
Public conference

“Fundamental Rights for Roma people”

Monday, 23rd June 2014

Moderator: Dominique Guibert, AEDH Chairman

Welcoming words

Dominique Guibert, AEDH Chairman

Presentation of the INSEROM project

Nadia Doghramadjian - LDH

5 organizations in the project:

- LDH – France (coordinator)
- BEMIS – United Kingdom
- APDHA – Spain
- Czech Helsinki Committee - Czech Republic
- AEDH

Duration: 2 years

Objectives:

- To empower and enable Roma community to defend their rights and to fight against discrimination.
- To foster greater knowledge about Roma community to develop initiatives of training with this community.

Targets: Sedentary, national; travellers; people who come from other European countries; trainers or militants; politicians (to apply legislation or to change the law if necessary).

Tool kit realized:

- Reference book: European legislation, national laws, discriminations at the national level.
- Trainer's guide: for trainers or workers in relation with help and support Roma communities (general base + practical examples).

Roma people in Europe: State of play at the EU level

Paul d'Auchamp – Office of the High Commissioner for Human Rights in Brussels

There is a relative stability in the European Commission politics. Now, the EC allocates structural funds to fight for the Roma European integration.

At national level, there are various strategies: some of them are good practices while other ones are not enough concrete or aren't supported by budgets. Some strategies have no sense and no content, and we can't really talk about strategies. Despite that, European Commission was neutral in its strategies' evaluation: it only estimated the strategies' implementation at the national level.

European Commission will need to change certain things. For example, there always are some gaps in the groups who work on Roma policies. Indeed, a majority of those groups are constituted by people without experience, who are not experts, who are not Roma. Moreover, the experts are not always listening. Finally, funds are sometimes used without sense, which only makes the situation worse. For example: trainings give certifications but without contents (or useless contents); housing for Roma people only, which doesn't allow integration of the Roma community in the society.

We sometimes have a feeling of decline, for various reasons. The most important are the economic crisis and the unemployment. For example, in Spain, there are lots of progress, but there are limited by the economic situation and the budget cuts in social policies.

Regarding to Roma population, punitive approaches are dominating. For example, French policies reveal that a lot of thing are done to fight against Roma people. According to the Human Rights Commissary report, the situation is worsening.

Moreover, there are systemic problems: EC have some tendency to focus on itself. Indeed, members States have a tendency to not observe what is doing in other countries even though it's important to exchange views between states to share good practices and to discuss about what is problematic. The consequence is a reproduction of policies which don't operate in a growing climate of populism.

There is a lack of transparency and communication between member states and within the European Commission. It's difficult for the Commission to convince member states to work with the civil society, even more when the commission doesn't do it.

Furthermore, about Human Rights and Roma, the policies implemented show that the policy makers often forget that Roma are humans.

Finally, there isn't sufficient implication of Roma community in the definition and implementation of policies that concern them. The approach stays paternalist when we talk about Roma in Europe.

When we work with social excluded populations, we can't hope to see a simple improvement.

What can we do in front of all those challenges?

According to Mr D'Auchamp, EC would have to work more on the positive aspects and should develop 4 strategies:

- 1) To promote more transparency, including civil society and international organizations (ex: UN).
- 2) To develop another approach of Human rights (EC defends Human Rights in other parts in the world, but doesn't do it on its own level) and to include Roma community in the development process of the policies that concern them.
- 3) To adopt an approach based on results (results of policies developed to increase Roma conditions). EC needs to use indicators to measure, to analyze the results and to see which policy is better.
- 4) We need political courage and clear political guidance: national and local authorities have to realize an important effort to fight against discrimination.

EC should insist on these points with the member States.

Ivan Ivanov – Executive director, European Roma Information Office (ERIO)

Organization history

ERIO was created ten years ago. Before, problems linking with police violence used to be dealt with at the Human Rights Court. It got some wins, but it was not enough. So, ERIO started an advocacy work. At the time, in Europe the Roma problem was seen as an East European problem, and without any concerns in West Europe. So, we decided to create an informative board about Roma to inform politicians about the reality in the EU. At the time, the information level about conditions of life and Roma problems was basic. Then, European institutions decided to develop their own studies and it demonstrated that the Roma population was the most discriminated in Europe. This report convinced member States and European institutions of the importance of the problem. 5 years before that (2004), the first directive to improve Roma's conditions of life had been enacted. A second report took the same figures. FRA also presented a report that shows that one out of two Roma suffers from discrimination. A bad picture about Roma's conditions of life was

presented. Some European institutions said they wanted to know better about Roma situation but they didn't know how to act.

As a result, ERIO organization slowed its informative activity to develop an advocacy activity. Today, its mission is to identify the difficulties and the solutions and how, as a civil society organization, it can contribute.

For example, Spain is usually considered as the "good" State, relating to Roma integration politics, but the past annual report demonstrated that the Roma rights are violated. In front of this observation, one question arises: how to develop a national policy? We also have to fight against prejudices in the national policies (ex.: Hungary).

The work that has been realized by this organization:

- Proposition of a directive about segregation (example of advocacy activity) that hadn't been accepted by the EC.
- 3 years ago: adoption of a common European strategy.

Reasons which explain that there were no good results despite the activities of intergovernmental organizations and civil society:

- Lack of participation: sometimes, there are Roma people but often as intern; so we need the Roma people to become active beneficiaries (and not passive people) to help us define policies and implement those policies. This is the most important reason to explain bad results.
- Lots of investments linking to pilot projects during one or two years. So, Roma people can't access to the different services when the project ends. We need a real integration of Roma people in the general policies.
- Roma discrimination even if they have training certificates or diplomas. Integration approach is not enough; we need to fight against discrimination. States don't like to fight against discrimination because it's a very sensitive subject, which implies that they admit that there are discriminations within the country.

What ERIO defends:

- The need for an efficient allocation of funds: implementation of indicators, transparency, local funds, etc.
- The national policy must assume its responsibility in order to avoid the development of a parallel system from the civil society.
- We need a positive discrimination policy: temporarily measures which allow Roma people to access to different services, with equality. We talk about measures of positive actions.
- It's very important to include concerned populations in the definition of the project.

