securing a maximum of impact of their activities by avoiding double work and creating synergies between their activities. An Informal Contact Group meets at least once a year to strategise the activities in the action plan with other programmes and initiatives.

Among the activities of the Plan for 2012 – 2013, several activities include training of youth leaders and the development of dialogue between youth organisations and civil society in general and local authorities to fight discrimination faced by Roma people.

The Training for Roma youth leaders on taking action against discrimination (October 2012, to be continued throughout 2013) focused particularly on training youth leaders and members of civil society on developing actions involving also local and governmental authorities.

In 2013, the Youth Department will organise a variety of activities, namely: i) a seminar on the role of youth policy in tackling the situation of discrimination faced by Roma young people, with a focus on the situation in Central and Eastern European countries ii) a study and meeting on multiple forms of discrimination affecting Roma youth iii) support for the activities of Roma youth organisations for the commemoration of the Roma genocide and in general for remembrance and tolerance iv) the elaboration of a Toolkit for young activists and youth organisations on fighting anti-Gypsyism v) a conference jointly with the Antidiscrimination and Human Rights Directorate department on LGBT issues within the Roma communities.

Parliamentary Assembly

On 28 June 2012, the Parliamentary Assembly adopted Recommendation 2003 (2012) on Roma migrants in Europe as a follow-up to PACE Resolution 1760 (2010) on the recent rise in national security discourse in Europe: the case of Roma. This followed the adoption of Resolution 1768 (2010) and Recommendation 1941 (2010) on Roma asylum seekers in Europe by the Standing Committee on 12 November 2010.

On 23 April 2013, the Parliamentary Assembly debated the report of the Committee on Equality and Non-Discrimination on “Ending discrimination against Roma children” (Doc. 13158) and adopted Resolution 1927(2013).

A report on “equal access to health care” is under way before the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe (Rapporteur: Mr Jean-Louis Lorrain, France, EPP/CD). Inequalities with regard to access to health care are growing in all Council of Europe member states. The aim of the report is to identify the factors likely to lead to these inequalities and propose strategies for reducing and eliminating them. In this context, particular attention will be paid to the situation of various groups that encounter specific difficulties including Roma people. In the context of that report, a fact-finding visit to Athens took place on 11-13 April. The draft recommendation/resolution on this issue is planned to be debated during the June session of the PACE (24-28 June).

Council of Europe Development Bank (CEB)

The Bank cooperates with the Council of Europe within the Intergovernmental Ad hoc Committee of Experts on Roma Issues (CAHROM). The two institutions are complementary: the Council of Europe assists Member States in the drafting and implementation of national strategies in favour of Roma while the CEB supports governments by co-financing priority projects at national and local levels.

In September 2012 a grant of € 400 000 was approved out of CEB’s Selective Trust Account in order to make temporary housing available in Montenegro for some 800 refugees, for the most part Roma, following the fire that devastated the Konik 1 refugee camp in July 2012.

Furthermore, the Regional Housing Programme (RHP) for refugees and IDPs in the Western Balkans will also address, among its beneficiary population, large numbers of Roma. Some RHP sub-projects (e.g. Konik camp in Montenegro) will mainly address Roma population. The RHP can also be seen as an example where the CEB acts as a financial agent managing a multi-donor fund.

APPENDIX

Judgments of the European Court of Human Rights

Buckland v. the United Kingdom (no. 40060/08), judgment of 18 September 2012: The case concerned her threatened eviction from the Cae Garw caravan site in Port Talbot, Wales, after a possession order had been made against her and her family in August 2005. Violation of **Article 8** (home); ***Fedorchenko and Lozenko v. Ukraine***, 20 September 2012, (application no. 387/03): Burning of the first applicant's house and death of their relatives in a racially motivated arson attack and the lack of an effective investigation. The applicant's alleged involvement of a state agent in the arson attack. Violation of Article 2 and Article 14 in conjunction with Article 2 (procedural limb). No violation of Article 2 (substantive limb); ***Yotova v. Bulgaria (no. 43606/04)***, judgment of 23 October 2012. The applicant, Yolanda Kirilova Yotova, is a Bulgarian national of Roma origin. She was giving a party at her house in Aglen, two days after serious altercations had occurred between some youths of Roma origin and some youths of Bulgarian origin. At about midnight some shots were fired from a car towards the front gate of her house and the applicant was hit in the chest, shoulder and arm. Following the attack she was declared over 75% disabled. Relying in particular on Articles 2 (right to life) and 14 (prohibition of discrimination), Mrs Yotova alleged that the State authorities had failed to comply with their obligation to conduct an effective investigation into her attempted murder. She also complained that the authorities had not attempted to establish whether or not it had been a racially and ethnically motivated crime. Violation of Article 2 (investigation), violation of Article 14 combined with Article 2. ***Lăcătuș and Others v. Romania***, 13 November 2012 (application no. 12694/04 12694/04): Destruction of the applicants' home following an attack on Roma homes in the village of Hadareni in September 1993 by a mob of non-Roma villagers and the local police; the poor and cramped conditions in which they had been forced to live afterwards; and the disparaging and discriminatory terms used by the domestic courts and other official authorities' when referring to them in the course of proceedings for damages. Violation of Articles 3, 6 § 1, 8 and 14 in conjunction with Articles 6 and 8.; ***I.G. and Others v. Slovakia***, 13 November 2012 (application no. 15966/04): Sterilization of the applicants without their full and informed consent. Violation of Articles 3 (substantive and procedural limbs) and 8 and no violation of Article 13; ***Hamidovic v. Italy***, 4 December 2012 (application no. 31956/05) :Deportation of the applicant without her husband and children and despite Court's indication under Rule 39 of the Rules of the Court. Violation of Article 8; ***Sampani and Others v. Greece***, 11 December 2012, (application no.59608/09): Failure of the authorities to integrate Roma children into normal schools – the applicants' children are enrolled at a school, which is attended exclusively by children from the Roma community and provide a lower standard of education than other schools. Follow-up case from Sampanis and Others judgment delivered in 2008. Violation of Article 14 in conjunction with Article 2 of Protocol No. 1. Article 46: The Court recommended that those of the applicants who were still of school age be enrolled at another State school and that those who had reached the age of majority be enrolled at second chance schools or adult education institutes set up by the Ministry of Education under the Lifelong Learning Programme; ***Horvath and Kiss v. Hungary***, 29 January 2013 (application no. 11146/11): The applicants complained that their education in a remedial school had represented ethnic discrimination in the enjoyment of their right to education. In this connection, they alleged that the test used for their placement had been culturally biased and knowledge-based, putting Roma children at a particular disadvantage. Violation of Article 14 in conjunction with Article 2 of Protocol No. 1.

