

## 6.2. Access to adequate housing

The UN Committee on Economic, Social and Cultural Rights has emphasised that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or which views shelter exclusively as a commodity. Rather, it should be seen as the right to live somewhere in security, peace and dignity.”<sup>200</sup>

Under the European Social Charter (Article 31), as interpreted by the European Committee of Social Rights, “[s]tates must guarantee to everyone the right to adequate housing. They should promote access to housing in particular to the different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems. The notion of adequate housing must be defined in law. ‘Adequate housing’ means: 1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc. and where specific dangers such as the presence of lead or asbestos are under control; 2. a dwelling which is not overcrowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence, 3. a dwelling with secure tenure supported by the law.”<sup>201</sup>

Member states bound by the European Social Charter have in particular undertaken to take measures to make the price of housing accessible for those with inadequate resources. The European Committee of Social Rights has noted that states must: adopt appropriate measures for the provision of social housing that should target, in particular, the most disadvantaged; adopt measures to ensure that waiting periods for the allocation of housing are not excessive; make available legal and

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200. UN Committee on Economic Cultural and Social Rights, General Comment No. 4, Right to adequate housing, Article 11 of the Covenant.

201. See “Digest of the Case Law of the European Committee of Social Rights”, 1 September 2008, p. 170, [http://www.coe.int/t/dghl/monitoring/socialcharter/Digest/DigestSept2008\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Digest/DigestSept2008_en.pdf).

non-legal remedies when waiting periods are excessive; and introduce housing benefits at least for low-income and disadvantaged sections of the population. The Committee has emphasised that the rights emanating from the above should be guaranteed without discrimination, in particular with respect to Roma or Travellers.

In the course of his work, the Commissioner has identified fundamental human rights issues facing Roma and Travellers in the field of housing in a number of countries. The Commissioner's work in this area indicates a number of areas of concern such as discrimination, segregation, sub-standard conditions, forced evictions and homelessness. The conditions of security, peace and dignity that are constituent parts of the right to adequate housing are far-off for many Roma and Travellers in Europe.

### **Discrimination in access to adequate housing, as well as in housing policy and practice**

Discrimination in access to adequate housing is reported in a number of Council of Europe member states, including the Czech Republic, Finland, Latvia, Slovakia, Slovenia and Sweden. Discrimination against Roma and Travellers in access to housing takes several forms, such as denial of access to public and private rental housing on an equal footing with others and in some cases, refusals even to sell housing to Roma. Other forms of unequal treatment include preferential treatment of non-Roma in the development of infrastructure and systematic failure to develop infrastructure in Roma communities; as a result, a racially discriminatory tolerance of extremely substandard housing conditions can be noted as well as other situations rising to the level of degrading treatment under European Convention Article 3.<sup>202</sup> In addition, Roma face discrimination in the provision of public or private housing credit as well as direct or indirect discrimination in decisions to order eviction or other invasive measures.

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202. European Court of Human Rights, judgment in *Moldovan and Others v. Romania*, Applications Nos. 41138/98 and 64320/01, Judgment of 12 July 2005.

In his 2011 report on the Czech Republic, the Commissioner noted how the vicious circle of discrimination affects Roma in the field of housing:

*[h]ousing is the first area covered by discrimination complaints brought by Roma before the Ombudsman. Typically, Roma families end up being evicted from rental municipal housing on grounds of non-payment of rent or utilities and moved to Roma-only insalubrious housing. Faced with unemployment and discrimination, evicted families are unlikely to be granted leases elsewhere and often end up paying above market rates for temporary accommodation in hostels, which exposes them to exploitation by loan sharks and further indebtedness.*

In the Roma-inhabited localities in Kladno, Czech Republic, some families reported to the Commissioner having been forcibly moved there from decent housing inhabited by ethnically mixed communities, although they had little or no outstanding debt.

In Hungary, concerns have been expressed at discrimination by local authorities against Roma in their access to social housing. Over the past 20 years, locals have vandalised houses purchased by Roma, sometimes destroying entire properties; formed human chains to prevent Roma families from moving in; and petitioned local authorities to prevent Roma from moving in. In Norway, Roma and Travellers reportedly experience discrimination in accessing campsites. When they attempt to report the discrimination to police, those complaints are allegedly not followed up.<sup>203</sup>

In a 2009 Recommendation on the implementation of the right to housing, the Commissioner noted that discrimination in the field of housing for Roma and Travellers “may concern all aspects of housing: accessibility, quality standards, prevention of homelessness and financial support.” This violates, among other standards, the International Convention on the Elimination of All Forms of Racial

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203. ECRI Fourth report on Norway, adopted on 20 June 2008, published on 24 February 2009, p. 30; and Third Report Submitted by Norway Pursuant to Article 25, Paragraph I of the Framework Convention for the Protection of National Minorities, received 1 July 2010.

Discrimination and the EU Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The Committee of Ministers, in its 2005 Recommendation on improving the housing conditions of Roma and Travellers in Europe, noted that member states “should undertake a systematic review of their housing legislation, policies and practices and remove all provisions or administrative practices that result in direct or indirect discrimination against Roma, regardless of whether this results from action or inaction on the part of state or non-state actors.” In addition, in a decision regarding Bulgaria, the European Committee of Social Rights found that “in the case of Roma families, the simple guarantee of equal treatment as the means of protection against discrimination does not suffice” and that “for the integration of an ethnic minority as Roma into mainstream society measures of positive action are needed”.<sup>204</sup>

Racial discrimination is at the root of, and also compounds, the disadvantaged position of Roma and Travellers in all housing-related subject areas mentioned below.

### **Segregation: informal settlements, excluded localities and other separated housing arrangements**

A 2010 report by the EU Agency for Fundamental Rights – covering only European Union member states – found that residential segregation of Roma and Travellers is evident in Bulgaria, Cyprus, the Czech Republic, France, Greece, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia and Spain. In countries such as Belgium, Portugal and Sweden, Roma often live in the same areas as other minorities, particularly immigrants, in socially deprived areas of low-quality housing.<sup>205</sup> The work of the Commissioner, as

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204. European Committee of Social Rights, Decision on the Merits, Collective Complaint No. 31/2005, *European Roma Rights Centre v. Bulgaria*, 18 October 2006, paragraph 42.

205. European Union Agency for Fundamental Rights, “Summary report: the state of Roma and Traveller housing in the European Union, steps towards equality”, March 2010, p. 9.

well as that of other Council of Europe and international review bodies has identified that these issues also exist throughout south-east Europe, in the countries of the former Soviet Union and in Turkey.<sup>206</sup>

In its May 2008 concluding observations concerning Italy, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed “grave concern” at the residential segregation of Roma and said the Italian Government must “refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities.”

