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PAL

LATEST STEPS IN THE FIGHT FOR ROMA
RIGHTS – STRASBOURG DECLARATION
AND COUNCIL OF EUROPE

“Fighting discrimination and anti-Gypsyism in education and employment in EU” (PAL)

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I. The Strasbourg Declaration on Roma

The events of 2010, which saw the removal of Roma from Western Europe, prompted Council of Europe Secretary General Thorbjørn Jagland to step up action to help the Roma in a more targeted, better co-ordinated and more cross-dimensional way.

As a result, a high-level ministerial conference was organized, to discuss the situation faced by Roma people. On 20 October 2010, government representatives from 47 Council of Europe member states adopted the '*Strasbourg Declaration On Roma*', which expressed the countries' political commitment to promote the inclusion of Roma people and introduced a number of new initiatives.

The member states agreed on guiding principles and priorities to encourage the empowerment, integration and inclusion of Roma people and committed to closer international cooperation to assure progress.

The Strasbourg Declaration firstly acknowledged that many Roma people remained marginalized in Europe and stated that "any effective response to this situation will have to combine social and economic inclusion in society and the effective protection of human rights'. It also reiterated that only a pan-European solution would be effective based on the strong cooperation with international organizations.

Based on these considerations, the declaration foresaw signatory states' cooperation towards the following list of priorities:



(i) Non-discrimination and citizenship

Non-discrimination

Member states are to 'adopt and effectively implement anti-discrimination legislation, including in the field of employment, access to justice, the provision of goods and services, including access to housing and key public services, such as health care and education'

Criminal legislation

Member states are to 'adopt and effectively implement criminal legislation against racially motivated crime.'

Citizenship

Member states are to 'take effective measures to avoid statelessness in accordance with domestic law and policy and to grant Roma legally residing in their national territory access to identification papers.'

(ii) Women's rights and gender equality

Member states are to 'put in place effective measures to respect, protect and promote gender equality of Roma girls and women within their communities and in the society as a whole.

Put in place effective measures to abolish where still in use harmful practices against Roma women's reproductive rights, primarily forced sterilisation.'

(iii) Children's rights

Member states are to 'promote through effective measures the equal treatment and the rights of Roma children especially the right to education and protect them against violence, including sexual abuse and labour exploitation, in accordance with international treaties'.

(iv) Empowerment

Member states are to 'promote effective participation of Roma in social, political and civic life, including active participation of representatives of Roma in decision-making mechanisms affecting them, and co-operation with independent authorities such as Ombudsmen in the field of human rights protection'.

(v) Access to justice



Member states are to 'ensure equal and effective access to the justice system, including where appropriate through affordable legal aid services and ensure timely and effective investigations and due legal process in cases of alleged racial violence or other offences against Roma'. They should also provide appropriate and targeted training to judicial and police services.

(vi) Combat trafficking

Bearing in mind that Roma children and women are often victims of trafficking and exploitation, Member states should devote adequate attention and resources to combat these phenomena, within the general efforts aimed at curbing trafficking of human beings and organised crime, and, in appropriate cases, issue victims with residence permits.

(vii) Fighting stigmatisation and hate speech

Member states are to 'strengthen efforts in combating hate speech. Encourage the media to deal responsibly and fairly with the issue of Roma and refrain from negative stereotyping or stigmatisation.'

Member states are to 'remind public authorities at national, regional and local levels of their special responsibility to refrain from statements, in particular to the media, which may be reasonably understood as hate speech, or as speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, or other forms of discrimination or hatred based on intolerance'.

They should also consider joining the campaign of the Council of Europe and the European Commission "Dosta! Go beyond prejudice, discover the Roma!" and enhance activities in this framework.

(viii) Social inclusion

Education

Member states are to 'ensure effective and equal access to the mainstream educational system, including pre-school education, for Roma children and methods to secure attendance, including, for instance, by making use of school assistants and mediators. Provide, where appropriate, in service training of teachers and educational staff'.

Employment



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Member states are to 'ensure equal access of Roma to employment and vocational training in accordance with international and domestic law, including, when appropriate, by using mediators in employment offices. Provide Roma, as appropriate, with possibilities to validate their skills and competences acquired in informal settings'.

