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Recommendations by Amnesty International to the Council of Europe High-Level Meeting on Roma and Travelers

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Numbering between 10 and 12 million people, the Roma are one of Europe's largest and most disadvantaged minorities. Many Roma are still excluded from public services, including health care, housing programmes and social security, as much by direct and indirect discriminatory laws as through the prejudices of officials. Unequal treatment remains widespread in education systems of many central and eastern European countries, where segregated classes and *de facto* special schools for Roma are common. In addition, Roma people continue to be poorly protected against discrimination by private actors – whether as victims of discrimination by service providers and employers or as victims of racially motivated crimes.

Right to adequate housing

Many Roma living in informal settlements or slums lack even minimal security of tenure, owing either to their settlements' irregular status or the lack of official documents to confirm tenure arrangements, making them vulnerable to forced evictions.

Forced evictions are carried out without appropriate safeguards, such as prior consultation with those evicted, provision of legal remedies, or adequate alternative housing and compensation. Victims of forced evictions can lose their possessions, social contacts, jobs and have their schooling disrupted. They also often end up homeless.

For the many Roma who cannot afford private accommodation, or who cannot secure it because of discrimination, social housing is the only means of guaranteeing their right to adequate housing. However, the lack of social housing programmes for Roma, and the exclusion of Roma from them, are recurring problems throughout Europe. Often, re-housing programmes ostensibly designed to improve Roma living conditions perpetuate exclusion and segregation by re-locating Roma to poor-quality homes in unpleasant locations on the outskirts of towns. The exclusion of Roma from social housing often results from eligibility criteria which indirectly discriminate against them. Far from being prioritised because of their dire housing conditions and severe social exclusion, Roma are often excluded from social housing programmes.

Right to health

The main obstacles to the enjoyment of the right to health by Roma are their exclusion from health insurance cover, discrimination by the health service, their inability to pay for health care, and the lack of health services in remote, segregated settlements. These structural shortcomings by health services in many European countries are often perpetuated by governments' failure to acknowledge the deep-rooted causes and multiple consequences of Roma marginalisation – and to adopt policies which specifically seek to promote Roma access to health care.

Many Roma people are unable to receive public health care because they are excluded from compulsory national health insurance schemes. They are often unable to pay compulsory health insurance contributions because they do not have regular jobs or earn enough money. In many countries, non-contributory health insurance is available only to people registered as needing social assistance. However, many Roma are not registered for various reasons. These may include their unsettled legal status, non-possession of an identity card and/or birth certificate or, in some cases, citizenship, which prevents them from registering for social benefits. For many, it is because they are long-term unemployed and have fallen off national unemployment registers and stopped receiving benefits. Many Roma across Europe suffer poor access to health care because they live in isolated settlements in rural areas or on the edges of towns poorly served by health services.

Many Roma are also denied health services owing to discrimination by health care workers. Roma women are particularly vulnerable to discrimination and often find it difficult to get health care, because of ignorance and prejudice by health workers and because social customs in Roma communities often distract attention from women's health. Health policy must therefore urgently analyse and satisfy Roma women's special needs.

Right to education

Millions of Roma across Europe suffer severely from poor literacy and education. Their right to education is often violated, including the right to free and compulsory primary education, and equal access to secondary, technical, vocational and higher education.

Roma achieve far lower enrolment and completion rates in primary education. In many countries, governments are failing to enforce and adequately fund effective measures to include marginalised Roma in public education. They are also failing to eliminate long-standing discriminatory practices and attitudes in schools. The most egregious form of discrimination is the segregation of Roma in schools, and classes providing inferior education. This violation of the right to education of Roma remains widespread in central and eastern Europe.

Many factors contribute to the alarming level of educational exclusion and under-achievement, including the geographical and financial barriers to accessing education faced by children living in Romani settlements, the cost of transport, clean clothes and school materials, and the lack of Romani-language teaching materials. In many countries, however, these measures have failed to make a real impact on educational exclusion and attainment, owing to inadequate funding and patchy implementation.

The segregation of Roma in education has many causes, including their isolation in segregated settlements and what is often described as "white flight", where non-Roma parents remove their children from schools perceived as having "too many" Roma children.

Right to work

The extreme marginalisation of many Roma – their poor living conditions, the isolation of many Romani settlements and low education levels – and widespread discrimination by employers, mean that, for most of them, the possibility of finding regular formal employment is extremely remote. This is shown by high unemployment rates for Roma across Europe.

Inadequate labour market programmes are also often failing to help Roma find regular employment. Training and requalification programmes are often scarce, affecting all job-seekers, and Roma are often excluded. Employment programmes are often confined to short-term subsidized employment contracts for menial public sector jobs, following which Roma are not better equipped to find regular work elsewhere.

Protection against discrimination

Governments and their law enforcement officials are also failing to protect Roma from racially-motivated crime. Such attacks occur with alarming frequency. Many European countries' criminal justice systems are failing in their obligation to prevent, investigate and prosecute attacks effectively. The failures by criminal justice systems to respond effectively, and to provide equal treatment to Roma victims – or indeed suspects – results from inadequate procedures for police and courts and the failure of governments to

eliminate institutionalized prejudice. The result is a widespread lack of confidence in law enforcement officials by Roma.