Example of bad result: project of creation of a health centre for pregnant Roma women in the Roma ghetto to allow them to have an access to health services without having to go to the hospital. Six months later, there was no visit in the centre, because Roma women didn't want to be examined by a man doctor.

Conclusion

Dominique Guibert

We are in front of a problem: we don't want to see the reality. EU Human rights commissary sent a letter to the Hungarian Prime Minister about the necessity of "concerted efforts". We have to apply this conclusion in all Europe.

Country specific patterns of discrimination

Roma people situation in United Kingdom

Tanveer Parnez – Black and Ethnic Minority Infrastructure in Scotland (BEMIS)

The Roma population gained classification as an ethnic group in concordance with the Rule of Law¹ and the Charter of Fundamental Rights of the European Union, which ensured them equality before the law and protection against discrimination under the Articles 1 (“Human Dignity is inviolable. It must be respected and protected”), under the Articles 6 (“Everyone has the right to liberty and security”), and under the Article 20 (“All persons are equal before the law”). According to this legislation, Roma communities in the UK share equal rights as any other citizens legally residing within the country.

The Equality Act 2010, adopted in concordance with the Treaty of Lisbon² and the Directive 2000/43/EC³, replaced and integrated disparate non-discrimination legislation that covered protected characteristics such as race, sex, disability, religion, belief, sexual orientation, age, gender reassignment, marriage/civil partnership, and pregnancy and maternity. In addition, the Equality Act 2010 sets out the public sector duty applicable across all UK public bodies and those others who are delivering public functions. Moreover, the courts must act on claims made by or perceived to be of racist nature towards Roma community classified as ethnic minority.

However, the law cannot protect Roma people against racist attacks promoted by a part of media. The “Maria” case, from October 2013, re-surfaced the stereotypes regarding Roma, perceived now as people “who steal children” and, more generally, untrustworthy and even dangerous. Going further, media campaigns were amplified as the date of January 2014 was drawing near and the restrictions for A2 migrants were set to be abolished. The media coverage in the last month of 2013 have created a bad image for Romanians and Bulgarians in general, by highlighting cases of thieves and smugglers who operate in London, and by signalling out the risk of an “invasion of Bulgarians and Romanians, including Roma” starting with 2014⁴.

¹ The Rule of Law is expressed in the Article 1A of the Treaty of Lisbon: “(...) respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (...)”, quoted in the Reference Book, File 1, pg 35

² Article 8 : “The Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies offices and agencies”, quoted in the Reference Book, File 1, pg 35

³ „Recital 3 : “The right to equality before the law and protection against discrimination for all persons constitutes a universal right (...)”, quoted in the Reference Book, File 1, pg. 35

⁴ BBC News (April, 2013), The Telegraph (April 2013), Daily Mail (January, April 2013)

As the social providers asserted, these media campaigns have influenced the other local residents' perceptions about Roma in the sense of stigmatising them by using the stereotypes gathered from tabloids in characterising this ethnic community. The most common allegations expressed by neighbours of Roma are related to anti-social behaviour, due to their habit of loitering at the corners of streets, and inappropriate rubbish disposal, going further in blaming Roma for all the local problems occurring from the policy of austerity translated in public fund cuts.

To combat racism, intolerance and xenophobia, local authorities across the UK and in Glasgow City Council, with the support of the Local Roma Steering Group (formerly Roma Net), bid to be part of the EU funded project called Roma Matrix, in which 19 organisations from ten EU member states are involved. The program aimed to research and to understand anti-Roma attitudes and behaviours, set up reporting and care centres for support and redress for Roma victims of racism, xenophobia and discrimination, provide information to Roma about their rights and cross-community mediation, and develop public media campaigns through the promotion of positive case studies of Roma integration in employability programs⁵.

It is difficult to identify particular cases of discrimination among Roma because, when asked, Roma respondents claimed that, overall, their lives have changed for the better since moving to Scotland, pointing out mainly the financial aspects. Confronting discrimination in their home states, Roma have seized the opportunity to live in countries such as UK/Scotland where institutions and employees do not categorise them as Roma, but as Slovakian, Romanians or East Europeans without any ethnic specification. In addition, in Glasgow for instance, Romanian Roma benefit from the attention of local planners and service providers, a range of initiatives being run to improve Roma's access to health care, education and advice and support, compared to Romania where their engagement with public institutions and trust in public institutions are extremely low.

⁵ Roma Matrix – Glasgow Information Sheet and Roma-Net – Local Action Plan, pp.35, forwarded by N.V. and M.W.

Besides, the problem of accessing decent housing and of eradicating overcrowding were addressed, since 2009, through a program of statutory housing repairs carried out by Glasgow City Council and supported through funds from the Scottish Government, in concordance with the Charter of Fundamental Right⁶ which refers to non-discrimination in accessing housing and to the right to social and housing assistance. The program's main goal is to force private landlords to improve properties and to respect regulations regarding multiple occupancies. The Govanhill Housing Association has assisted this initiative by setting up an accommodation office where all residents can report problems and issues which affect their quality of life.

Regarding the equal opportunities to employment, in concordance with the Directive 2000/78/EC⁷, it is, also, difficult to identify acts of discrimination, due to the lack of skills for current labour market and language barrier which characterise many Roma and, probably, constitute the main motifs for the employers to reject their applications. The Govanhill Housing Association has started a program called Govanhill Backcourts – Improvement and Employability Initiative, which aims to offer training in construction, gardening and ground maintenance, together with English classes through an ESOL program for local people, including Roma⁸. In addition, Community Renewal has formulated a bid for Big Lottery Funding for a project called Roma Social Enterprises which envisages the foundation of a support agency for the Roma community in Glasgow. Glasgow Community Development Trust run a program which aims to develop understanding and raise awareness within the Roma community about their employment rights and the function of the Scottish labour market, and support activities that enable Roma to become ready to enter the labour market⁹.

Hopefully, the INSEROM programme will contribute to the wide effort of public and private social providers in combating discrimination. BEMIS has already run the workshop on fighting anti-Roma discrimination, in concordance with the guideline of the Reference

⁶ Art.34, Paragraph 3: "In order to combat social exclusion and poverty, the Union recognises and respect the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources (...)", quoted in the Reference Book, File 3, pg 78

⁷ Art.16 Compliance: "Member states shall take the necessary measures to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished (...)", quoted in the Reference Book, File 5, pg. 113

⁸ Govanhill Backcourts Improvement & Employability Programm, provided by N.V.

