Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1740 (2010)[1]
Final version

The situation of Roma in Europe and relevant activities of the Council of Europe

Parliamentary Assembly

1. The Roma constitute the largest minority in Europe and are present in virtually all Council of Europe member states. All member states – without exception – have the moral and legal duty to make concrete and sustained efforts to improve the situation of Roma and to ensure the full respect of their fundamental rights.

2. The Parliamentary Assembly is shocked by recent outrages against Roma in several Council of Europe member states, reflecting an increasing trend in Europe towards anti-Gypsyism of the worst kind.

3. Taking advantage of the financial crisis, extremist groups capitalise on fears deriving from the equation made between Roma and criminals, choosing a scapegoat that presents an easy target, as Roma are among the most vulnerable groups of all.

4. This situation is reminiscent of the darkest hours in Europe's history. The Council of Europe was founded precisely to prevent those dark hours from repeating themselves. The European Court of Human Rights regularly condemns states in which Roma have suffered from abuse or discrimination.

5. Besides the appalling rise in violence against Roma, the Assembly observes that the process of Roma integration has not reached its objectives over the last twenty years.

6. Assembly Recommendation 1557 (2002) on the legal situation of Roma in Europe already stressed that the aims set out in its Recommendation 1203 (1993) on Gypsies in Europe had been achieved only to a limited extent. The Assembly now notes with great concern that the present situation is virtually unchanged, if not worse. This is a shamefully poor record considering the amount of paper – and money – dedicated to improving the situation of Roma at all levels.

7. The Roma people are still regularly victims of intolerance, discrimination and rejection based on deep-seated prejudices in many Council of Europe member states. The situation of Roma with regard to education, employment, housing, health care and political participation is far from satisfactory. The Assembly is convinced that effective and sustainable access to education and decent housing are the first decisive steps towards breaking the vicious circle of discrimination in which most of the Roma are locked.

8. The Assembly therefore urges all Council of Europe member states to face up to their responsibilities and to tackle the issue of the situation of Roma seriously and sustainably.

9. The Assembly notes that many member states have already adopted national strategies for improving the situation and the integration of Roma. This is a positive but insufficient step. Such action plans need adequate and long-term funding as well as efficient co-ordination. Last but not least, the implementation of such action plans must be ensured also at local and regional levels.

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1. *Assembly debate* on 22 June 2010 (22nd Sitting) (see Doc. 12174, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Berényi; Doc. 12207, opinion of the Committee on Migration, Refugees and Population, rapporteur: Mrs Memecan; and Doc. 12236, opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Kovács). *Text adopted by the Assembly* on 22 June 2010 (22nd Sitting). See also Recommendation 1924 (2010).

10. The Assembly stresses that many initiatives remain too isolated and too limited – therefore offering only partial responses. The Assembly calls on member states to adopt national policies based on an integrated approach. Relevant ministries and other players must act in a concerted way, as the problems faced by the Roma are inextricably linked.

11. The Assembly also notes that the concrete results of a wide range of measures – including the national action plans – cannot be properly evaluated because many governments refuse to collect statistics based on ethnicity. In these circumstances, it seems to be impossible to identify successful measures or to improve the less successful ones.

12. Both the Advisory Committee on the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance (ECRI) consider that the collection of data based on ethnicity is a valuable tool for evaluating the impact of minority policies and monitoring discrimination. Such data should, in addition, be gender disaggregated.

13. The Assembly notes with concern that Roma remain extremely under-represented in elected bodies and that their participation in public and political life is limited. Considering that Roma representation and involvement are just as important as official action, the Assembly urges the Roma community to use every opportunity to be as active as possible.

14. Finally, the Assembly notes a new trend within member states to consider that the Roma issue falls under the responsibility of international and European organisations. Whilst convinced of the importance of the role of international organisations – and especially of the Council of Europe – in this field, the Assembly reiterates that the main responsibility lies with the member states. There should be no shirking of responsibility: education, employment, social inclusion, health services and housing are almost entirely national responsibilities.