Health Care

Member states are to 'ensure equal access of all Roma to the healthcare system, for instance, by using health mediators and providing training for existing facilitators.

Housing

Member states are to 'take appropriate measures to improve the living conditions of Roma' and ensure equal access to housing and accommodation services for Roma.

They should also provide for appropriate and reasonable notice and effective access to judicial remedy in cases of eviction, while ensuring the full respect of the principle of the rule of law.

In consultation with all concerned and in accordance with the domestic legislation and policy, they should provide appropriate accommodation for nomadic and semi-nomadic Roma.

Culture and language

Where appropriate, Member states should take measures to foster knowledge of the culture, history and languages of Roma and understanding thereof.

(ix) International cooperation

Member states are to 'ensure focused, sustained and effective co-operation regarding Roma, at the pan-European level, between member states, regions, local authorities and European organisations, drawing on the many examples of good practice which exist at European, national, regional and local levels. In particular, encourage co-operation with the European Union, including through joint programmes such as the intercultural cities, as well as the OSCE'. They should also 'ensure close cooperation with Roma communities at all levels, pan-European, national, regional and local, in the implementation of these commitments'.

In sum, the declaration called on member states to enforce anti-discrimination legislation, to act against racially motivated crime and to promote the "effective participation of Roma in social,



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political and civic life.” Governments should also promote “effective and equal access to the mainstream educational system, including pre-school education, for Roma children and methods to secure attendance, including, for instance, by making use of school assistants and mediators.” The declaration demanded that member states “put in place effective measures to abolish, where still in use, harmful practices against Roma women’s reproductive rights, primarily forced sterilisation.” Finally the member states were urged to work with Roma communities to improve children’s and women’s rights and to strengthen gender equality.

II. Progress over the last 5 years

The Strasbourg declaration was adopted in order to showcase that Roma issues are placed high in the political agenda of the council of Europe. For the last six years, Council of Europe initiatives have shown that this is still the case. However, while at the international level there is will to tackle the relative challenges the situation in practice has not significantly improved. Two positive outcomes can be identified: (i) The post of Special Representative of the Secretary General (SRSG) of the Council of Europe for Roma Issues (which is now occupied by Mr Valeriu Nicolae); this institution plays an important role in the representation of Roma issues vis-à-vis other organisations such as the European Commission, OSCE etc. and contributes to giving the programme a certain importance (ii) The introduction of several projects such the ROMED 1 & ROMACT programmes.

The ROMED1 Programme was initiated in 2011 aiming to train mediators around Europe. Indeed, mediation is one of the tools recommended by most instances at European level for reducing the gap between Roma communities and public institutions, such as schools, health facilities, but also local and regional administrations. It was the Strasbourg declaration that encouraged Member States to *‘set up a European Training Programme for Roma Mediators with the aim to streamline, codify and consolidate the existing training programmes for and about Mediators for Roma, through the most effective use of existing Council of Europe resources, standards, methodology, networks and infrastructure, notably the European Youth Centres in Strasbourg and Budapest, in close co-operation with national and local authorities’*. Within this context the goal of the



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programme was to promote effective intercultural mediation in order to improve the communication and co-operation between Roma and public institutions, to ensure the adoption of a human-rights based approach in mediation and to support the work of mediators by providing tools for planning and implementation of their activities which encourage democratic participation while generating empowerment of Roma communities and increased accountability of public institutions. Through the implementation period of the programme between 2010 and 2016, and a number of activities including training of trainers, a number of achievements can be mentioned namely the development of documents, the increasing influence of national politics that now embrace mediation as a key tool in Roma integration and the increased impact on the training and practice of mediators.

