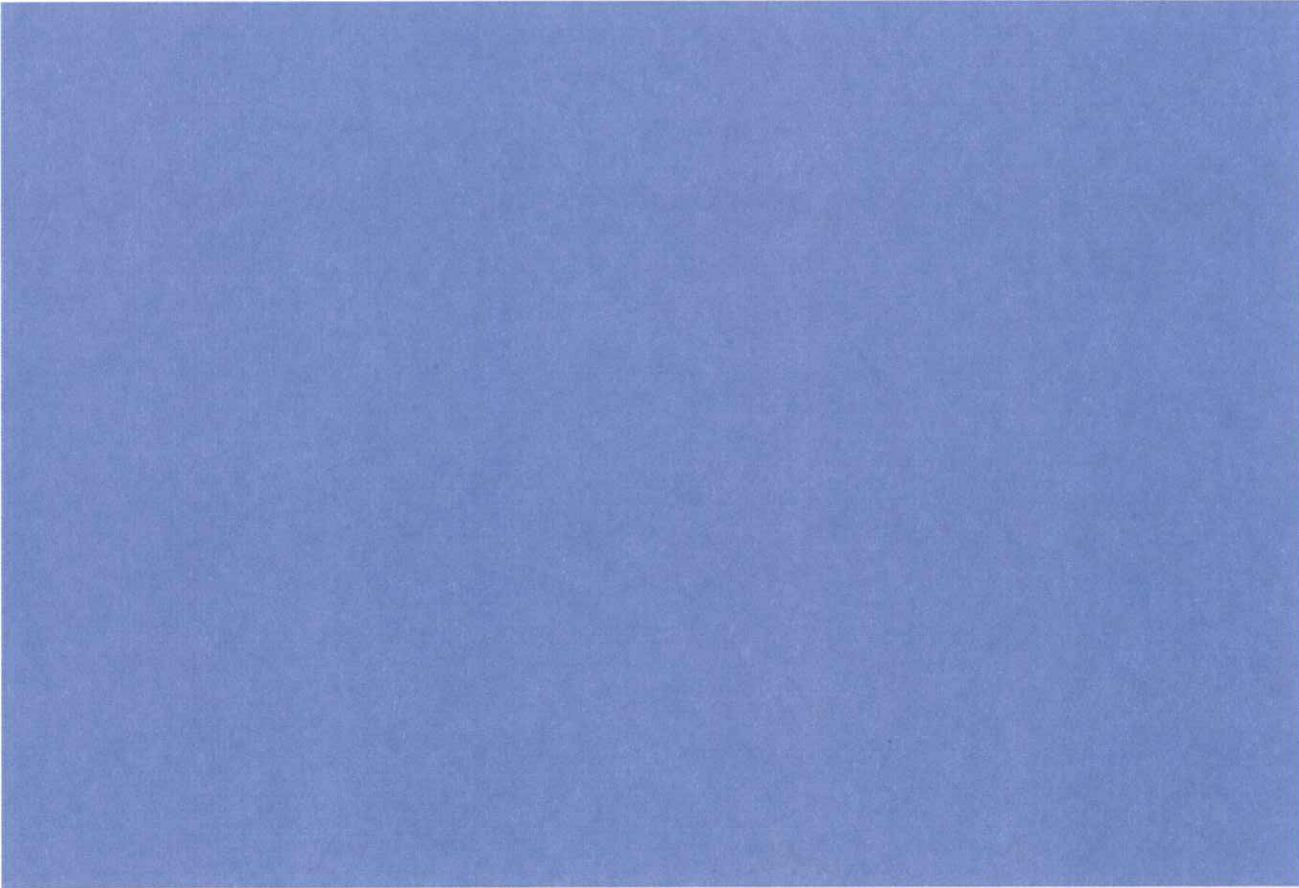


I AM ROMA:
Capacity building resources
Roma and Human Rights in
Europe



I AM ROMA



With financial support
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TABLE OF CONTENTS

