

Resolution 2413 (2021)¹

Discrimination against Roma and Travellers in the field of housing

Parliamentary Assembly

1. The right to adequate housing is a recognised international human rights standard, applicable in all Council of Europe member States. Yet, for far too many of the estimated 10 to 12 million Roma and Travellers living in Europe today, access to this right remains illusory. This is the case regardless of whether they seek housing in the form of permanent (fixed) homes or mobile homes adapted to an itinerant lifestyle.
2. The Parliamentary Assembly condemns the fact that many Roma still live segregated from the rest of society, often in isolated settlements on the outskirts of urban centres, through no choice of their own. Such spatial segregation aggravates social isolation and also contributes to the segregation of Roma children in schools. The lack of public transport to isolated, segregated settlements moreover exacerbates difficulties in accessing the labour market and adequate healthcare.
3. The Assembly deplores the fact that lack of access to both the private property market and social housing forces many Roma to live in informal settlements, with no access to electricity, gas or running water, and in unsafe and unhealthy constructions. Far too often, Roma are pushed into living on land that is itself insalubrious and unsafe. Such living conditions harm their health and life expectancy, and hinder access to education and employment.
4. Where Roma do not have legal title to their homes or to the land on which they are built, they are highly vulnerable to forced evictions – without due notice, legal assistance or the provision of alternative accommodation, in violation of international human rights law – and to the demolition and destruction of their property. Such evictions have a devastating impact on other rights, as children lose access to schooling and parents to sources of employment. Where no sustainable alternative accommodation is provided, those concerned may furthermore become homeless or locked into an increasingly harmful cycle of forced evictions. The latter are moreover frequently conducted under high media scrutiny, which casts the evicted persons in a negative light, fuelling antigypsyist stereotypes and sentiments.
5. In many States, insufficient sites are provided for Travellers wishing to maintain an itinerant lifestyle, forcing them to stop in unauthorised locations, whether on public or private property, and exposing them to being violently expelled and moved on – but with nowhere to go. The sites that are provided are often not adequately equipped or maintained. Travellers too are thus frequently exposed to insalubrious living conditions, with all the human rights violations these entail.
6. The Assembly deplores the antigypsyism and anti-nomadism that are frequently at the heart of these grave human rights violations. Instead of seeking to build trust and mutual confidence and combating these phenomena, local authorities often use their prevalence among inhabitants as an excuse for taking no action to remedy these violations or for carrying out forced evictions. In addition, images of Roma and Travellers living in inadequate conditions are frequently used by both politicians and the media to fuel such racist sentiments further. In both cases, the failure to provide long-term solutions not only prolongs the human rights violations experienced by Roma and Travellers but also increases tensions and sources of conflict within communities.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15393](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr František Kopřiva).*



7. The Assembly strongly condemns the numerous violent racist attacks that have been carried out in recent years in many member States against villages, settlements, sites, houses, dwellings, caravans and other places where Roma and Travellers live. It underlines that segregated living conditions aggravate the risks of such criminal actions, by making these areas easy targets for attack.

8. Moreover, the Assembly underlines that the situations described above violate numerous international human rights instruments and standards, including but not limited to the United Nations International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights (ETS No. 5), the European Social Charter (revised) (ETS No. 163) and the Framework Convention for the Protection of National Minorities (ETS No. 157), as well as General Policy Recommendation No. 13 on combating anti-gypsyism and discrimination against Roma, adopted by the European Commission against Racism and Intolerance (ECRI). These situations are also regularly denounced by ECRI and the Advisory Committee on the Framework Convention for the Protection of National Minorities in their country monitoring work.

9. The Assembly observes that situations of inadequate housing, including the failure to provide sufficient halting sites for Travellers, may in some cases be the result of a failure to analyse the needs of Roma and Travellers in this field and to make provision for them in consequence. They may also in part be due to inadequate legislation at national level, inadequate implementation of legislation by local authorities, or both. Frequently, local authorities that fail to respect their obligations under national law in the field of housing face few or no sanctions, allowing these violations to persist for many years.

10. The Assembly welcomes the adoption by many European States in recent years of strategies for Roma inclusion which include elements devoted to improving the access of Roma and Travellers to adequate housing. However, it regrets that these strategies are frequently not accompanied by the allocation of sufficient funding, and that local, regional and national authorities often do not make use of funds provided at European and international level that could contribute to eliminating human rights violations in this field. It is clear that much remains to be done in order to make the right to adequate housing and accommodation a reality for Roma and Travellers in Europe.