On the basis of the aforementioned achievements the Council of Europe launched the ROMED 2 ' Programme (Democratic Governance and Roma Community Participation through Mediation) with the goal to enhance the participation of members of the Roma communities in the decision-making processes at local level. The current situation is largely characterized by lack of capacity and sense of powerlessness on the part of Roma community, lack of trust in the possibility of real dialogue with the Roma community, paternalism and limited capacity to implement participatory democracy on the part of local authorities and lack of effective communication mechanisms between the two parts. ROMED2 uses mobilization of Roma citizens and the Roma community to promote effective participation in decision making, training and accompanying measures, empowering Roma and local administrations for more effective civic dialogue and co-operation, including through Community Action Groups aimed at stimulating the self-organisation of Roma communities, and local awareness raising actions for the understanding of the local governance and power relations. In 2015, the programme has been implemented in over 80 municipalities in 12 member States.

The ROMACT programme aims to build the capacity of local authorities to develop and implement policies and public services that are inclusive of all, including Roma. ROMACT supports local administrations, enabling them to implement sustainable inclusion policies, including through a better use of EU funds. Training and coaching sessions for local authorities to become familiar with



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key principles and tools for successful Roma inclusion policies, functional multisectoral platforms/teams within local administrations and technical support in the process of accessing and using EU funds are the main actions. ROMACT promotes good governance processes in education, employment, health, housing, urban development and culture. In 2015, the programme had been implemented in six member States.

The JUSTROM programme a joint programme of the Council of Europe and European Commission aiming to improve the access to justice of Roma and Traveller women in Bulgaria, Greece, Ireland, Italy and Romania. As such, the programme aims to empower Roma and Traveller women to adequately address discrimination and other human rights violations committed against them, including early/forced marriage, trafficking, domestic violence, housing evictions, police abuse and hate crime by raising their awareness about discrimination, complaint mechanisms, the justice system and human rights institutions. It provides legal information, advice, aid and/or representation through setting up legal centres and thus further facilitates access to court and court proceedings at national and international level.

In addition, it aims to enhance the capacity of the judiciary, law enforcement in the application of anti-discrimination standards with a focus on multiple discrimination, gender equality and Roma and Traveller women. Not lastly, this programme will further increase the synergy and coherence between the institutional frameworks of the EU and Council of Europe, national Roma integration strategies and civil society initiatives.

The “Dosta!” awareness-raising campaign against prejudice, stereotypes and anti- Gypsyism and for the promotion of Romani culture, language and history is on-going and will be prolonged and if possible expanded beyond its current implementation in 17 member States and Kosovo. A child-friendly version of “Dosta!” campaign material will be produced and distributed in participating member States. The “No Hate Speech” campaign will also contribute to spreading a counter-narrative against anti-Roma and anti-Traveller hate speech.

III. Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019)



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The Council of Europe presented on 2 March 2016 its Action Plan on the Inclusion of Roma and Travellers for the period 2016-2019. As a follow up to the 2010 Strasbourg Declaration, the Plan identifies three major priorities on which the Council of Europe's actions will be targeted:

- (i) Tackling anti-Roma and anti-Traveller prejudice, discrimination and crimes more effectively
- (ii) Demonstrating innovative models for inclusive policies for the most vulnerable
- (iii) Promoting innovative models for local-level solutions

The Plan also aims to offer targeted support to Member States on relevant inclusion policies and to implement result-oriented projects with a concrete impact.

In relation to the first priority the Council of Europe, has identified perpetuated prejudice and stereotyping as key obstacles holding back Roma inclusion efforts. As a result, the Council of Europe expressed its commitment in dedicating all available mechanisms including capacity building and awareness raising activities in abolishing the discrimination against Roma and Travellers; only this way will the inclusion of Roma people in European societies with full rights and responsibilities be achieved.

To that end the Council of Europe committed to strengthen the competence to fight against Anti-Gypsyism including through the Dosta campaign. Furthermore, The Council will dedicate efforts towards improving the access to justice for Roma and Travellers by enhancing the provision of effective primary legal aid to Roma and Travellers on a wider scale and by collaborating with national stakeholders such as police forces and equality bodies in order to tackle the under-reporting and under-prosecution of racist crimes against Roma and Travellers.