In Montenegro, Roma communities are usually located on the outskirts of municipalities, except in the capital Podgorica, where the settlement inside the city is 100% Roma.<sup>207</sup>

In Portugal, many Roma live in extremely basic encampments on the outskirts of towns. The Commissioner conveyed his serious concern at this situation in his 2009 letter addressed to the Deputy Minister of Justice of Portugal. In 2010, the Advisory Committee on the Framework Convention for the Protection of National Minorities reported regarding Portugal that “many Roma live in segregated areas.” The Advisory Committee noted as a matter “of particular concern that, in some municipalities, Roma settlements are surrounded by walls, often with only one entrance and exit route.”

In Romania, Amnesty International and other NGOs have reported cases of segregation, which is not explicitly prohibited in Romanian housing law, such as in Cluj-Napoca and Piatra Neamț. In July 2011, the town of Baia Mare erected a two-metre-tall wall to separate the Roma neighbourhood from a main road. The mayor reportedly declared that the wall was designed “to prevent traffic accidents”.

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206. See, *inter alia* European Roma Rights Centre (ERRC), *Standards do not apply: inadequate housing in Romani communities*, Budapest, December 2010.

207. Open Society institute, “Equal access to quality education for Roma”, Vol. 2, 2007, Croatia, Macedonia, Montenegro, Slovakia Monitoring Reports, pp. 68, 317 and 388.

In Slovakia, Roma often experience extreme residential segregation.<sup>208</sup> It is reported that government-implemented housing programmes aimed at providing municipal flats to address the housing needs of Roma living in social exclusion may have contributed to this phenomenon. Although in some cases these programmes have helped to improve living conditions for some Roma families, “much of the housing made available was built for Roma only, often in existing segregated settlements or even further from the town centre than the housing from which the inhabitants were moved.” Spatial segregation is reinforced by the relatively new trend of building walls around Roma settlements. For example, in October 2009, the town of Ostrovany erected a two-metre-high concrete wall between the Roma and non-Roma parts of town. The wall was built with public funds. The experience was repeated in other Slovakian municipalities. At the end of 2009, a wall was erected by the municipality of Michalovce to prevent Roma from walking through a non-Roma neighbourhood. The same happened in Lomnička, Trebišov and Prešov.<sup>209</sup>

On a more positive note, in Spain long-term financial commitments have managed to raise the levels of residential desegregation for the Roma. During the past 20 years, housing policies have made the elimination of segregated Roma localities a priority and have integrated Roma into standard housing in non-Roma neighbourhoods. The percentage of Roma in substandard housing has reportedly fallen over the past two decades from 31% to 11.7%. Specific examples of good practice include programmes in the municipality of Avilés (Asturias),<sup>210</sup> the Autonomous Community of Navarra, and the capital, Madrid.<sup>211</sup> Relocation to good-quality accommodation in desegregated areas has promoted Roma social cohesion and reduced social inequalities.

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208. ECRI Fourth report on Slovakia, p. 30.

209. ERRC, *Standards do not apply, inadequate housing in Romani communities*, p. 17.

210. European Commission, “Municipal programme of shanty towns eradication in Aviles (Asturias)”, Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion.

211. EU Fundamental Rights Agency, “Case study: Improving Roma housing and eliminating slums, Spain”, October 2009.

Follow-up work after such relocations with non-Roma neighbours is crucial to success, as is Roma participation in assessment. The success of these policies depends to a great extent on stakeholder commitment and tailored solutions in consultation with concerned families. Spain's approach of "explicit, but not exclusive, targeting", in which Roma are the target of policies, but non-Roma are not excluded, is increasingly praised as one of the best models existing for addressing the exclusion of Roma in various sectors, including housing. Continuous monitoring of housing projects is needed, however, to ensure that positive practice today does not devolve into segregated housing tomorrow.

In its 1995 General Recommendation 19 on the prevention, prohibition and eradication of racial segregation and apartheid, the United Nations Committee on the Elimination of Racial Discrimination (CERD) elaborated on the ban on racial segregation set out under Article 3 of the International Convention on the Elimination of All Forms of Discrimination as including "the obligation to eradicate the consequences of such practices undertaken or tolerated by previous Governments in the State or imposed by forces outside the State". The CERD noted that a situation of racial segregation can "arise without any initiative or direct involvement by the public authorities" and urged that "all trends which can give rise to racial segregation" be monitored, with a view to "the eradication of any negative consequences that ensue". The Committee of Ministers of the Council of Europe also has a clear-cut position on segregation of Roma and Travellers: "In order to combat the creation of ghettos and segregation of Roma from the majority society, member states should prevent, prohibit and, when needed, reverse any nationwide, regional, or local policies or initiatives aimed at ensuring that Roma settle or resettle in inappropriate sites and hazardous areas, or aimed at relegating them to such areas on account of their ethnicity."<sup>212</sup>

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212. Committee of Ministers, Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe.

## Substandard housing conditions

Segregation is usually accompanied by hazardous living conditions for Roma. Even when not formally segregated, many Roma continue to live in sub-standard conditions in most European countries.

In France, many migrant Roma are in “extremely precarious” situations as regards access to decent housing. Migrant Roma live in very rudimentary camps throughout France, mostly on the outskirts of cities. Some municipalities provide “integration housing” consisting of temporary housing in bungalows or mobile homes for Roma who previously lived in slums.<sup>213</sup> In 2008, the Commissioner noted<sup>214</sup> that most Roma in France live in squalor, often without access to electricity, garbage removal services, sewerage or water, a state of affairs unchanged since a previous report on the situation in 2006.

In 2010 the Advisory Committee on the FCNM noted that in Hungary “despite the fact that public funds have been earmarked for the implementation of the ‘Housing and Social Integration Programme for Residents of Roma settlements’ in 30 municipalities, many Roma families still appear to live in substandard housing.”

In Moldova, a large number of Roma live in conditions that are the very worst in the country. Roma are overwhelmingly likely to be deprived of housing, with one-third living in “insecure” dwellings described in a 2007 UNDP report as “ruins”. Their dwellings are also smaller on average than non-Roma housing in terms of living area per member. More than 80% of Roma households lack bathing facilities, potable water, sewerage and toilets, while 42% lack a kitchen.

In Poland, the Advisory Committee on the FCNM reported in 2009 that “efforts undertaken in the framework of the National Programme for the Roma Community to improve the living conditions, in particular the roads, water pipes and sewage facilities in some particularly

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213. ECRI Fourth report on France, pp. 8 and 34.

214. Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008, Strasbourg, 20 November 2008.



disadvantaged settlements in the Małopolskie Region, have not yielded the anticipated results.” ECRI noted in 2010 that the poor state of the Roma community’s housing persists. Roma NGOs have criticised the implementation of the housing measures in the government Programme for the Benefit of the Roma Community, reporting “unwieldy procurement procedures, initiatives lacking in focus and recalcitrant mayors.”

As far as Romania is concerned, following a visit to the country in 2010 the Commissioner noted that, according to estimates, approximately 60% of Roma live in segregated communities without access to basic state services, such as electricity, running water, central heating and waste disposal. Due to lack of infrastructure, many Roma communities are difficult to access, especially in the winter, and as a result of this, ambulances and fire brigades frequently cannot reach Roma settlements. During his 2010 visit the Commissioner went to the Barbulesti village near Bucharest, which is inhabited mainly by Roma. He noted the substandard conditions which prevail there, particularly the fact that the houses in the village did not have access to a sewage system or to running water. Water is drawn from wells, and there is no solid, asphalt road running through the village. He also paid a visit to the Ferentari neighbourhood in Bucharest, inhabited mainly by Roma. There he noted that certain houses are surrounded by heaps of garbage, as the system of waste disposal is not functioning properly.

In his 2011 report on Serbia, the Commissioner noted that the majority of Roma live in very poor housing conditions. The problems that Roma face in this field are related to the overpopulation of settlements due to the small number of available housing units, unresolved property ownership issues and illegal constructions, and lack of access to public infrastructures. The Commissioner was particularly concerned by the housing situation of the Roma displaced from Kosovo, and Roma who are being forcibly returned from western European countries. They are said to make up around 17% of the Roma population in informal settlements and face the harshest living conditions. The Commissioner noted in particular that the living conditions in the

informal Roma settlement in Marija Bursać, Blok 61 in Belgrade, which he visited in June 2011, “are clearly sub-standard and may be qualified as degrading.”

In Slovenia, many Roma live in settlements without heat, running water or sewerage. During his visit to Roma settlements in the region of Dolenjska in April 2011, the Commissioner noted that “there is still no access to running water and electricity and [the] inhabitants continue to live in isolated settlements in sub-standard conditions.” Amnesty International also reported that some settlements, for example in Trebinje and Krsko, have access to piped water but do not have adequate sanitation facilities, as they are not connected to the public sewage and garbage collection system.

In Ukraine, a large number of Roma live in desperately poor conditions, with many facing severe health and safety hazards. Many Roma have no access to communications, electricity, paved roads, running water or transportation, and one in ten Roma individuals lives in unsanitary housing. Studies have also indicated that many Roma dwellings have half the water supply available to the rest of society.

Extreme international concern has been registered over the situation of Roma in a series of localities in and around Mitrovicë/Mitrovica in Kosovo, which have been, over a period of more than ten years, subjected to housing conditions in very toxic environments. Roma expelled from areas south of the Ibar river – and in particular from the Roma Mahalla neighbourhood, burned to the ground by mobs in June 1999 – were first “temporarily” directed by the United Nations High Commission for Refugees (UNHCR) to live in camps for displaced persons in 1999 which proved to be extremely lead-contaminated because they were in the vicinity of a former lead mine. Responsibility for the camps was transferred to the United Nations Interim Administration Mission in Kosovo in 2001 and then to the Kosovo authorities (specifically the Ministry of Communities and Returns) in 2008. In 2009, Human Rights Watch reported the internally displaced persons’ right to life, right to not be subjected to cruel, inhuman or degrading treatment, right to health, right to a healthy environment and right to

adequate housing have all been violated by this treatment.<sup>215</sup> The Commissioner devoted extensive energy to resolving this issue during and after his visit to Kosovo in March 2009.<sup>216</sup> In February 2010, an EU-supported project implemented by Mercy Corps started and the Municipality of South Mitrovicë/Mitrovica agreed to allow the relocation to the Roma Mahalla for some families living in the camps of Česmin Lug and Osterode. A USAID project to rebuild 50 houses in the neighbourhood from which Roma fled began in April 2010 and reportedly includes plans for medical treatment for the families after they are resettled. As of February 2011, most Roma and Ashkali families were resettled from the camps to Roma Mahalla. The Česmin Lug camp was emptied and temporarily fenced, before becoming a parking lot. As of late 2011, it was reported that 19 Roma families still remained in Osterode camp. It was further reported that 10 families who live in Osterode camp cannot return to the south of Kosovo for security reasons.<sup>217</sup>

The Commissioner reiterates that the human right of Roma people to adequate housing in accordance with international legal standards needs to be effectively guaranteed. All public utilities, including water, electricity, collection of waste and maintenance of access roads, need to be provided to Roma settlements.

In 2010 the Council of the European Union adopted a regulation allowing the extension of financing from the European Regional Development Fund (ERDF) to house the extremely marginalised, a category that encompasses many Roma communities. ERDF funds may now be used for the first time to renovate rural housing as well as urban housing and to replace any housing irrespective of location. Member states will have to provide co-financing. This measure removes previously existing

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215. Human Rights Watch, *Kosovo: poisoned by lead, a health and human rights crisis in Mitrovica's Roma camps*, 23 June 2009.

216. Report of the Council of Europe Commissioner for Human Rights, 'Special Mission to Kosovo on 23-27 March 2009', Strasbourg, 2 July 2009.

217. More details on the impact of this situation on the health of the residents are provided in Chapter 6, section 6.4, "The right to the highest attainable standard of physical and mental health".

obstacles to using EU funding to resolve extreme slum housing conditions in Roma settlements. However, it remains for national authorities to ensure that these new opportunities are fully acted upon. In addition, the Commission and other organs of the European Union will need to remain vigilant to ensure that this funding is not used for projects that result in, or reinforce, segregation.

## Security of tenure and forced evictions

In its work clarifying the normative content of Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, the United Nations Committee on Economic, Social and Cultural Rights has held that “notwithstanding the type of tenure, all persons should possess a degree of security of tenure”.<sup>218</sup>

Roma living in informal settlements or on land they do not own obviously lack security of tenure throughout Europe. However, in a report on inadequate housing of Roma, the ERRC highlighted that “the tenure of Roma living in legally recognised housing may also be insecure”.<sup>219</sup> The problem of a lack of adequate recognition of tenure in the case of Roma accommodation is evident throughout the Council of Europe space. In central and south-east Europe, Roma settlements which are sometimes several centuries old may lack any form of legal recognition, and title for individual dwellings is similarly missing. Problematic titling and tenure recognition is similarly seen in western Europe, particularly – although not only – in cases of recent migrant Roma communities. Lack of adequate recognition of tenure leads directly to threats of forced eviction and for actual acts of forced eviction.