ROMA AND HUMAN RIGHTS IN EUROPE.....	2
HUMAN RIGHTS INSTITUTIONS.....	3
THE COUNCIL OF EUROPE	3
EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	5
THE EUROPEAN COURT OF HUMAN RIGHTS.....	6
<i>Key ruling 1 – Nachova and Others v. Bulgaria.....</i>	<i>6</i>
<i>Key ruling 2 - Moldvan and Others v. Romania.....</i>	<i>7</i>
EUROPEAN SOCIAL CHARTER (REVISED).....	8
<i>Key ruling 3 - European Roma Rights Centre (ERRC) v. Portugal.....</i>	<i>9</i>
CIVIL AND POLITICAL VS ECONOMIC, SOCIAL AND CULTURAL RIGHTS	10
<i>Key ruling 4 - Finci and Sejdić v. Bosnia and Herzegovina</i>	<i>10</i>
ADDITIONAL EUROPEAN MECHANISMS.....	11
<i>Framework Convention for the Protection of National Minorities.....</i>	<i>11</i>
<i>European Commission against Racism and Intolerance.....</i>	<i>12</i>
<i>Other Bodies of Relevance to Roma Rights Works within the Council of Europe.....</i>	<i>13</i>
THE EUROPEAN UNION.....	14
<i>The Charter of Fundamental Rights of the European Union.....</i>	<i>15</i>
<i>Anti-discrimination Directives</i>	<i>16</i>
<i>National Equality Bodies</i>	<i>17</i>
<i>The European Court of Justice</i>	<i>17</i>
<i>The European Union Agency for Fundamental Rights (FRA).....</i>	<i>18</i>
THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE.....	18
<i>The Office for Democratic Institutions and Human Rights.....</i>	<i>19</i>
<i>High Commissioner on National Minorities.....</i>	<i>20</i>
EVIDENTIAL BASE FOR THE EXCLUSION AND DISCRIMINATION OF ROMA	21
PUBLICATIONS.....	21
ROMANI CIVIL SOCIETY	22
HUMAN RIGHTS INSTISTUTIONS AND INSTRUMENTS	24

Roma and Human Rights in Europe

“All human beings are born free and equal in dignity and rights”, meaning that all people possess certain rights from birth, simply because they are human beings. These are known as human rights.

This principle, which accords to all human beings freedom and equality, is the cornerstone of human rights work. *Human rights exist to protect the fundamental freedoms and inherent human dignity of both individuals and groups.* From what source do these principles of freedom, equality and dignity spring? They arise from our common humanity, from the fact that all men, women and children share the condition of being human, irrespective of our differences such as age, ethnicity, gender, sexual orientation, political beliefs, religion, national or social origin, language, property, birth or any other status. Everyone is entitled to respect as a human being. Human rights differ from needs because rights are entitlements, whereas needs are aspirations.

In recent years, the human rights treaty-monitoring bodies have begun to pay attention to the rights of the Roma population. It is estimated that there are more than 14 million Roma around the world, but an exact number is difficult to determine, as the Roma are often not included in official census counts. The Roma are a distinct ethnic minority dispersed worldwide and generally form a separate social group distinguished from mainstream society where they live. *This group of people suffers a wide range of human rights violations, in particular racial violence and discrimination in the enjoyment of rights, such as the right to adequate housing and right to education.* This situation is particularly severe in Central and Eastern European countries where the Roma are, in general, in an extremely vulnerable position in social, economic and political terms. This vulnerability is manifested in widespread and acute poverty, unemployment, illiteracy, lack of formal education and segregation in the educational system, substandard housing, and other problems.

This Manual seeks to give an overview on how rights are enshrined and protected through a variety of instruments and mechanisms in Europe. We move through the Council of Europe, the European Union and finally the Organization for Security and Cooperation in Europe. In this context, the issue of Roma Rights will be highlighted throughout the entire Manual. The Roma rights field emerged in the mid-1990s together with the European Roma Rights Center. As applied human rights, it is a concretisation of the abstract: it develops human rights positions on Roma-related issues. But concretisation in this case should not be understood as deduction. Human rights principles and norms do not directly dictate views on Roma issues. Roma rights are not contained inside human rights as genetic codes in a cell's DNA. Concretisation, by articulating in rights terms the life concerns of a broad range of disadvantaged communities perceived as

“Gypsies”, is simultaneously an enrichment of the contemporary human rights doctrine. Thus Roma rights contributes to the open- ended and synthetic nature of human rights, ensuring their relevance and growing transformative power in a changing political universe.

The purpose of this Manual is to offer a resource guide on the European human rights framework and the discrimination of Roma and hence provides a multitude of links which readers can use to deepen their research on these topics.

Human Rights Institutions

The Council of Europe

The Council of Europe (CoE) was founded in 1949. According to Article 1 of its Statute, the states of Europe formed the organisation to, “safeguard and promote their common ideas and principles and encourage social and economic progress”. The aims of the CoE are to:

- Protect human rights, parliamentary democracy and the rule of law;
- Develop continent-wide agreements to standardize member countries’ social and legal practices; and
- Promote awareness of a European identity, based on shared values and cutting across different cultures.

The decision-making body of the Council of Europe is the Committee of Ministers, consisting of the 45 Foreign Ministers of Council of Europe member states. This is the organisation’s highest authority. The Parliamentary Assembly, made up of delegations sent by the parliaments of each member state, provides guidance to the Committee of Ministers. The Congress of Local and Regional Authorities is composed of the Chamber of Local Authorities and a Chamber of Regions. Finally, the Secretariat, overseen by the Secretary General, is responsible for the management and day-to-day administration of the CoE.