15. Therefore, the Assembly urges member states to:

15.1. treat the Roma issue not only from the perspective of a socially disadvantaged group, but from the perspective of a national minority entitled to enjoy the rights enshrined in the Framework Convention for the Protection of National Minorities (ETS No. 157) and in the European Convention on Human Rights (ETS No. 5), as interpreted by the European Court of Human Rights;

15.2. protect Roma from discrimination including, where not in place already, through the adoption, implementation and regular monitoring of comprehensive anti-discrimination legislation as well as measures to increase awareness among Roma of such legislation and their access to legal remedies when their rights have been violated;

15.3. adopt sustainable national action plans and strategies which follow an integrated approach in conformity with Committee of Ministers Recommendation CM/Rec(2008)5 on policies for Roma and/or Travellers in Europe;

15.4. ensure that each ministry and decentralised or local government institution has effectively functioning structures capable of implementing these plans and strategies and that they act in a concerted way;

15.5. put in place means of supervision of the way local authorities implement parts of national action plans and strategies that fall under their competence and sanction any failure to do so;

15.6. enhance political participation and representation of Roma both at national and local level, *inter alia*, by providing Roma with the necessary identity documents, removing institutional discrimination and legal barriers and/or by allocating reserved seats to Roma representatives in parliament as well as in local and regional elected bodies;

15.7. collect reliable statistical data – including ethnic and gender-disaggregated data – with the necessary strict safeguards to avoid any abuse, in line with ECRI's recommendations and the opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, and to analyse these data carefully in order to assess the results and to enhance the effectiveness of the existing plans and programmes;

15.8. promote a positive image of diversity and address stereotypes and prejudices, including those linked to gender, using for instance the Dosta! campaign developed by the Council of Europe; strongly condemn and effectively prosecute acts of anti-Gypsyism; respond more effectively to, and invest greater resources in, combating racially motivated crime against Roma; react strongly to racist

discourse by public officials; develop policies and training programmes to combat anti-Roma prejudices amongst law enforcement officials; and tackle hate speech vis-à-vis Roma, whether occurring in the media, politics or in civil society;

15.9. base all action intended to improve the situation of Roma, at every stage of the process, on prior and genuine consultation and co-operation with the Roma themselves;

15.10. consider taking positive action in order to combat discrimination and to improve the opportunities offered to Roma, in particular in the fields of education and employment;

15.11. promote the use and development of Roma culture, language and lifestyle by promoting, for instance, the Roma Cultural Route developed by the Council of Europe;

15.12. take special measures to protect Roma asylum seekers who have fled racist violence, to ensure that citizens of the European Union (EU) have the possibility to rebut the presumption of safety that applies in respect of EU member states, and to avoid returning Roma to Kosovo until the Office of the United Nations High Commissioner for Refugees (UNHCR) has confirmed that the situation there has sufficiently improved in terms of security and access to social rights.

16. As regards education, the Assembly urges member states to:

16.1. fully implement Committee of Ministers Recommendations No. R (2000) 4 on the education of Roma/Gypsy children in Europe and CM/Rec(2009)4 on the education of Roma and Travellers in Europe;

16.2. dismantle segregated schooling by ensuring the effective and non-segregated access of Roma to mainstream education and develop their pre-school enrolment while expecting the Roma to accept that they should fulfil their obligations with regard to education;

16.3. train teachers adequately, increase the number of Roma teachers and enrol – as appropriate – Roma school mediators;

16.4. ensure that Roma girls are given equal opportunities in education, in particular secondary education, which too many Roma girls are obliged to drop out of because of parental and/or community pressure linked to early marriage, teenage pregnancies, and household and family responsibilities;

16.5. where appropriate – and where there is a demand within the Roma minority – assist them institutionally and legally to set up minority schools based on their own language and identity;

16.6. increase the number of Roma students in secondary schools and universities, where appropriateby allocating places for Roma, in particular Roma girls;

16.7. undertake, in conjunction with civil society organisations, gender-sensitive studies on the situation of children from minority groups in the school system, by compiling statistics on their attendance, completion and drop-out rates, results achieved and progress made, as recommended in ECRI General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