Committee of Ministers' supervision of execution of judgments

Oršuš v. Croatia (16/03/2010) concerns discrimination against Roma children in primary schools in Croatia. The authorities have taken a number of steps aimed at abolishing Roma-only classes in Croatia. These measures are also aimed at increasing the active involvement of social services in order to raise awareness of the Roma population on the importance of education. The Secretariat summarised the measures taken in the document CM/Inf(2011)46. On the basis of the assessment that the measures taken and envisaged by the Croatian authorities are adequate, the case was transferred from the enhanced to standard supervision.

Šečić v. Croatia (31/08/2007) concerns failure to carry out an effective investigation into a racist attack and discrimination against a Roma on that ground. The Croatian authorities have taken a number of measures to prevent similar violations, including a number of legislative, institutional and organisational measures aimed at preventing hate crimes (e.g. a special police division to combat hate crime was set up; special regulation on procedure in hate crime cases was adopted; special tracking and monitoring mechanism in respect of hate crimes was set up; special trainings of police officers in cooperation with OSCE were provided etc.). In its resolution CM/Res/CMN(2011)12, however, the CM indicated that the "[e]thnically-motivated incidents against persons belonging to national minorities, in particular [...] the Roma, continue to be a serious problem in Croatia" and that "various sources concur that the response from the law enforcement officials to ethnically-motivated incidents is inadequate". In view of a number of other cases unrelated to Roma concerning lack of an effective investigation these measures have not been assessed as effective. The last updated action plan was provided in April 2012. Information is still awaited on the measures taken and/or envisaged to ensure that the response of law enforcement officials to ethnically-motivated incidents is adequate and that allegations of violence committed by individuals, including against persons of Roma origin, are efficiently investigated and perpetrators are promptly brought to justice. This case is supervised under the enhanced procedure.

Đurđević v Croatia (19/10/2011) concerns lack of an effective and independent investigation into the allegations of ill-treatment of Roma applicants by the police. The Croatian authorities have taken certain awareness-raising measures. However, information is still awaited on the measures aimed at ensuring efficient and independent investigations into allegations of ill-treatment of Roma individuals in hands of the police.

Beganović v. Croatia (25/09/2009) concerns failure of the public authorities to provide adequate protection to the applicant of Roma origin against an act of serious violence which eventually led to the statute of limitation for prosecution of the assailants. No relevant information on the measures taken or envisaged has been submitted in the reference period.

DH v Czech Republic (13/11/2007) concerns discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999 on account of their Roma origin. The Committee of Ministers has been supervising the execution of the judgment since it became final in 2007.

In 2009 an Action plan was submitted by the authorities detailing a range of measures taken and planned to execute the judgment. However, by June 2011, the Committee noted that relevant reports indicated that little has changed on the ground since the time the judgment was delivered and it repeatedly underlined the importance of achieving concrete progress. In June 2012, the Committee called on the authorities to submit a consolidated action plan based on a clear medium and short-term strategy, with a time-table and budget for the implementation of the measures foreseen. This Action plan was submitted (see [DH-DD\(2012\)1074E](#)) and includes a certain

number of short term measures, including a new amendment to Decree 73/2005 to remove the possibility for pupils without a disability to be educated in a class for pupils with disabilities. Other measures provide for the revision of diagnostic tools used to identify pupils with “slight mental disabilities” and increased supervision of diagnostic and counselling services (the bodies which identify and manage progress of pupils with a “slight mental disability”). The plan also provides for regular monitoring of the implementation of the measures proposed and continued engagement with civil society. In December 2012, the Committee noted the plan with interest and reiterated the importance of rapidly obtaining concrete results. Its supervision of the judgment continues under the Enhanced procedure, and the authorities will keep the Committee informed on all developments concerning the implementation of the consolidated Action plan.