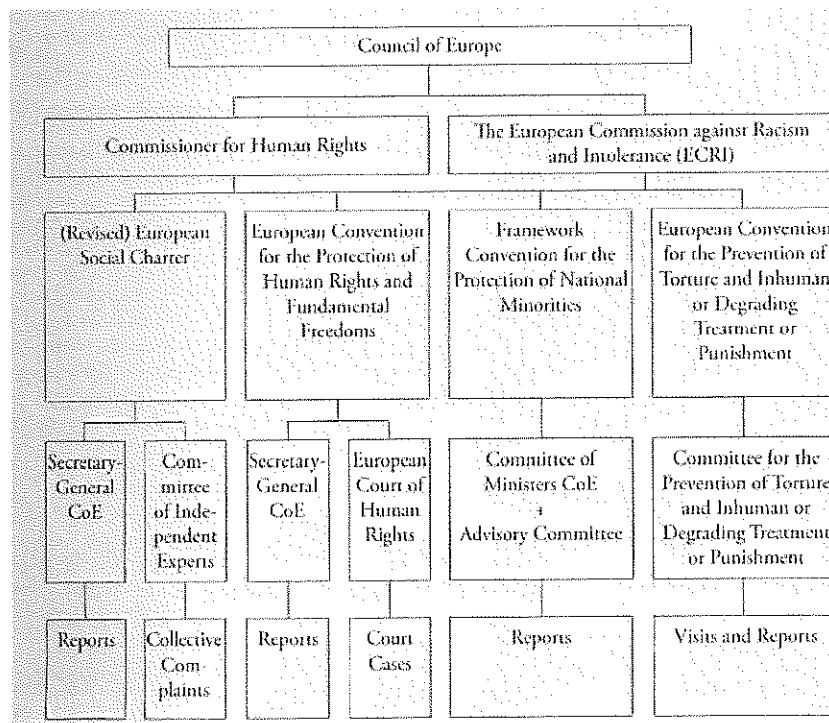
In evidence of the CoE’s stated aim to protect human rights, the organisation has created several instruments and mechanisms designed to advance human rights within the region. These instruments include, but are not limited to:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms;
- The (Revised) European Social Charter; and

- The Framework Convention for the Protection of National Minorities.

A number of institutions in the Council of Europe oversee the implementation of these instruments. For example, the European Court of Human Rights interprets and enforces the European Convention and the European Committee of Social Rights provides guidance on the implementation of the (Revised) European Social Charter. Some other Council of Europe institutions are not directly linked to international law, but nevertheless are important for pressing issues of relevance to Roma. For example, the European Commission against Racism and Intolerance undertakes a range of activities, including regularly commenting on racism issues in Council of Europe Member States.

The instruments listed above are similar in nature to those of the United Nations, consisting of treaty mechanisms and requiring ratification by states. Also, like the UN, there are documents outlining civil and political rights as well as economic and social rights in addition to instruments that focus on specific thematic instruments. The table below outlines the structure of human rights mechanisms within the Council of Europe.



European Convention for the Protection of Human Rights and Fundamental Freedoms

More commonly known as the European Convention on Human Rights or the European Convention, this document sets out primarily civil and political rights and freedoms in its articles and protocols. Ratification of the European Convention on Human Rights is a condition for states' membership in the Council of Europe. Rights outlined in the convention include:

../ the right to life	../ freedom of expression
../ prohibition of torture	../ right to liberty and security
../ right to a fair trial	../ no punishment without law
../ right to respect for private and family life	../ freedom of thought, conscience and
../ prohibition of slavery and forced labour	../ freedom of assembly and association
../ right to marry	../ right to an effective remedy
../ prohibition of discrimination	../ right to education

In addition to the rights outlined in the Convention's articles, there are also Protocols which further outline states' obligations to those within their jurisdiction. The European Convention and several of its Protocols are listed in the Appendices of this book.

Under the Convention, the rights outlined in its articles are specifically guaranteed, "without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status" (**Article 14**). This, however, is not a free-standing right of non-discrimination, but applies only to the enjoyment of rights as set out by the Convention. A general prohibition against discrimination is set out by Protocol 12, which provides that rights set forth by law must be enjoyed without discrimination on the grounds of race, sex, colour, language or any of the other provisions of the Convention's Article 14. Protocol 12 will enter into effect as soon as 10 Council of Europe Member States ratify it.

The European Court of Human Rights

While states are the implementing bodies of the European Convention, its protection mechanism is the European Court of Human Rights. Unlike the legal instruments of the United Nations, a judicial body oversees the European Convention. Often referred to as the European Court, this instrument rules on complaints brought before it, interpreting whether violations of human rights have taken place according to the Convention.