Forced evictions of Roma have taken place since 2008 in Albania, Bulgaria, the Czech Republic, France, Hungary, Italy, Romania, Russia, Serbia, Slovakia, “the former Yugoslav Republic of Macedonia” and Turkey. For example, in September 2009, the municipality of Bourgas, Bulgaria, demolished as many as 50 homes and evicted the residents

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218. CESCR, General Comment No. 4: The right to adequate housing, 1991.

219. ERRC, *Standards do not apply, inadequate housing in Romani communities*.

with the assistance of local police. The families included minors and seniors and numbered almost 200 people who had lived there for years; all were rendered homeless without being offered alternative housing or compensation for the personal effects lost during the demolition.

In France, the policy of frequent forced evictions of Roma from Bulgaria and Romania has been denounced by NGOs for undermining the living conditions of already fragile populations instead of ameliorating the issue of informal settlements. The number of evictions has increased since July 2010, when President Nicolas Sarkozy referred to “illegal camps” inhabited by Roma as sources of criminality, calling on the government to dismantle those camps within three months. On 5 August 2010, a circular instructed local authorities to systematically dismantle “illegal camps”, explicitly prioritising those inhabited by Roma. Following numerous criticisms including by the European Commission, the order was rescinded and replaced on 13 September by one that referred to “any illegal settlement, whoever inhabits it”. Médecins du Monde reported that the multiple evictions have had a negative impact on the health status of Roma migrants and on the spreading of infectious diseases such as tuberculosis. Non-governmental organisations have reported that almost 11 000 Roma migrants have been evicted from 116 sites between January 2010 and September 2011, with a notable increase registered in the second trimester of 2011 and no alternative adequate housing proposed in 85% of the cases. In a particularly disturbing eviction that took place on 1 September 2011, about 200 Roma from Saint-Denis were reportedly forced by anti-riot police onto trains, made available for this purpose by the public transport operator RATP, without any indication of the destination. Some children were even separated from their parents.

Following a visit to Italy in January 2009, the Commissioner for Human Rights expressed deep concern about forced evictions of Roma in Italy. He urged the Italian authorities to avoid evictions without offering alternative housing. Since then, the state of emergency, which is still in force in five regions, has provided the basis for widespread evictions of Roma and Sinti from settlements throughout the country.

In the collective complaint against Italy submitted to the European Committee of Social Rights by the Centre on Housing Rights and Evictions (COHRE), in 2010 the Committee of Social Rights found a series of violations of the Revised Charter by Italy. In particular, the Committee found that the practice of evictions of Roma and Sinti as well as the violent acts accompanying such evictions constituted a serious violation of Article E (on non-discrimination) viewed in conjunction with Article 31.2 (on the reduction of homelessness). As the Commissioner noted following his May 2011 visit to Italy, the Municipality of Milan in particular has registered an “unprecedented spate of systematic evictions” in recent years, with the Deputy Mayor announcing on 27 April 2011 that 500 forced evictions of Roma from their settlements had been carried out since 2007. Some families reported having been moved several times in one week.

Amnesty International reported that on 17 December 2010, the authorities of Cluj-Napoca in Romania forcibly evicted 56 Roma families from the city centre, where some of them had been living for approximately 25 years, without notifying the affected individuals and without alternative solutions being tried. ECRI and Amnesty International have reported that local authorities evict Roma without following legal procedures in Romania; some Roma have even been evicted in mid-winter in the presence of media.

In Serbia, some studies have indicated that out of the 593 existing Roma settlements, 72% have not been authorised, while in Belgrade alone there are 137 informal settlements. In 2011 the Commissioner has noted with concern reports of the increased number of forced evictions of Roma from informal settlements in Belgrade and the reported failure by the authorities to comply with legal safeguards during evictions.

In 2010 Roma living in the informal settlement in the village of Plavecký Štvrtok, Slovakia, were threatened with immediate eviction and destruction of their houses if they failed to prove the legality of their homes. Amnesty International drew attention to the fact that nearly 90 Roma families, some with children, were under threat of forcible eviction. According to the ERRC, the immediate threat of

eviction is on hold, “but the situation in Plavecký Štvrtok remains tense, with the mayor continuing to seek ways to demolish the Romani settlement”<sup>220</sup>.

In 2006, the United Nations Committee on Economic, Social and Cultural Rights urged the Government of “the former Yugoslav Republic of Macedonia” to ensure that adequate alternative housing would be provided in the event of evictions and to keep annual statistics on the number of forced evictions, arrangements for alternative housing and the extent of homelessness, as well as steps taken to legalise and improve the Roma settlements. ECRI’s 2010 report further urged the authorities to settle “without delay” the issue of the legalisation of Roma settlements and release funding for implementing the country’s national action plan for Roma housing.

Very high-profile destructions of entire Roma neighbourhoods have taken place in recent years in Turkey. Perhaps the most high-profile – although by no means the only – destruction of a complete Roma settlement in Turkey was the several-year effort by the Istanbul municipality of Fatih to destroy the Roma neighbourhood of Sulukule, an action which triggered a European Parliament hearing on the matter, as well as extensive other communications of concern to the Turkish Government. In the end, international concern was to no avail and the neighbourhood was razed in 2009 to make way for middle-income housing, its inhabitants displaced far from the centre and some of them compelled into forced nomadism.<sup>221</sup>

Complaints concerning forced eviction of Roma and the destruction of their housing are currently pending before the European Court of Human Rights against Russia.<sup>222</sup>

Frequently, evicted Roma are forced into deeper states of social exclusion, as landlords are unlikely to provide leases to people who have

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220. ERRC, *Standards do not apply, inadequate housing in Romani communities*.

221. ERRC, “ERRC report on Turkey for the 2010 EU Progress Reports”, 1 June 2010.

222. European Court of Human Rights, *Bagdonavichus v. Russia*, Application No. 19841/06.

previously been evicted from housing. For example, in the Czech Republic and elsewhere, evicted families often end up paying above-market rates for temporary accommodation in hostels. This kind of housing often does not entitle the persons concerned to register as permanent residents with municipalities, leading to other forms of exclusion including difficulties with school enrolment. Exorbitant rents in such housing arrangements exacerbate poverty.<sup>223</sup>

Some authorities in Europe have led the way in developing positive models of housing for Roma. In Croatia, an example of good practice in legalising informal Roma settlements comes from Medimurje County, where 9 out of 12 existing settlements have been legalised and several infrastructure programmes have been launched since 2005. In 2006, 17 Roma families were relocated from areas at risk of flooding into newly purchased, safer housing in the Donja Dubrava settlement. The Commissioner has observed in 2010 that the legalised settlements of Pribislavec and Loncarevo (in Medimurje) now provide decent living conditions for their residents, in sharp contrast with the situation in the illegal settlements around the capital (such as Struge), where the Commissioner has described living conditions as “degrading”.