⁹ Glasgow – Roma Net – Local Action Plan, pp43-44, forwarded by N.V.

Book, File 9, with the participation of over 20 Roma migrants in Glasgow. The workshop was welcomed by all the participants, who claimed that it helped them understand the meaning of discrimination and that it raised their awareness regarding their rights as individuals and as an ethnic community, and regarding the existing legislation that can be accessed when combating any act of discrimination against them.

Roma people represent 8 % of ethnic minorities in the UK, which reveals that this population increases.

About language teaching: it requires more measures. The government should unblock more funds; without those measures (regarding language teaching), we couldn't integrate more Roma population in the decisional process. The great part of Roma community is next to Glasgow, in this sector, lots of organizations work in the housing area, education question. But there is a financial question: funds have to come from the government. It's an equality question.

There are possibilities to access to the employment for Roma people, maybe not in high qualified employment but it's possible to give them more employment.

Scotland uses the same strategy as Wales.

Roma people situation in Czech Republic

Lucie Riboya – Czech Helsinki Committee (CHC)

CHC presentation

Czech Helsinki Committee - human rights NGO since 1988

Activities:

- Defending rights and interest of vulnerable groups (prisoners, children, minority, disabled etc.)
- monitoring HR in CR – annual report every year (25 years)
- national co-ordinator of European platform against racism (ENAR)

- Drafting specific reports (situation in prisons, annual report on race discrimination together with ENAR etc.)
- public statements concerning HR violations in CR and in the world
- public awareness and HR education/children rights
- Advocacy/policy papers/commenting on laws
- International networking (AEDH, ENAR, INACH, COPE etc.),
- Providing info to different UN and CoE bodies like CPT, CAT etc.

General situation

- The Roma minority in the Czech Republic is the community most vulnerable to racism and discrimination.
- The sphere of education, employment, housing, hate speech, racist crimes and related stigmatization in the media belong among those spheres the discriminatory treatment and violations of the rule of law where occur most often.

Equality before the law: general overview

- The most important act regarding the equality principle is the Anti-discrimination Law No. 198/2009 Coll.36 and that came into effect from 1st September 2009.
- This law established the Public Defender of Rights as the Czech Republic's Equality body, and provides for definitions of discrimination on seven grounds: racial/ethnic origin, sex, disability, sexual orientation, age, religion or belief and nationality.
- At the same time, the law defines the prohibition of discrimination in following areas: labour, employment and business, healthcare, goods and services, housing, education, public administration and other areas.
- It was widely expected that the Law will improve the situation in the Czech Republic with respect to equality policies.
- After three years this law is valid, there are very few discrimination cases in front of the courts.
- The Public Defender of Rights states that *"the discrimination issues do not represent a big agenda in the work of ombudsman"*.

This does not mean that the discrimination does not occur, rather it points out to several shortcomings with applying the law:

- Probably the most serious obstacle why the victims decide not to defend themselves is the unpredictability of the result.
- Also, there are too many laws dealing with this issue. This leads to duplications and confusion on the part of the victims (moreover, it is regulated by both private law and public law).
- One of the other serious obstacles is the frequent lack of evidence or the fact that the victims do not know how to prove the discriminatory treatment.
- According to the Data Protection Law, ethnic origin belongs to the category of “*sensitive*” data which can be gathered and processed only under very strict conditions. It is perceived that exactly this lack of ethnic data collection makes it impossible to specify the main problems of Roma.

Concerning the access to justice, the Roma minority is endangered mainly in the sense of insufficient awareness of its rights and of basic administrative or judicial procedures.

Their defence is being complicated also by their difficult financial situation and social background and thus by lower accessibility of a lawyer.

This vulnerability can be misused by the official authorities on different levels, but this kind of misbehaviour negatively influences other vulnerable groups of the society as well.

Racist violence and crime against the Roma minority have reinforced in recent years.

In 2011, extreme right parties and movements revived and manipulated the anti-Roma sentiment. Extreme right wing party The Workers’ Party of Social Justice engaged in protests against the socially excluded, particularly the Roma.

The majority population and civil society representatives criticised the following response of the Government and municipalities the situation as inadequate.

The Ministry of the Interior took several measures to deal with this situation, and “anti-conflict teams” and specialist units were deployed during the protests in the region.

Right to freedom of circulation and installation and prohibition of collective expulsions

- As the Roma in the Czech Republic are basically all Czech national citizens and not belong to the group of Travellers, this right to movement is not being violated.
- This situation may change in the future with new states becoming members of the European Union.
- In the Czech Republic, several NGOs deal with the assistance to different kinds of minorities or migrants, for instance Association for Integration and Migration or Counselling Centre for Citizenship, Civil and Human Rights.

The rights to housing and to decent housing

- The Roma minority is in CR one of the most vulnerable groups on the housing market as the Roma often face barriers and discrimination.
- Accessibility to standard housing is very low for Roma. Roma families are left to non-standard and provisional housing in private or municipal loping houses.
- The problem has roots already in the situation when the applications for housing by Roma are often rejected, irrespective of their ability to pay rent.
- The refusal is actually often expressed in advertisements pre-emptively refusing “minorities”, or stems from the demands of other inhabitants of the apartment building.
- The Czech housing market still misses a special segment of social housing for low-income people. The recent phenomenon of Roma families migrating for cheap accommodation reflects their unstable housing situation.
- The territorial segregation and concentration of these excluded households is affecting also other spheres of their live, e.g. complicates their access to employment, education or public services.
- The territorial segregation of Roma people in certain parts of cities is a result of various factors:
 - On the one side, it can be result of natural and spontaneous moving of wider Roma families together so they can maintain mutual relationships.
 - On the other side, the segregation can be involuntary as a consequence of various inequalities.
- The unequal access to public housing was also the issue that the Public Defender of Rights dealt with most often in 2011 speaking about discrimination of Roma.