Lastly, the Council will dedicate efforts towards developing the skills and knowledge of legal professional and administrators. In collaboration with a number of international bodies, the Council will try to establish a common initiative with the European Commission and the OSCE in close cooperation with national governments. Accessing and managing EU structural funds available for the social inclusion of vulnerable groups is especially important. To that end, the



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council of Europe is organizing training programmes for legal professionals on non-discrimination with a focus on vulnerable groups. Implementation of these trainings is expected to be enhanced and updated as well as be made available in several Member States. Targeted trainings will also be delivered to national police forces. In some Balcan countries the Council will cooperate with national authorities in order to bring up to measure with human rights instruments, national pre-detention centres.

With regard to the second priority, the Council acknowledges that women, children and young people are exceptionally vulnerable to multiple discrimination and specific forms of violence including early or forced marriage, domestic violence, trafficking and forced begging. For this reason, these groups are in need of special support in view of the fact that they play an integral role in bringing social and economic change in Roma and Travellers communities. Therefore empowerment of these vulnerable categories is essential in order to achieve social inclusion.

In particular, the Council aims at strengthening the self organization of young Roma and Travellers and their participation in society through actions directed towards the mainstreaming youth-related matters in all policies dealing with Roma and Travellers. One action is directed towards this objective is the development of targeted training and education programmes which will be set up to support Roma and Travellers youth leaders with a view to support the participation of young Roma people and organisations. Another action is directed towards peer-to-peer training of teachers on an inclusive education. In this context, it is relevant to mention that the Roma Youth Action plan which was introduced as a complementary initiative to the Strasbourg Declaration by associating Roma youth to its implementation.

The Council of Europe will take special care to ensure that Roma children's rights are fully guaranteed in particular their right to education. Priority actions are tackling the negative consequences of early/child marriage and as well as early school leaving and absenteeism, particularly for girls. Another area of action is tackling situations where children become victims of human trafficking, prostitution, domestic violence etc.

Empowerment for women is also a priority area for the Council, whereas several actions will roll



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out also within the framework of the Gender Equality Strategy 2014-2017. Accordingly, the council will implement a new project to improve access to justice for Roma women; action within this context will include training opportunities for Roma women, capacity building action for legal professionals and law enforcement authorities and the establishment of low-threshold services providing legal advice across 5 European countries. Furthermore, the Council of Europe Development Bank will take action to support social entrepreneurship particularly of Roma women through pilot projects in the Southeastern region.

Lastly, as regards the third priority the Council of Europe aims to take action towards enabling local and regional authorities to address discrimination more effectively and develop successful strategies for the full inclusion of Roma and Travellers in society. Within this framework the Council of Europe aims implemented the ROMED 1 and ROMED 2 programmes; upon considering the conclusions from these programmes the Council aims to prepare and implement a follow up programme possibly in cooperation with the European Commission. Furthermore, with regard to strengthening the capacity of local and regional authorities to develop and implement initiatives for the Roma inclusion, the ROMACT programme will be continued and extended to additional Member States and possible enriched with new components.

At the organizational level and in view of supporting the aforementioned initiatives, the Council aims to take a number of additional steps: (i) introduce the publication of a digest presenting the activities of the Council of Europe pertaining to the inclusion of Roma and Travellers. The aim is to increase awareness and visibility of these initiatives to the larger public. (ii) Intergovernmental committees will include Roma rapporteurs, thus strengthening participation of Roma in consultations for Roma related issues. (iii) Dialogue with international organizations engaged in inclusion policies particularly through consultation meetings in the context of the CAHROM meetings (high-level, ad hoc Committee of Experts on Roma and Travellers issues) held twice a year. The dialogue will focus on how to improve collaboration and avoid duplication of work between the different international organizations. (iv) Two annual dialogue events with civil society organisations of Roma and Travellers, with the purpose of discussing the results and follow-up of CAHROM thematic visits and Council of Europe monitoring activities. (v) The



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“European Alliance of Cities and Regions for Roma Inclusion” will remain under the stewardship of the Congress of Local and Regional Authorities, whereas its management will be brought closer to the operational activities of the SRSR Roma Support Team, in order to increase its outreach. (vi) A special initiative will be taken to promote the recruitment of young Roma professionals into the Council of Europe Secretariat.

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