Anti-Gypsyism has haunted the Roma throughout history and it shows little sign of abating in 21st century Europe. The Roma are one of the few groups about whom openly racist attitudes are tolerated and widely shared. Mainstream politicians can swiftly win favour by promising to crack down on “Gypsy crime”, or rid a town of “Gypsy beggars”. In some countries, extreme anti-Gypsyism can be expressed without attracting serious condemnation. Europe is a continent where far-right political parties, often with openly anti-Roma agendas, are again on the rise.

Conclusion - Social exclusion

Discrimination is the thread running through most human rights violations suffered by Roma people. On almost every human development indicator, in almost every country, the Roma fall far below the national average. They have lower incomes, worse health, poorer housing, lower literacy rates and higher levels of unemployment than the rest of the population. These are not the inevitable consequences of poverty. They are the result of widespread, often systemic, human rights violations. They are particularly the result of prejudice - centuries of societal, institutional and individual acts of discrimination, which have pushed the great majority of Roma to society’s very margins – and keep them there. The result, as the 2003 World Bank report concluded, is that Roma people are “poorer than other groups, more likely to fall into poverty, and more likely to remain poor.”

RECOMMENDATIONS

Overcoming the chronic exclusion of Europe’s Roma, requires understanding the interconnectedness of all human rights. Too often, the violation of one right can expose victims to the violation of several others.

Amnesty International therefore calls on the Council of Europe member states to:

- Effectively implement the rights enshrined in Council of Europe standards, including among others the European Convention on Human Rights, the European Social Charter and the Framework Convention for the Protection of National Minorities.
- Promptly execute the rulings of the European Court of Human Rights, the decisions and recommendations of the European Committee of Social Rights, the recommendations of the European Commission against Racism and Intolerance and of the Commissioner for Human Rights and the Resolutions and Recommendations of the Committee of Ministers aimed at eradicating discrimination against Roma.
- Refrain from the forcible return of all Roma to Kosovo given the likelihood that they would suffer persecution or serious harm on return; provide them with continued international protection, either through a grant of asylum or subsidiary protection as appropriate.
- As urged by the Parliamentary Assembly of the Council of Europe:
 - o Ensure full compliance with human rights standards and the principles of democracy and the rule of law when devising and implementing policies aimed at protecting the public order and personal security of all people living in their territory, including the principles of non-discrimination and proportionality.¹

¹ PACE Resolution 1760 (2010).

- Protect Roma from discrimination by means including the adoption, implementation and regular monitoring of comprehensive anti-discrimination legislation and measures to increase awareness among Roma of such laws and their access to legal remedies when their rights are violated; and adopt sustainable and integrated national action plans and strategies.²
- Cease conducting disguised collective expulsions.³

On housing

- Adopt and implement housing policies to improve the living conditions of marginalised Roma people, ensuring they enjoy the right to adequate housing and equal access to social housing, and which combat segregation in housing.
- Take urgent action to prevent further forced evictions of Roma camps and settlements. In cases of unavoidable evictions – ensure they occur only when all procedural protections required under international human rights law are satisfied, including the provision of adequate alternative housing, adequate compensation for expropriation and loss of moveable possessions damaged during eviction; in the absence of such procedural protections, member states should introduce the necessary legislation on evictions which requires safeguards and remedies in accordance with international standards, as requested by the PACE.⁴

On education, health and social inclusion

- Combat the discrimination and segregation of Roma in mainstream education and special schools.
- Adopt special measures to increase the access of Roma to, and increase their participation in, all levels of education, tackle barriers faced by Roma while accessing health care and ensure they are not excluded from national health insurance schemes;
- Ensure all Roma have all necessary documents, including birth certificates, identity papers and health insurance certificates.
- Adopt national Action Plans to improve Roma social inclusion: Action plans should contain concrete targets, be effectively implemented and publicly monitored
- Ensure all policies aimed at increasing Roma social inclusion address special needs of Roma women.
- Improve collection of statistical data disaggregated by ethnicity in all areas of social policy.

Combating anti-Gypsyism

- Give greater priority to combating anti-Gypsyism, including robust reaction to racist speech by officials.
- Respond more effectively to, and invest greater resources in combating racially-motivated crime.
- Develop policies and training programmes to combat anti-Roma prejudices in police and courts.

Roma participation in public life

- Ensure greater consultation with Roma in developing policies which affect them.
- Adopt special measures to increase Roma representation, including Romani women, in the civil service and elected office.
- Support the development of Roma civil society.

Amnesty International calls on the Committee of Ministers to:

² PACE Resolution 1740 (2010).

³ PACE Resolution 1760(2010).

⁴ PACE Resolution 1740 (2010).

- Ensure the execution of relevant judgments of the European Court of Human Rights, the decisions of the European Committee on Social Rights, the Resolutions of the Committee of Ministers on the implementation of the Framework Convention, the recommendations of the European Commission against Racism and Intolerance and the Commissioner for Human Rights as well as Recommendations (2000) 4 and (2009)4 of the Committee of Ministers aimed at eradicating discrimination against Roma.

In the European Union, Amnesty International calls on:

The European Commission to:

- Use available instruments to fulfill its role as guardian of the EU treaties and ensure the respect and protection of human rights.
- Develop a Policy Framework based on common and national targets which ensures implementation of effective measures to halt discrimination and foster Roma social inclusion by EU member states.
- Monitor the effective non-discriminatory use of funds and the impact of measures taken.

The Council of the European Union to:

- Commit itself to halting discrimination in service delivery, law enforcement and social exclusion.