- Access to private housing is a problem for low income Roma households as they face higher levels discrimination by the real estate agencies and landlords.
- Another barrier to access to housing is that the Roma usually do not have any savings to pay the advance refundable deposit to the landlord.
- In the Czech housing market a special segment compensating for the low accessibility of public housing has developed. The landlords in this segment are, contrary to general practice, largely willing to provide housing to this group of people, however, on very disadvantageous conditions.
- The price of such housing is quite often several times higher than is the standard price in the locality. Landlords are trading with poor legal awareness, insufficient knowledge of the housing market, and on acute housing situation of the families without shelter.
- Thus, Roma families in such types of housing pay high payment for low-quality housing, while in different circumstances they could have decent housing for the same price.
- Another concern is related to the limited effectiveness of the Government's response to some of the decisions and acts of local and regional authorities in respect of evictions or the allocation of housing.
- The most important shortage when speaking about the insufficient housing policy in the Czech Republic is the lack of law relating to Social Housing.
- The law is at present under preparation by the Minister of Human rights together with M. of Labour and Social affairs and Ministry of Regional Development.
- The professionals working with the housing issues and especially with people in need of social housing emphasise the importance of this law being adopted. According to their experiences, the need of such law lies in definition of who needs the help temporarily, who needs the assistance all the time, or in specifying the linkage to rules of such assistance.
- On the other hand, the existing legislation could be also better enforced but it requires higher responsibility on behalf of municipalities.
- Different non-governmental organizations or platform provide help and assistance to Roma in relation to housing conditions, however they do not possess the authority to investigate possible discrimination in housing.

- This authority falls within one of the powers of the Public Defender of Rights. Every person has the right to address the Defender with his or her problem related to discrimination, and the Defender states whether discrimination occurred according to his legal observations and makes suggestions on a possible further course of action.
- However, the Defender cannot make a binding decision, nor impose a sanction for such discrimination.
- Possible recourse in this context could be broadening the Defender's powers so that he can defend the victims in front of the court.
- As the problems with discrimination in housing are widespread, an *actiopopularis* – a lawsuit in the interest of the public as a whole – can be of use, as it can enhance the real enforceability of the law.
- The enforceability is unsatisfactory for more reasons, for instance the victims usually do not have appropriate financial background to undergo long judicial proceeding, they are very often afraid to defend themselves publicly because of possible revenge, poor knowledge of the rights or procedures on the side of victims, frustration, diffidence, etc.

The right to access education

- The level of education of Roma minority is continuously low compared to majority population, even though improvement of this sphere is the basic factor in overall improving of their social status.
- Recent research studies point out that the educational system in the Czech Republic does not provide equal access to education to the Roma children, although this commitment stems from the national legislative texts, as well as from other international treaties binding on the Czech Republic.
- The improvement is not occurring even after the education has become one of the European integration policies.
- The experiences from practice reveal that discrimination of Roma in access to education continues even after the European Court of Human Rights in 2007 found that there was inclination to place children of Romani origin mostly in former special schools, and ruled that this practise amounted to discrimination.

In the Czech Republic, the segregation in the education has two different forms:

- The first one is expressed in the fact that the Roma children are more often educated in the special schools intended for children with mental deficiencies.
- The second form of segregation is educating of Roma children at schools with high proportion of Roma pupils. Education at such segregated schools generates complications for further coexistence for both Roma, and majority population.
- Concerning the preschool education, the attendance of Roma children is considerably lower in comparison to non-Roma children from the excluded localities (27 % and 64 % respectively).
- In consequence, the Roma children are less prepared for primary school, the first year of compulsory education becomes a very difficult moment of the educational process.
- Among other reasons for such low attendance is the fact that parents were used to former preschool education that was free of charge, and nowadays are often not willing or able to pay for it.

Roma people situation in Spain

Cristina Servan Melero – Asociacion Pro-Derechos Humanos de Andalucia (APDHA)

The Roma community continues currently to suffer from discrimination in the Spanish State. Spain has been characterized by being inclusive and promoting policies that ensure equal treatment, however still exist situations that violate the rights of the Roma people.

The current economic crisis is causing a significant deterioration in the overall situation of the Spanish general population, being more intense in the most vulnerable sectors. The "competition over resources" causes a rise in racism among the population, affecting directly to the Roma population.

Also increase the difficulties to accessing public resources. The management of the crisis by the Government through budget cuts in fundamental public services areas increases the risk situations of social exclusion on large population.

It is important to highlight the role of the media, which contributes to the prevalence of negative stereotypes that cause rejection of the population towards the Roma people.

The most frequently discrimination against Roma people is done by individuals and staff of public institutions.

The main violations are focused on access to employment, housing, education and health.

Employment

- The Roma population is currently experiencing a high level of discrimination in access to employment in Spain.
- The unemployment rate of Roma communities is greater than that of the rest of the population.
- One of the main difficulties Roma face are the stereotypes and prejudices employers have.
- The insecurity of work affects intensively this population which often perform low-skilled jobs (in greater proportion Roma from Eastern Europe than Spanish Roma).
- The collection and sale of scrap has been a basic subsistence activity for people with low income. Due to the regularization of the collection and transportation of scrap exclusively by accredited institutions, this has meant that many families have to leave their practice or do it illegally.
- Besides, ambulant sales has been heavily affected by the loss of purchasing power of buyers due to the effects of the economic crisis, causing a decrease in the activity and resources of the developed families, who often have difficulties for developing alternative professions.

Housing

- A significant number of Roma families (around 11%) still residing in badly damaged homes, substandard housing or slums.
- There are many cases of direct discrimination based on ethnicity in access to housing, mainly by homeowners (also by real-estate agencies) refusing to sign the lease agreement, requiring many documents or claiming a higher amount as a deposit than to a non Roma tenant.

- Concentration of Roma population in certain urban areas and neighbourhoods, the 92.6% of Roma households are located in areas with a high concentration of this ethnic origin.

Education

- Although in recent years there have been positive developments regarding truancy, it still persists at a higher level compared to the rest of the population.
- On numerous occasions, segregation occurs to Roma students or from other minority groups to certain centres (usually public schools), in which the concentration of Roma students is higher than the proportion of the population of the area causing schools "ghetto".
- Racist comments from school mates or teachers, exclusion from social activities by some families and rejection of certain centres to the registration of Roma students.