11. In the light of the above considerations, the Assembly urges member States of the Council of Europe, in co-operation with local and regional authorities competent in the field of housing, including the provision of halting sites for Travellers, and always in close consultation with representatives of Roma and Travellers, to:

11.1. map the housing and accommodation needs of Roma and Travellers living in or travelling through the areas for which they are responsible, and co-operate with neighbouring authorities to ensure that a holistic perspective is taken, guaranteeing that these needs will be fully provided for;

11.2. explore all measures that could respond to the needs identified in their State and that would enable Roma and Travellers seeking permanent housing to have access to it, including measures such as the legalisation of existing homes, including caravans; ensure that persons living without legal title to property can benefit from security of tenure; provide or facilitate access to microcredits enabling the acquisition of property; increase the provision of social housing and revise the criteria of access to it in order to ensure that Roma and Travellers are not arbitrarily excluded;

11.3. ensure that the measures implemented provide sustainable and holistic solutions, including by providing necessary infrastructures such as access to running water, sewerage systems, electricity and gas, as well as adequate roads ensuring access to indispensable public services such as schooling, healthcare and public transport;

11.4. ensure that the measures implemented do not themselves contribute to creating or maintaining the segregation of Roma and Travellers, but on the contrary encourage their full inclusion in local communities;

11.5. allocate sufficient funding to these measures and make use to the fullest extent possible of European and international sources of funding;

11.6. put an immediate end to forced evictions of Roma and Travellers, and notably:

11.6.1. carry out evictions only as a last resort and in the most exceptional circumstances, where no other alternative exists, and following full consultation of and negotiation with the persons concerned;

11.6.2. provide adequate notice of any planned evictions, ensure that all Roma and Travellers subject to eviction are fully informed of their rights and make available to them effective and affordable legal remedies, including access to legal assistance;

11.6.3. propose adequate alternative accommodation to all individuals concerned prior to any eviction, ensuring that such accommodation does not lead to or perpetuate segregation;

11.6.4. ensure respect for the best interests of the child at all times, and take full account in this context of the need to ensure that families are not separated and that equal access to education and healthcare is guaranteed;

11.6.5. ensure that any evictions are carried out without violence, harassment or discrimination and without endangering the health, life or well-being of the persons evicted, and that no evictions are carried out during the winter or periods of cold weather;

11.6.6. ensure that Roma and Travellers subject to eviction are able to salvage their belongings and are not coerced into destroying their homes.

12. The Assembly considers that fulfilling the right of Roma and Travellers to adequate housing requires broader support measures, and therefore calls upon member States to:

12.1. ensure that international human rights standards with respect to the right to adequate housing, including with respect to the prevention of forced evictions, are fully incorporated into domestic legislation, and that such legislation also covers the right to live in mobile housing;

12.2. enact and strictly enforce legislation to prevent the carrying out of evictions contrary to the above safeguards;

12.3. ensure that national anti-discrimination legislation applies to the right to housing and that acts of discrimination against Roma and Travellers in this field are effectively sanctioned;

12.4. support civil society organisations working to combat discrimination against Roma and Travellers and ensure that Roma and Travellers are not arbitrarily excluded from access to legal aid and assistance in cases concerning the right to adequate housing and to be free from discrimination in this field;

12.5. work together with local authorities and communities, including with civil society representatives and other relevant stakeholders, to improve communication, mutual understanding and trust, which is the most effective means of identifying and implementing long-term solutions to prevent human rights violations in this field.

13. The Assembly welcomes the continued attention paid by the Committee of Ministers to the realisation of the rights of Roma and Travellers through the adoption of the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025). It welcomes the latter's recognition that antigypsyism and discrimination in the field of housing perpetuate the marginalisation of Roma and Traveller communities and individuals and hinder policy initiatives to improve their situation, and considers it crucial that these issues are covered in the monitoring of the implementation of the action plan.

14. It also welcomes the continuing co-operation between the Council of Europe and the European Union in this field, notably through the implementation of their ROMACT and ROMACTED joint programmes, which aim to assist mayors and municipal authorities to work together with local Roma communities to design policies and public services that are inclusive of all, including Roma, and to improve the responsiveness and accountability of local authorities to marginalised Roma communities.

15. Given the unique mandate of the Council of Europe Development Bank (CEB) to promote social cohesion in Europe, the Assembly calls for local, regional and national policy makers to consider opportunities for collaboration with the CEB in the provision of such housing needs, and in particular through loans for financing sustainable and affordable housing for vulnerable populations.

16. The Assembly urges all member States to tackle antigypsyism and anti-nomadism effectively, by recognising these phenomena as forms of racism that must be covered by criminal and civil law provisions prohibiting racism and racial discrimination, and working together with Roma and Travellers to overcome stereotypes and prejudice within the broader community and overcome mutual distrust.

17. The Assembly further invites national parliaments to support the No Hate Parliamentary Alliance, its mandate and its functioning.