Under Article 31 of the European Social Charter, security of tenure supported by law is part and parcel of the notion of adequate housing. The European Committee of Social Rights has noted that in addition to a housing policy for all disadvantaged groups of people to ensure access to social housing, states must set up procedures to limit the risk of eviction. Procedural safeguards have been developed by, among others, the European Committee of Social Rights and the UN Committee on Economic, Social and Cultural Rights in General Comment No. 7. These include genuine consultation with those affected, reasonable notice and access to legal remedies. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they own, occupy or lease the land or housing in question. When they take place, evictions must be carried out under conditions which respect the dignity of the persons concerned. The

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223. ECRI Fourth report on the Czech Republic, p. 35.



law must prohibit evictions carried out at night or during the winter period. Evictions must not render individuals homeless or vulnerable to the violation of other human rights. Compensation for illegal evictions must also be provided. The alternative housing should not result in further segregation.<sup>224</sup>

In his 2010 Position Paper on the human rights of Roma and Travellers, the Commissioner has encouraged member states to “bring their legal protection against forced evictions into line with international law, notably with the case law of the European Court of Human Rights and of the European Committee of Social Rights.” The Commissioner observed that in some places a vicious circle prevails in which authorities decline to develop infrastructure because the communities at issue lack formal tenure, and refuse to recognise tenure formally, because of substandard infrastructure. The Commissioner urged the authorities to find all possible ways to resolve these conflicts, with a view to ensuring the housing rights of the persons affected.

### **Enjoyment of the right to adequate housing by Travellers**

Travellers in Europe are also particularly affected by discrimination in the field of housing, substandard living conditions, segregation and forced evictions. Travellers are unequally affected by discriminatory patterns in the allocation of planning permission in cases where Travellers or others purchase private land for the purposes of parking caravans; and discrimination in access to campsites, hotels and/or other temporary accommodation. The lack of camping sites for Travellers makes it particularly difficult for Travellers to have access to adequate housing in accordance with their itinerant or semi-itinerant lifestyle.

In Belgium, Travellers (whether nationals of Belgium or not) suffer a shortage of official transit sites. Some regions offer no sites; some offer only one. Travellers therefore often have no choice but to camp without access to drinking water, electricity or restrooms. It was

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224. Digest of the Case Law of the European Committee of Social Rights’, pp. 171-2; CESCR, General Comment No. 7: The right to adequate housing (Article 11.1): forced evictions, 1997.

reported that local residents sometimes pressure local officials not to establish transit sites. An exception is the Walloon Region, which set up an inter-ministerial working group in 2007 to co-ordinate the regional government's action on Traveller needs; legislation there provides subsidies for municipalities willing to build transit sites and the region explicitly encouraged this in 2008.<sup>225</sup>

In France, the Law of 5 July 2000 on the Reception and Accommodation of Travellers, known as the Besson Law, requires municipalities with a population of more than 5 000 to provide a site with facilities and access to water and electricity. However, local authorities show continued reluctance to implement this requirement, resulting in a shortage of available places for Travellers. According to French authorities, at the beginning of 2009, 40% of the required number of places on sites had been made available. In 2010, ECRI noted with regret that “the number of stopping places available is therefore still insufficient”. Given the lack of transit sites, many Travellers are forced to live in caravans that are parked illegally and are exposed to penalties and forced evictions. Evictions are not always carried out in compliance with international standards. Often, Travellers' sites are created by municipalities “near to facilities which are major sources of nuisance (such as electrical transformers or very busy roads), making them difficult – if not dangerous – to use, particularly for families with young children”. In 2009, the Council of Europe's European Committee of Social Rights found France in breach of numerous articles of the Revised European Social Charter in respect of the housing situation of Travellers, due in part to social exclusion, forced eviction as well as residential segregation, substandard housing conditions and lack of security.<sup>226</sup>

In the United Kingdom, ECRI reports that many caravans remain parked without permission and that the “authorities acknowledge the lack of sites and have promoted legal reform and required local

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225. ECRI Fourth report on Belgium, pp. 8 and 34.

226. European Committee of Social Rights, Decision on the Merits, 19 October 2009, *European Roma Rights Centre (ERRC) v. France*, Complaint No. 51/2008.

authorities to produce needs assessments.” Local councils are reluctant to provide more sites due to extreme resistance from locals, and the renovation of some sites has led to a reduction in the number of places on offer, since the area for each place has been expanded without increasing the area of the site overall. Travellers then have no choice but to use unauthorised land. Local authorities tend to resort to evictions involving legal proceedings instead of mediation or negotiation.<sup>227</sup> One example of this is Dale Farm, the largest Traveller site in the UK created in the 1970s. In recent years, local authorities refused planning permission for residence on five acres which had previously been licensed as a scrap yard; some families occupied the site without permission. In response, in 2005 local authorities recommended that part of Dale Farm be confiscated through eminent domain. Several attempts by Travellers to appeal against the decision in court were turned down. The eviction of 86 families, including 110 children, was planned to take place in September 2011, while no alternative housing solution had been offered, which has triggered strong resistance as well as expression of international concern. The Commissioner stressed that going ahead with the eviction would be immature and unwise and that the only way forward was for the government or the local authority to appoint people trusted by both sides to find an agreed solution.<sup>228</sup>

In some cases, camping sites for Traveller accommodation have inferior forms of protection of security of tenure than standard housing, an issue which has led to at least one negative finding by the European Court of Human Rights, in the case of *Connors v. the United Kingdom*.<sup>229</sup> In this case, the Court found that the eviction of the applicant and his family had not been accompanied by the requisite procedural safeguards.

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227. ECRI Fourth report on the United Kingdom.

228. See [www.guardian.co.uk/uk/2011/sep/04/dale-farm-travellers-jewish-backing?INTCMP=SRCH](http://www.guardian.co.uk/uk/2011/sep/04/dale-farm-travellers-jewish-backing?INTCMP=SRCH)

229. See European Court of Human Rights, judgment in *Connors v. the United Kingdom*, Application No. 66746/01, Judgment of 27 May 2004.

Particular attention should be paid to the enjoyment of the right to adequate housing by Travellers. Local authorities play a crucial role in this domain. The Commissioner has emphasised that:

*... in countries where there is a migrant Traveller population, there should be a statutory obligation on local authorities to provide short- and long-term caravan sites, that meet basic standards of decency. Local authorities should receive financial assistance for constructing or laying out those sites. Furthermore, the housing of Travellers should not be approached through the unique lens of 'halting sites', but possibilities for Travellers to live on private land in caravans must be included in urban planning and made possible in practice.<sup>230</sup>*

## Homelessness

Roma migrants from Bulgaria, Romania and elsewhere in the Balkans have frequently become homeless in western Europe. Homelessness is also reported among Roma and Travellers in their own countries, with Roma particularly evident among post-1989 populations of homeless adults and children in countries such as Bulgaria, the Czech Republic, Hungary and Romania.