Health

- The Royal Decree-Law 16/2012, of 20 April, on urgent measures to ensure the sustainability of the National Health System, include modifications that curtail the rights of access to public health services for immigrants in irregular administrative situation.
- Another factor that inhibits the Roma people and immigrants to access the public health system is the fear that when they go to the public health services, their possible irregular situation can be detected and notified the police.
- There is a lack of professional training in the treatment of cultural diversity that causes from passive rejection (in the form of not taking responsibility), to xenophobia or racism.

Equality

- Identifications based on ethnic profiling are widespread practice in Spain.
- According to a decision of the Constitutional Court in 2001, it would not be considered discriminatory that fact that the police stop a person to check out his documentation because of his non Spanish physical appearance. This sentence

particularly affects Roma individuals coming from Central and East Europe living in Spain.

Gender

- The discrimination faced by Roma women is reflected on multiple aspects; due they are women in a patriarchal society, because they belong to an ethnic minority and (depending on the case), being also an immigrant.
- In economic terms, discrimination against women is shown through the feminization of poverty and inequality into the labour market.
- On the topic of gender violence, is important to highlight that many immigrant women in an irregular administrative situation, think that if they denounce the violence, may damage their stay in the country, increasing their vulnerability.
- From the point of view of health, Roma women shown deficiencies in establishing family planning, birth control, and well-baby care.

Freedom of movement

- Fortunately there are no mass expulsions within Spain. However, the number of displacements of settlements is increasing without addressing the causes responsible for this situation or providing any solutions by the public institutions.

Conclusions

- People who suffer discrimination do not always denounce these situations. We must take in consideration that many situations remain invisible because of lack of information or fear.
- Education in Human Rights, the mechanisms to access to rights and for reporting discriminations are fundamental to help Roma people to claim for their rights.
- Raising awareness of the overall population is essential to break down stereotypes that cause a mistaken view of the Roma community.
- And finally, the political commitment to continue developing strategies in order to promote equality and eliminate discrimination should not be forgotten.

- Through the Inserom toolkit, we aim to address the needs of the Roma population for the effective exercise of their fundamental rights.
- At the same time, it is imperative raise awareness on the population and institutions against racism and discrimination that face the Roma population.

Roma people situation in France - Country specific patterns of discrimination

Nadia Doghramadjian - Ligue des droits de l'Homme (LDH)

The case of travellers and Roma population

In France, “travellers” is an administrative designation (different of Roma). They are around 400 000 in France (wandering, semi wandering, settled in equal proportions).

“Roma population” is a current designation for Roma people from foreign countries (mainly Romania and Bulgaria) who migrate to France. They are around 20000 => they live in slum and suffer forced evictions (various in one year).

Deleterious climate in France:

Increase: racism anti-Roma population in a context of general defiance of the population.

Hostile discourses of the politicians.

Discriminations against Travellers.

Legislative context:

In the great part, Roma people are European citizens, as well, they have the same rights.

Great part of Travellers are Frenchs, but they suffer particular laws (limitation of their civil rights).

Lots of discriminations, prejudices, etc.

Obligation for Travellers to have a travel book, an annexation municipality. The number of Travellers isn't more of 3 % of the population. 95 % of the Travellers are French (numbers' source: FNASAT – national federation of associations who work in this field). We can't be sure of this number. But in this administrative category of “Travellers”, we can find no French nationality people.

Residence duration of 3 years to have the right to vote for the Travellers (different: for all of the other citizens, 6 months).

School

There are laws to accept itinerancy and accompany it: distance teaching, Casnav, etc.

BUT: difficulties for the inscription and rupture of the schooling during the travel.

Problems with forced evictions (Roma population).

Housing

Municipalities with more of 5000 habitants: they have to propose structures for Travellers. But there was a reinforcement of mayor's powers of police (he can expulse people without have to ask justice for that if they are not in the good place). Only one half of the areas really prepared to welcome Travellers.

Forced evictions without insertion possibilities, without monitoring.

Slum: very bad conditions of life and insecurity regarding forced evictions.

Employment

Employment research is difficult for Roma population and Travellers (economic crisis, discriminations, lack of formations, lack of insertion politics).

Health

Complexity of the access to healthcare, bad situation regarding to health (link => conditions of life, forced evictions).

Domiciliation to have the access to social services (but it can pose problems and practice of refusing).

Conclusion: politic of reject of those populations who are stayed with a particular status.

Increase of racism, anti-Roma discourses in the population and traditional political party discourses.

France: travellers and Romas => do you think that the same solutions are valid for the each population?

Romas and Travellers' issues are not the same, but at the prejudice level, we have the tendency to mix them. The tool kit realized with Inserom demonstrates different solutions according to the different situations.

**Field work with Roma communities on support mechanism:
difficulties identified and good practices**

Ligue des Droits de l'Homme française (LDH)

Philippe Goossens

January – March 2014

- Five training sessions for the testing phase were implemented with 24 volunteers participating in a civic service scheme (Romcivic)
 - 16 Romanians - 3 Bulgarians - 5 French
 - Their are between 16 to 24 years old, and the young Roma are living in the swamps around Paris
- The volunteers have then been supporting Romas people :
 - Mainly supporting access to school, employment search and access to health care.

The sessions have been conducted on various thematic requested by the volunteers themselves (selection was done during the first session):

- Introduction to Human rights
- Freedom of circulation
- Education
- Health

- Employment
- Housing
- Fight against discriminations

The sessions were developed along the following lines:

- First introduction of the basic principles and basic rights
- Concrete examples and situation corresponding to their living experiences
- Explanations on what rights are not respected and how to defend them
- Description on how to concretely implement it with the people living in swamps

Observations during the sessions:

- High expectation from the training
- Willingness to learn and know better their rights as well as the human rights in general
- Very high sensitivity to discriminations and injustice
- Difficulties to apprehend theoretical and juridical concepts due to low level of education (half of them are almost illiterate)
- Importance to be concrete and pragmatic
- Capacity to remain concentrate and receptive limited in time

Roma trainees are working in the field since February:

- mainly in supporting Roma people to appointments
- being mediator towards other social workers or volunteers
- needing still some kind of directions and lacking of autonomy
- improving quickly their knowledge and having a pooling/boosting effect on the rest of the community

Next steps: plan to organize some new sessions to explore positive or negative feedback from their field experience

Asociación Pro Derechos Humanos de Andalucía (APDHA)

Ana Rosado

- Community in extreme exclusion situation in Conil (Spain).
- High refuse of the local population and difficulties to get benefits.
- The intervention, coordinated by different NGOs (Cáritas, APDHA, Cardjin), the Social Services and the sensitization activities with the population had positive results in education, working and healthcare area.
- Years after the experience, we verify that the most part of the population had abandoned the town for work circumstances although who remained had good integration level.