17. As regards housing, the Assembly urges member states to:

17.1. fully implement Committee of Ministers Recommendation Rec(2005)4 on improving the housing conditions of Roma and Travellers in Europe and seriously take into consideration the opinion of the Committee of Experts on Roma and Travellers (MG-S-ROM), adopted in October 2009, on the housing situation of Roma and Travellers in Europe;

17.2. implement fully the Council of Europe's Commissioner for Human Rights 2009 recommendation on the implementation of the right to housing and ensure that Roma's living conditions meet the criteria of adequate housing;

17.3. unequivocally condemn all attacks on Roma living areas, settlements and camps, and prosecute those responsible for them;

17.4. as a priority, address the problem of domestic violence within the Roma community, in particular violence against women and girls, as well as the human rights violation constituted by forced and child marriages in accordance with Assembly Resolution 1468 (2005) on the subject;

17.5. take urgent measures to prevent further forced evictions of Roma camps and settlements and – in cases of unavoidable evictions – ensure that such evictions are carried out only when all procedural protections required under international human rights law are in place, including the provision of adequate alternative housing, adequate compensation for expropriation and losses of moveable

possessions damaged in the process of eviction; in the absence of such procedural protections, member states should introduce legislation on evictions, providing safeguards and remedies in accordance with international standards.

18. As regards employment, the Assembly urges member states to:

18.1. fully implement Committee of Ministers Recommendation Rec(2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe;

18.2. develop employment policies for the Roma population by adopting comprehensive national employment programmes and monitoring their implementation at local level;

18.3. while so doing, readjust employment policies to the needs of the local Roma communities and the local markets;

18.4. build upon existing good practices such as the creation of Roma employment mediators, or the development of special internship programmes for Roma in the civil service in order to increase Roma representation within the state and local administration.

19. As regards health care, the Assembly urges member states to:

19.1. fully implement Committee of Ministers Recommendation Rec(2006)10 on better access to health care for Roma and Travellers in Europe;

19.2. enhance Roma access to health services, *inter alia* by building upon existing good practices such as campaigns to ensure immunisation for Roma children, the training of Roma health mediators and the setting-up of mobile clinics;

19.3. in particular, provide on a regular basis outreach services for Roma women and girls who otherwise have little access to medical services, pay special attention to gynaecological and maternal health, and ensure the availability of continuing health education (in particular sexual and reproductive health education) taking into account social and cultural factors influencing the health of Roma women;

19.4. ban and punish forced sterilisation and provide for compensation for all victims.

20. The Assembly also urges in particular the relevant authorities to take immediate action and to relocate as a matter of urgency the inhabitants of the lead-contaminated camp of Mitrovicë/Mitrovica (Kosovo[2]).

21. In addition, the Assembly supports the strengthening and development of the European Roma and Travellers Forum (ERTF) – a unique Europe-wide body – in order to enhance both the representation and the co-ordination of Roma at European level.

22. Furthermore, the Assembly strongly encourages the national delegations to the Assembly to include members of the Roma minority if they are represented in their parliament.

23. Roma are currently not represented at all in the Assembly. It therefore resolves to propose a co-operation agreement between the Assembly and the ERTF on the basis of which representatives of the ERTF would have regular contact with the relevant committees of the Assembly and could attend their meetings.

24. The Assembly calls on the Roma community and its representatives to fight discrimination and violence against Roma women and girls in their own community. In particular, the problems of domestic violence and of forced and child marriages, which constitute a violation of human rights, need to be addressed also by the Roma community itself. Custom and tradition cannot be used as an excuse for human rights violations, but should instead be changed. The Assembly calls on member states to support Romani women activists who engage in debates within their community about the tensions between the preservation of a Romani identity and the violation of women's rights including through early and forced marriages.

25. Finally, given the urgency of improving the situation of Roma in a wide range of areas, the Assembly decides to come back to this question in more depth in due course.

2. This reference should be understood in full compliance with United Nations Security Council Resolution 1244 (1999).