In 2008, the Commissioner cited a report by Médecins du Monde that claimed that in France about 53% of Roma live in caravans (many of which are not mobile), 21% of Roma squat, and 20% live in huts. The Internal Security Act of March 2003 permitted police to intervene within 48 hours (without permission from courts or landowners) against anyone interfering with “law and order, hygiene or public peace and safety.”

Homelessness is not confined to western Europe, however. Thus, for example, in Georgia, Roma families in Tbilisi who cannot afford rental housing live on the streets, sheltering temporarily in train stations. Roma internally displaced persons (IDPs) from Abkhazia can be found living in settlements across Georgia, especially in the Samgori

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230. Commissioner for Human Rights, Position Paper of the Commissioner for Human Rights, Position on the human rights of Roma and Travellers.

quarter of Tbilisi.<sup>231</sup> According to ECRI, IDPs in Georgia have also been accommodated in collective centres where they suffer from a lack of decent housing.

Concerted and sustained efforts are required at a local, national and pan-European level to end the housing crisis of Roma and Travellers. The rights of Roma and Travellers to live in adequate housing in accordance with international legal standards need to be guaranteed. In its Recommendation on improving the housing conditions of Roma and Travellers in Europe the Committee of Ministers urged that those member states which had not already done so should “develop a comprehensive policy and legal framework related to housing, which is necessary for sedentary and itinerant people (in accordance with the geographical specificity) to exercise their right to adequate housing.” The EU Framework for National Roma Integration Strategies up to 2020 also includes housing as one of the key areas on which EU member states should focus.

### **6.3. Access to employment**

The challenges affecting Roma and Travellers’ inclusion in the labour market are numerous and have resulted in the near-complete exclusion of Roma and Travellers from the job markets of Europe, causing worryingly high unemployment rates. Endemic discrimination combined with under-education often offsets the potential positive effects of emerging employment policies targeting Roma and Travellers.

#### **High unemployment rates among Roma and Travellers**

Despite efforts to increase labour market access in some countries, levels of unemployment among Roma and Travellers in Europe are in many places at levels significantly higher than among non-Roma. In Bulgaria, for example, the Roma unemployment rate is reportedly

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231. Szakonyi D., “No way out: an assessment of the Romani community in Georgia”, European Centre For Minority Issues (ECMI) Working Paper No. 39, p. 7, Flensburg, February 2008.

70-80%, with the highest rates among women and youth.<sup>232</sup> In many Roma communities in the Czech Republic, 90% or more of the working-age population are unemployed.<sup>233</sup> In Ireland, Traveller organisations stated that recent improvements in Travellers' access to education have not yet resulted in better integration into employment. In the 2002 census, 73% of Traveller men and 60% of Traveller women were unemployed.<sup>234</sup> In Serbia, the "majority of Roma are outside the employment system, they are not legally economically active and are mostly registered as unemployed ... Roma who live in informal settlements find it difficult to register with the National Employment Office".<sup>235</sup> ECRI's 2010 report on "the former Yugoslav Republic of Macedonia" noted that the employment situation of the Roma had not improved since the publication of ECRI's previous report in 2006. Employment of Roma within the public service sector had "scarcely increased". In 2008 ECRI characterised the situation of Roma employment in Ukraine as "worrying". Roma organisations have reported only 38% of Roma are employed and only 21% have full-time jobs.

The almost total unemployment of working-age Roma in several European countries represents an inexcusable waste of human potential. Governments ultimately bear responsibility for allowing those living in the most desperate circumstances to fall through the cracks of the employment and social security systems and for permitting their countries' labour markets to generate inequality and poverty. Member states bound by the European Social Charter have undertaken, in accordance with Article 1 of the Charter, "to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view

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232. Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Bulgaria from 3 to 5 November 2009, Strasbourg, 9 February 2010, p. 14.

233. ECRI Fourth report on the Czech Republic, pp. 32-3.

234. ECRI, Third report on Ireland, adopted on 15 December 2006, published on 24 May 2007, p. 26.

235. ECRI Second report on Serbia, adopted on 23 March 2011, published 31 May 2011, p. 18.

to the attainment of full employment”. According to the European Committee of Social Rights, this is a somewhat flexible standard: that is, failure to achieve full employment does not in itself lead to a conclusion of nonconformity by the state party. However, “the efforts made by states must be adequate in the light of the economic situation and the level of unemployment”.<sup>236</sup>

## **Direct discrimination in access to employment and in the workplace**

In a number of countries, Roma and Travellers are denied employment on discriminatory grounds, due to their ethnicity. Those Roma that are employed are more inclined to face discrimination in the working place. Discrimination also affects educated Roma, who are constrained by a “glass box” that prevents them from progressing upwards.<sup>237</sup> Throughout Europe, while perceptions of discrimination are very widespread, data are lacking, among other things because discrimination on the labour market is frequently covert.

Roma have been reported to face discrimination in employment in many countries, including the Czech Republic, Estonia, Finland, Georgia, Hungary, Latvia, Poland, Portugal, Romania, Serbia, Spain and Slovakia.

In Romania, even Roma who are university graduates are reported to be discriminated against in employment. Very few businesses participate in the existing government grant schemes to promote Roma employment. Other programmes facilitating access to employment or loans are so complicated that it is all but impossible for most Roma to access them. Integration of Roma into the labour market in the long term is by no means ensured.<sup>238</sup> In Spain, an April 2007 survey by the Labour and Social Affairs Ministry found that the vast majority of

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236. “Digest of the Case Law of the European Committee of Social Rights”, p. 19.

237. ERRC, *The glass box: exclusion of Roma from employment*, Budapest, February 2007, p. 9.

238. ECRI Third report on Romania, adopted on 27 June 2007, and published on 12 February 2008, pp. 29 and 33.

Roma in Spain are discriminated against in the labour market; 47% of those surveyed said racism was their greatest problem.<sup>239</sup>

In Serbia, almost no Roma are employed in a public or state-owned enterprise, “indicating a pattern of discrimination”. Roma representatives reported cases where “Roma who present themselves for job interviews are informed that the position has been filled” and a few cases of discriminatory job advertising. According to ECRI, “employed Roma reportedly earn 48% less than the majority.”