Fundación Secretariado Gitano

- Formed as Ngo in 1987 and as Foundation in 2001. Take actions to achieve the plain citizen for gypsy people, improve their living conditions, promote the equal treatment and avoid any way of discrimination as well as promote the cultural identity of the ROMA community.
- Today, FSC conducts over 500 programs annually reaching more 100.000 people.
- There are offices in almost regions of Spain and in Romania.
- Activities area: Education, Job Training, Healthcare and Young People.
 - Job training: Self-employment support, technical assistance and professional trainings, studies and research, employment qualifications, guidance and support to employment, professional practices, intermediation in the work market and sensitization of business.
 - “ACCEDER” is a program that comes with the aim of achieving the effective inclusion of Roma employment.

Grupo Boom

- Located in a defined territory, separated and isolated from urban areas. (Barriada Martinez Montañes-Las Vegas. 3.000 viviendas in Seville).

- High levels of marginalization for all the community. That affects the opportunities of integration, especially to the young people.
- It is necessary establish specific strategies for working with the childhood. The goal is that they become family engines of development and in their community. NEIGHBORHOOD TRAINERS.
- Main areas: Healthcare, Environment, Social Relationships worked since multicultural activities.
- Volunteering plays an important role because they keep the affective ties where the change process is clear and testable.

Relevant aspects of the experiences: positive aspects

- APDHA: Teamwork with another Ngo's and local institutions (Social Services). Identifications to the special needs of the community.
- FSC: Approach to care of basic needs: EMPLOYMENT ACCESS.
- GRUPO BOOM: Approach to social exclusion areas through the own community, which will in turn will be the protagonist of change.

Relevant aspects of the experiences: difficulties

- APDHA: Achieving trust and establish contact with the target population. Need for coordination with institutions (they are not always interested in working with the Roma population)
- FSG: Difficulty in raising awareness of the business.
- GRUPO BOOM: Family involvement in community activities.

Issues to consider that may affect the good use tool Inserom

- Previous diagnosis to understand the situation of the group.
- Adapting the own community discriminatory experiences to the equipment given during the meetings.
- Special trainings and knowledge about the topics for the instructors.
- Involvement by the participant group.

Czech Helsinki Committee (CHC)

Lucie Riboya

1. State to make the difference

In 2008, Czech government created a consultative agency to aim to imply Roma authorities to develop exchange platforms to evaluate the local situation and to prepare integration strategies adapted to the local level.

This agency surveys the national legislation implementation.

In 26 towns: local projects to help Roma communities.

Consultative organ + services supplier

The State can be in the field and have a positive impact.

2. Possibilities for NGOs

The guide can be used by organizations working in the field.

Activities developed by NGOs:

- Cooperation with the police: when crimes in the community, call to members formed by the police. Police can have a mediator role.

- Action // housing: with social services, organizations helping Roma communities to stay in social housings. Some NGOs build cheap housings.

New project for the two next years: formation 200 mediators (Roma or not)

BEMIS

Tanveer Parnez

The research on Roma communities in the UK revealed several particularities stemming from the specific characteristics of Roma culture, which have to be taken into account by social providers in their work with Roma migrants.

First, a challenge for the social providers is the language barrier which limits the communication with Roma families and increases the efforts of public and private organisations to help these communities in accessing employment, housing, education, healthcare services and even benefits. Roma migrants themselves are aware that this problem affects their chances to benefit from the above programmes and welcome the proposal made by diverse organisations to set up English classes for them and their children.

Another challenge faced by social providers in working with Roma migrants occurs from the system of categorisation developed by the UK institutions through documents. From this perspective, the Roma community could be considered “invisible”, due to their unrecorded ethnicity in the official statistics. Basically, Roma are registered in the UK records under the same label as their nationals, regardless their ethnicity. At the same time, confronting with marginalisation in their home countries, in many cases, Roma themselves are reluctant in declaring their ethnicity. The “invisibility” of Roma in public records makes more difficult the attempt to address the specific needs of this minority by the official institutions and non-governmental organisations.

On the other hand, Roma identity must be regarded as a product of prolonged contact with the society around them. Social exclusion and marginalisation, with which Roma were treated by non-Roma during their history in Europe, have nurtured their autonomy by adapting to the dominant culture, but preserving separateness and a sense of belonging to the same community. This feature of Roma culture led to a particular relationship developed by Roma with non-Roma and, consequently, with the authorities, marked, in general, by suspicion and lack of trust. This particularity together with their reluctance of travelling far away from their homes to attend meetings, were identified by social providers as significant obstacles in dealing with members of the Roma communities.

Another characteristic which need to be taken into consideration, due to its potential negative impact on public opinion and, consequently, on Roma social inclusion, is the habit of young Roma men to gather in local streets just for chatting, and that of Roma in general

to spend almost every evening with relatives and other Romanian Roma talking, singing or listening to their traditional music, with doors large opened. According to literature, this habit is a result of their social solidarity which has linked Roma together during many years of marginalisation. According to social providers, their neighbours have started to complain about these “unusual” habits of Roma, in a context in which many of them are already influenced by the media campaign against the new migrants coming from the Central and Eastern Europe.

However, drawing a general policy to meet the needs of all Roma migrants on medium and long-term could be a difficult task. A particularity of Romanian Roma is their cultural diversity, due to their high flexibility and adaptability in social, geographical and occupational terms. Their traditions, religion, language and even life style borrowed elements from surrounding societies, fact that has led to differences among Roma groups depending on the areas where they previously lived.