An ERRC study carried out in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia shows that one in four working Roma reported that their pay and other conditions were less favourable than for non-Roma doing the same job. In the workplace, inequalities have been noticed in jobs that involve direct contact with clients, in rates of pay and in the type of positions offered, with lower-status positions often given to Roma. According to the ERRC, in Slovakia, “where a higher incidence of university-educated Roma was reported than in other countries, nearly all university-educated Roma interviewed were in work related to their ethnicity, such as community work, the Social Development Fund or in public service specialising in Roma issues”.<sup>240</sup>

Discrimination is the primary engine of social exclusion as far as Roma and Travellers’ access to employment is concerned. Racial and ethnic discrimination in accessing the labour market and in the workplace violates Articles 1, 2, 3 and 4 of the European Social Charter (among other provisions). In EU member states, such discrimination violates the EU Racial Equality Directive (Directive 2000/43/EC). Measures to address Roma and Traveller unemployment must include assistance to victims of discrimination in claiming their rights through the courts so that employers who discriminate can be punished and impunity for discrimination in employment can be brought to an end.

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239. *International Herald Tribune*, “Recent survey reveals poor living conditions of Spanish Roma”, 20 November 2007.

240. ERRC, *The glass box: exclusion of Roma from employment*, op. cit., p. 44.



## Indirect discrimination in access to employment

In addition to direct discrimination, indirect discrimination is also a crucial factor in determining the exclusion of Roma and Travellers from the labour market. Thus, for example, in France, many migrant Roma are from either Bulgaria or Romania. Since 2007 all Bulgarians and Romanians have had access to employment in France in a restricted set of just 150 occupations and cannot be employed unless the employer pays a fixed tax of approximately 900 euros. Obtaining such a contract is a prerequisite for regularising residence status.<sup>241</sup> In 2008, the Commissioner noted that France's 2007 Integration, Immigration and Asylum Act was supposed to allow prefectures to issue a "worker's card" to any irregular residents who had secured job offers and wished to regularise their status; however, the lengthy administrative procedure involved means this law has been difficult to implement in practice.<sup>242</sup> As of 1 July 2008, restrictions in place for citizens of those countries which joined the EU in 2004 were removed, but the restrictions mentioned above with respect to occupations still apply to Bulgarians and Romanians. This is one reason why some Roma migrants resort to undeclared work in France. In its Decision 2009-372 of 26 October 2009, the French Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE) recommended the jettisoning of these restrictions which disproportionately impact on Roma.<sup>243</sup> The Commissioner has called on the French authorities to ensure better access to employment for Roma, noting that "a successful integration policy has to involve a role in the economy for adults."<sup>244</sup>

The lack of camping sites also constitutes an obstacle to access to employment and self-employment by Travellers, for example in Belgium.<sup>245</sup>

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241. ECRI Fourth report on France, pp. 7 and 36.

242. Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008, 20 November 2008.

243. HALDE, Délibération No. 2009-372 of 26 October 2009.

244. Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008.

245. ECRI Fourth report on Belgium, pp. 8 and 35.

Member states should adopt effective anti-discrimination legislation and ensure the identification and removal of discriminatory barriers (such as regulations that disproportionately affect Roma businesses) in order to combat indirect forms of discrimination. Equality bodies have a great role to play in advocating for the promotion of equality, including combating indirect discrimination against Roma and Travellers.

## Employment of Roma women

Employment issues facing Roma on the labour market have an important gender dimension. European employers discriminate against Roma women on the grounds of both ethnicity and gender. However, as noted by the Spanish NGO *Fundación Secretariado Gitano*, Roma women often shoulder the brunt of family financial obligations. In Spain, women aged 16-29, in particular, experience higher unemployment and work more part-time and temporary jobs. The policies aimed at integrating Roma women into the labour market have reportedly not yet contributed to eliminating these inequalities.<sup>246</sup>

The study commissioned by the European Commission published in 2006 entitled “Economic Aspects of the Condition of Roma Women” found that at the time of the study there was little to no information available in the EU on the vocational training of Roma women. Roma women are frequently involved in family-organised economic strategies, such as participation in markets, rural trade and seasonal agricultural work. The study noted that Roma women’s low levels of formal educational achievement mean they are generally denied occupations in production or services. The EU member states which acceded in 2004 reported, interestingly, that Roma women were better integrated into the labour market prior to the economic transformation of the 1990s. Roma women are also more extensively unemployed than Roma men.

Member states should make sure that they involve Roma women in employment-related programmes that concern them and that

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246. *Fundación Secretariado Gitano*, “Grounds for concern regarding compliance with the Articles of the Convention”, Shadow Report to UN CEDAW.

national strategies for Roma inclusion are gender-sensitive. Pay gaps and workplace discrimination against Roma women should be abolished. As noted by the PACE Committee on Equal Opportunities for Women and Men, “Roma women need social and legal support to improve their socio-economic status and to ensure their access to education and health as preconditions for employment.”<sup>247</sup> Specific measures should be taken to improve Roma women’s economic independence. These might include the extension of micro-credit loans based on group or mutual solidarity (provided interest rates on money loaned are not exorbitant), incentives for employers for hiring Roma women and the strengthening of vocational training and lifelong professional development support.

### **Over-representation of Roma in un- and under-qualified employment and in the informal economy**

As a result of a combination of under-education and ill-addressed discrimination on the job market, generations of Roma have pursued work on the margins of the economy. In Greece for example, as throughout the Balkans, many Roma work in garbage and scrap collection; few work in mainstream employment. In Moldova, half of the Roma live in extreme poverty (compared to 19% of the majority population), and one-third of the Roma are in the bottom 20% of the population with respect to income. The poorest Roma live in small towns and have the largest number of dependants. Roma thus become much more reliant than non-Roma on collecting and selling discarded items; fortune-telling; gambling; remittances from relatives abroad; selling off personal property; “unofficial” income from begging; and welfare. In Portugal, many Roma make their living selling goods at fairs and markets. In “the former Yugoslav Republic of Macedonia”, Roma reportedly do not hold more than 1% of public service jobs and are “primarily employed in

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247. Parliamentary Assembly of the Council of Europe, Committee on Equal Opportunities for Women and Men, “The situation of Roma in Europe and relevant activities of the Council of Europe Opinion Committee on Equal Opportunities for Women and Men”, 28 April 2010.

menial functions”.<sup>248</sup> In Kosovo, the OSCE reported that “some Roma engage in seasonal work, for example in construction and agriculture. However, the most common types of employment are informal labour such as collecting scrap metal, or low-paid cleaning activities. Only a very limited number of Roma are employed as civil servants in Kosovo or Serbian-run institutions, and are represented in the public employment sector or in former socially owned enterprises.”<sup>249</sup> In Azerbaijan, Finland, Georgia and Switzerland, especially in urban areas, Roma are reportedly regularly engaged in begging for economic survival.