In addition, due to the above mentioned characteristics of flexibility and adaptability, the current situation of Roma migrants cannot be regarded as absolutely stable. Roma do not put down roots in the society, do not orientate to acculturation, and do not demand for the institutional recognition. At the same time, they are not always on the move, but they do not manifest interest for permanent residence in country of immigration or for dual citizenship.

However, the issue that needs to be addressed by the UK authorities in the first place is the language barrier emphasised by previous research and social providers as a major impediment in the social integration of Roma. In this respect, the authorities could disseminate written information on public policy and minority rights in their national language, in an accessible form as many of them have a low level of education. The authorities also should apply a more relaxed policy of recruitment bilingual staff in order to attract the people needed in areas where there is direct contact with members of Roma communities. Another solution could be the appointment of mediators specifically responsible for liaising between Roma and authorities.

On medium and long-term, a significant role in social integration process could be played by the education of Roma next generation. Given the problem of little school attendance registered among Roma children generally, a possible solution could be similar to the measure of parental mobilization and involvement which has been practised in New Zealand and in Switzerland. The measure envisaged the creation of the “community liaison coordinators” among the parents of the same ethnicity as the migrant pupils and students, whose assignments were to communicate with the parents in the parents’ language, to pay home visits to migrant families and to cooperate with migrant associations.

Another solution could be similar to that developed in Netherlands and called “ethnic mentoring”. This project envisaged appointment of mentors among co-ethnics who have successfully completed an education in the host country. The success of such a program rests on the ability of co-ethnics to communicate knowledge about the school and education system to the Roma families in the common language. Furthermore, co-ethnics can easily understand the family situation and their immigration related problems. A variation of the ethnic mentoring idea has been developed in Germany, where the mentors are students in teaching training, many of them with a migration background.

Regarding the equal opportunities in terms of employability, the authorities could disseminate information about geographical location, size and employment patterns of Roma to all Council departments and major employers in the area, in order that they can take these into account when planning future employment strategies. The authorities also should encourage local employers to operate equal opportunities in practice in regard to the employment of Roma.

In addition, the authorities should support the formation of a community forum or a liaison working group so that they can regularly consult with and work with it as a representative body of the community. The forum/working group would be able to voice its opinions and concerns on community matters, and should be able to act as a campaigning and monitoring organisation, providing collective action on particular issues as they arise or

responding to particular cases. The people who are elected in this body have to be representative of the Roma community, in order to ensure an effective consultation process. At the last meeting with Roma, BEMIS representatives expressed the willingness to support initiatives coming from these communities to set up any form of representation in the public sphere.

Questions/Answers

How to deal with the concept of “discrimination” during the trainings?

LDH answer: games were developed, to promote interactivity, to explain the concepts. The most important is to be very practical and pragmatic.

How the tool kit is going to be disseminated?

2 steps in the dissemination phase of the project:

1) Multiplication of the trainings, and extension to other communities and territories.

2) Finalization of the work “feedback on the experience”. Collection of data to adapt the tool to other communities (intent to promote the project and the tool not only for Roma people)

It’s also important to develop a dissemination plan with social workers. They are sometimes hesitant to go to slums (afraid, lack of competences, in France particularly, less in Spain).

Internet will also be a way of dissemination, as well as the national network of social organizations.

What are the Roma origins in UK?

Bemis: Romania, Bulgaria, Poland, Czech Republic, Slovakia. It’s important to know their origin.

We have to fight against Roma ruralisation, communities need to be together, not separated.

M. Johnsson, social workers federation

I'm pleased to hear that you mentioned so many times social workers. We need to change the mentality: social workers should not be specialized in a particular community. We have to target all social workers to change their visions. Some social workers have sometimes as prejudices as the rest of the population.

Ana Rosado, APDHA: important to work with networks + good communication

Important to denounce paternalist attitude: Roma community has to become the actor of the change, with an active role.

Roma = a community

Dominique Guibert about the question of the community and Roma community:

The community = polysemic concept

- Fantasised community: we want to be in a community and we idealize it
- Claimed community: the origin
- Assigned community: we assign to people a community, so we mark out people in a case, which will be impossible to come out. It's the situation met with Romas. In political discourses, we meet this conception of the community. But this conception has a negative aspect. It's this conception that we have to destroy.

**The actions of the European Union and the national strategies plans:
limits and possible improvements?**

Moderator: Catherine Teule, AEDH Vice-Chairman

Member States' responses in front of discriminations are disappointing, even more with the economic crisis.

It's important to give to Roma people their place in the society, and make them be confident in European institutions.

Axelle Cheney – European Commission, DG Justice

Common efforts between different actors:

- European commission has limited competences
- NGOs and States have other competences

Importance of cooperation

3 elements used by EC to promote Roma integration:

1) Political pillar

Strategy adopted in May, 2011 by the Council. National strategies based on the social integration concept, which is included in its fight against discrimination => 2 conjoint approaches (social integration + fight against discrimination). With this strategy, this is the first time that the EC asks to member States to act because they have the competences. The States have to be mobilized. European setting encourages States to implement those 2 concepts (social integration + fight against discrimination) and a "permanent dialogue" with local societies. This setting asks to develop a national contact point for Roma population => official nomination to facilitate European reunions. There is a annual monitoring and annual reports on the national strategies (comparison, contact point). Tentative of intergovernmental cooperation, discussions without NGOs to develop State pressures between each other. Bilateral discussion with member States: field work, recommendations.

2) Juridical pillar

- Directive to fight against discrimination based on ethnic origin + directive about free circulation

- Framework decision against racism and xenophobia

Verify the transposition and implementation on the national legislation.

9/12/2013: Council recommendation to reinforce the 4 pillars of the social integration.

Development of anti discrimination law: protection of Roma children and Roma women.

The EC has no of sanction for the EC, but the recommendation can pressure the Member States. There are some limits, but it can also permit to inform the citizens.

3) Financial pillar

- New period to vote structural funds: priority to the Roma policies

- 04/04/2014: 3rd Roma European summit → " we have an irreversible process".

Priorities:

- to increase the pressure to "slow" States.

- to develop indicators for the evaluation (NGOs' evaluation)

- to increase transnational cooperation and local level.