There is a pressing need to increase the chances of Roma and Travellers entering the labour market, including by improving the quality of education and public vocational training programmes for Roma and Travellers. The Committee of Ministers also recommends that income-generating activities be developed in partnership between Roma and non-Roma, in fields such as tourism, recreation, culture, transport, environmental restoration, new aspects of recycling and disposal, agriculture and animal husbandry.<sup>250</sup> Some positive examples are presented below.

## **Efforts to improve Roma access to the labour market**

Some countries have begun working to improve access to the labour market by Roma, in some cases with the assistance of European Union funding. In his February 2010 report following a 2009 visit to Bulgaria, for instance, the Commissioner noted with appreciation that the Ministry of Labour and Social Policy had adopted a number of measures to improve the access of Roma to the labour market. In 2007, about 22 000 Roma participated in programmes to increase their professional qualifications and competitiveness within the labour market as well as to motivate them to establish a career path and actively seek employment. Programmes to develop entrepreneurship among

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248. ECRI, Fourth report on “the former Yugoslav Republic of Macedonia”, p. 29.

249. OSCE Mission in Kosovo, Community Profiles 2010, p. 190.

250. Committee of Ministers, Recommendation Rec(2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe, adopted on 27 November 2001.

the Roma community were developed. The Employment Agency regularly organises job fairs for Roma in areas with predominantly Roma populations. It also employs Roma experts to improve its services for Roma and to train its staff to work with unemployed Roma.

In Poland, measures to improve Roma employment have been taken as part of the Programme for the Benefit of the Roma Community in Poland 2004-2013, administered by the Ministry of Internal Affairs and Administration. The Advisory Committee on FCNM reported in 2009 that, since 2006, projects to reduce social exclusion of Roma have benefited from financing available from the European Social Fund, and this financing has contributed to the establishment of enterprises owned and run by Roma in four towns.

In 2009, the Advisory Committee on the FCNM reported that specific measures had been taken by the National Employment Office in Serbia to attract Roma to self-employment projects.

Spain's ACCEDER Programme on access to employment for Roma has been noted as an example of good practice in Europe. It was established in 2000 as part of the European Social Fund's (ESF) Multiregional Operational Programme "Fight against Discrimination" and the European Regional Development Fund for 2000-2007 and has continued in ESF 2008-2013. The programme is managed by the NGO Fundación Secretariado Gitano (FSG) and co-funded by the Spanish Government, the governments of several autonomous communities, some city councils and some private donors. As of July 2010, 3 000 private companies were said to be involved in ACCEDER, as are the Roma communities, various social networks and the media. The programme is implemented nationwide through 46 locally integrated employment centres and features counselling to Roma individuals on how to access employment as well as the promotion among businesses and governments of proactive policies for Roma hiring. The centres offer guidance and training to Roma individuals and facilitate their labour market entry; they also study the labour markets and perform mediation with prospective employers. During his visit to Spain in April 2011, the Commissioner was pleased to learn that over the past ten years more than 58 000 Roma benefited

from the programme, leading to almost 40 000 new employment contracts for Roma.<sup>251</sup> According to the FSG, reasons for success in the past ten years have included: having a balance between economic and social perspectives; a commitment to the programme from both the authorities and Roma organisations; careful scope; the use of intercultural and multidisciplinary working groups; a long-term perspective; and the presence of a national dimension of the programme, implemented in co-operation with the private sector at local level.<sup>252</sup>

However, measures aimed at improving Roma economic self-sufficiency in Europe are in their infancy; it is only recently that pilot projects offering micro-credit to Roma women in particular have been implemented in EU member states such as Bulgaria and Spain.<sup>253</sup>

The EU Framework for National Roma Integration Strategies up to 2020 has established the objective of “cutting the employment gap between Roma and the rest of the population.” The Commissioner has stressed the need for specific measures in the field of Roma employment: “We cannot eradicate [anti-Gypsyism] through measures aiming at formal equality alone. Roma must reach effective equality of opportunity with everyone else and this clearly requires positive measures to compensate for long-term discrimination and prejudice. Otherwise the situation of many Roma will get worse rather than better.”<sup>254</sup>

When governments themselves practise or ignore discrimination in hiring and fail to lead on affirmative action measures, there is no reason

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251. Letter of Thomas Hammarberg, Commissioner for Human Rights, to Ms Leire Pajin, Minister of Health, Social Policy and Equality, Strasbourg, 9 May 2011.

252. Examples of good practice in the field of protection and promotion of human rights listed in response to the invitation by the Commissioner for Human Rights, Example from Spain, Fundacion secretario Gitano, October 2010.

253. Corsi M. et al., “Ethnic minority and Roma women in Europe: a case for gender equality?”, Synthesis report of the Expert Group on Gender Equality, Social Inclusion, Health and Long-term Care (EGGSI) of the European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, November 2008, p. 12.

254. Commissioner for Human Rights, “Roma job seekers are discriminated against”, Viewpoint, 2007.

to expect the private sector to do so. Specific measures should include the allocation of funds to develop programmes and various types of assistance that encourage the creation of enterprises, recruitment of Roma in enterprises or administrative departments or the devising of specific training programmes. Measures to facilitate access to loans by Roma are needed, for example by making provision for direct financial assistance and/or providing partial government guarantees for loans contracted between Roma enterprises and banking institutions. Consideration might also be given to financial incentives for entrepreneurs who employ Roma. The Spanish programme ACCEDER, which promotes employment of Roma, including self-employment, thanks to its model of co-operation between the public and private sectors, could provide a blueprint for other countries. Where such targeted programmes exist, the Commissioner calls on member states to maintain political and financial support for them, as well as to ensure that Roma are not disproportionately affected by the current economic situation.

#### **6.4. The right to the highest attainable standard of physical and mental health**

Throughout Europe, the average life expectancy of Roma and Travellers is shorter than that of non-Roma and non-Travellers. Roma and Traveller infant mortality rates are also higher.<sup>255</sup> Factors precluding Roma and Travellers' access to health care include a lack of funds to pay for insurance or treatment, a lack of identification documents and a lack of means of transportation from remote areas to health care facilities. Health care providers also reportedly discriminate against Roma, including in the provision of emergency services, and some hospitals regularly segregate Roma patients away from non-Roma patients, especially in maternity wards. Very few Roma or Traveller persons work in health care provision in Europe. As noted above, segments of the Roma community live in slum housing manifestly threatening to their health.

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255. Ringold D., Orenstein M.A. and Wilkens E., *Roma in an expanding Europe: breaking the poverty cycle*, World Bank, Washington DC, 2003.