01/01/2016: member States have to publish reports about progress; 2019: report about the implementation of Council recommendations

- to develop the multi-level cooperation: vertical (EU -> member States -> local) + horizontal (stakeholders -> member States -> EU) and to develop national discussions.

Cornelia Andrei – European Commission, DG Employment

During the last years, Roma inclusion policies were developed. An European framework exists for Roma inclusion, as well as tools to encourage policies and strategies.

To improve these tools, the EC created an evaluation process about policies developed by member States for Roma inclusion. This evaluation process, at the EC level, allows:

- To evaluate synergies and lacks

- To promote specific measures for high Roma population number (Rumania, Bulgaria, Hungry, Slovakia).
- To improve the activities and measures in the fields of education, employment, participation, etc.
- To develop national strategies for Roma integration and good implementation of policies.
- To help the member States

The EC alerts and verifies the implementation of local actions. It promotes public-private links and analyses correspondence between State politics and Council recommendations

Programs:

- Euromac: develop local programs for Roma inclusion
- Eurocities: group of European municipalities to exchange good practices

At the financial level, several measures exist:

- European funds directly for Roma communities
- European social funds
- Direct funds
- Evaluation programs

Michael Guet – Council of Europe

The Council of Europe shares EC' objectives and considers anti-Gypsyism as a particular form of racism.

As the European commission: Roma social integration, same pillars, promotion of the fight against discrimination, promotion of the justice, financial questions (importance to have funds to promote social integration politics), promotion of the tools developed by NGOs, common policies.

The Council of Europe has a policies based on civil society reclamations and Roma' reclamations. It not only sees the situation with statistics (even if there are important for the budget, the evaluation, etc.).

2 reunions/year to work about the promotion of good practices and exchange of those practices between States (work shared between 4/5 States about one subject).

Importance for the Council of Europe to develop data bases with good practices of all of the actors, States, etc.

Holistic approach: implication of all of the ministers to have good results.

Action to recognize Roma genocide in Europe.

Michaël Beis – Fundamental Rights Agency (FRA)

Objective of the FRA: to give to European institutions and member States an analysis of fundamental rights.

Work: Analysis, dissemination, information, proposition of methods, comparisons: elements of FRA's work.

About Roma: importance to reply to development strategies.

Reliable data with investigation network: FRANET.

Objective: identification of good practices, analysis on different levels, development of good practices in all of the levels.

2012: creation of a working group with 14 member States and EC to develop indicators about social inclusion, and to create them with the objective to have common elements to permit comparisons between all of the States.

About data collection: member States' reluctances:

- Data protection legislation.
- History: justification with 2WW.

- Moral and ethnic reasons .

About administrative data: lack of data because of census (limitation), lack of systematic data collection, lack of coordination between the different levels of government.

In Greece: data about Roma children' presence in school

In Sweden: data about Roma children sent to the police.

Slovakia: more of 400.000 Roma people live here, but only 185.000 Roma people are identified as such.

Pilot study (2011): data on the web page of FRA

Italy, Czech Republic and Greece = the first in terms of Roma discrimination.

France, Italy, Portugal: States where Roma people say that they suffer the most from discrimination.

Only 40 % of Roma population is aware of the existence of discrimination legislation.

Recommendations:

- To know the context and the population.
- To circulate the information.
- Data collection to observe the progress: we need reliable data to fight against discriminations in political decisions.
- Report about equal directive: States have to implement that directive in all of the levels + they have to develop political actions measures + they have to inform citizens about the legislation .
- To give to legislative organs sufficient resources and powers; local authorities have to have capacities to help local actors.

Isabelle Beauclercq – International Organization for Migration (IOM)

IOM: intergovernmental organization which support governments.

It has a project co-funded by health rector ship, for 3 years (beginning: February 2013).

Objective of the project: to support authorities to evaluate, reinforce, support the access to the health for minority communities.

Targets: national Roma communities, migrant Roma people.

Project developed in various member States, with the implementation of consultation mechanism and health mediation.

Idea of creation of a European network of health mediators + promote cooperation between original country / transit country / emigration country

First reunion in Sofia, the last week: exchanges between health mediators during a first part and during the second part visits of Roma camps (2).

Recommendations

- Formation of health mediators at the European level
- To reinforce advocacy activities (relations with Open Society Foundation)
- To develop the activities
- To organize a second reunion (Brussels)

Theory searches and field work

First report realized about politics' intervention 2005-2013 + idea to develop another report in 2015 (evaluation of the progress between 2013 and 2015, to evaluate if States developed all of the recommendations or not).

Creation of an index to compare States

Questions/Answers

Questions:

- How can we help, as a civil society organization, the States to implement the strategy?
How measure the actions?

- Question about European social funds
- How the European framework can operate at national level when the poverty issues persist? For instance, in Bulgaria, poverty drives forced marriage of young people, who can't have access to education, which increase poverty, etc.
- How does the Council of Europe work? What is its methodology? Its recommendations don't work, so what is their political pertinence?
- How can we control the process without national debates with Roma population? Question of Roma people implication.

Answers:

EC: strategy's evaluation = according to key elements and lacks in States, and another evaluation one year later.

Conditions: implication of civil society, local NGOs + monitoring the implementation of the strategy + measures taken to fight against discrimination.

To have effective reports: importance to see Medias pressing the politicians.

Conclusion

Dominique Guibert – LDH Vice-Chairman

7 points to conclude the conference

1) The word: which word expresses what we want to do with Roma community? Integration? Inclusion? Insertion? Discrimination? Disparity? Behind that, there is a question of definition. But we always come back to the question of the place of the community.

2) The image: importance of the image, which develops a federation of ideas. One of the most important images today is the waste in the street, which has as a consequence the development of the image of Roma community as dirty people. Roma becomes a federator concept, but a negative one.

3) The context, the moment: with the economic crisis, there is a development of disparities and the Roma population is very affected.

4) The actors: NGOs, institutions, Roma people, social workers, etc.

5) The rights: for everyone!

6) The policies: when we talk about directives and the European institutions, we talk about an intergovernmental policy. What instruments to use? How to develop their efficiency?

7) The resources: political, financial, structural, humans, etc. Action for Roma people is often questioned because of problems of funds, subventions, context, etc.