As soon as the European Convention has been ratified by a member state of the CoE, the state is under the jurisdiction of the Court. Both individual and inter-state complaints can be brought, therefore applicants may be states or individuals (groups of individuals and NGOs also fit within the Court's definition of "individual applicants"). Complaints may only be brought to the Court once the complainant has "exhausted all available domestic remedies", meaning that the person has tried all relevant possibilities for securing justice in the state where the violation took place. Once a judgement is made by the Court, it must be complied with by the state. The CoE's Committee of Ministers supervises compliance with the Court's rulings.

The European Court has heard cases of racial discrimination since its inception. It has found that discrimination on the basis of race can under certain circumstances constitute a violation of Article 3 of the Convention (inhuman and degrading treatment). In a recent milestone case brought by the Bulgarian non-governmental organisations Bulgarian Helsinki Committee and Human Rights Project and the ERRC, the Court also ruled that states have a duty to take all possible steps to establish whether or not discriminatory attitudes play a role in the investigation of crimes.

Key ruling 1 – Nachova and Others v. Bulgaria

On February 26, 2004, the European Court of Human Rights announced its judgement in the case of *Nachova and Others v. Bulgaria*, in which it unanimously found the Bulgarian state responsible for the deaths of two Romani men as well as its subsequent failure to conduct an effective official investigation, in violation of Article 2 (right to life). For the first time in its history, the Court also found a violation of the guarantee against racial discrimination contained in Article 14 taken together with Article 2 and in doing so, stressed that the Bulgarian authorities have, "failed in their duty [...] to take all possible steps to establish whether or not discriminatory attitudes may have played a role" in the

events at issue. The applicants were all Bulgarian nationals who describe themselves as being of Romani origin. The case concerns the killing of the applicants' relatives, in July 1996, by a military policeman who was trying to arrest them. Deficient law and practice which permitted the use of lethal force without absolute necessity resulted in the deaths of the applicants' relatives.

Additionally, authorities failed to conduct an effective investigation into the deaths, with prejudice and hostile attitudes towards people of Romani origin playing a decisive role. The Court explained its historic ruling under Article 14 taken together with Article 2, stating: "The Court considers that when investigating violent incidents and, in particular, deaths at the hands of State agents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights. [...] In order to maintain public confidence in their law enforcement machinery, contracting States must ensure that in the investigation of incidents involving the use of force, a distinction is made both in their legal systems and in practice between cases of excessive use of force and of racist killing [...] the Court considers that in cases where the authorities have not pursued lines of inquiry that were clearly warranted in their investigation into acts of violence by State agents and have disregarded evidence of possible discrimination, it may, when examining complaints under Article 14 of the Convention, draw negative inferences or shift the burden of proof to the respondent Government [...]"

Key ruling 2 - Moldvan and Others v. Romania

In September 1993, a conflict arose between some Roma and non-Roma men in the Romanian village of Hădăreni (Târgu-Mureş County) which resulted in the death of a non-Roma man. That evening, the non-Roma villagers gathered where the Roma men were hiding and demanded that they come out. Among the crowd were members of the local police force. The Roma men refused to appear and the mob set fire to the house. Two of the Roma men were beaten to death, the other perished in the fire. Later that evening and continuing into the next day, the villagers proceeded to burn Roma thirteen homes and property in the village, such as stables, cars, and goods. The police did nothing to halt the attacks. 25 applicants alleged the destruction of their home and possessions. As a result, the applicants were obliged to live in crowded and unsuitable

conditions and frequently change addresses, moving in with friends of family in extremely overcrowded conditions.

The European Court of Human Rights on 13 July 2005 ruled that Romania violated multiple provisions of the European Convention on Human Rights for failing to provide justice in connection with a 1993 pogrom and its aftermath. The case involves the killing by a mob of three Romani men and the subsequent destruction of fourteen Romani houses in the village of Hadareni in Mures County, northwestern Romania, as well as the degrading circumstances in which the victims were forced to live after the event.

The Court held that the applicants' living conditions over the last ten years, its detrimental effect on their health and well-being, and the general attitude of the authorities, must have caused them considerable suffering, arousing in them feelings of humiliation and debasement. In addition, the remarks concerning the applicants' honesty and way of life made by some authorities appear to be purely discriminatory. The Court took such remarks as an aggravating factor in the examination of the applicants' complaint under Article 3. As a result, the Court concluded that the applicants have been subjected to "degrading treatment" within the meaning of Article 3.

European Social Charter (revised)

The European Social Charter is the document that enshrines social and economic rights in the human rights system of the Council of Europe. The original document came into force in 1961, but is gradually being replaced by a revised version, which came into force in 1999. The Charter takes the form of a legally binding treaty, which requires that a minimum number of its articles are adopted by states party to the document. Rights guaranteed by the Charter include:

../ housing	../ non-discrimination
../ health	../ employment
../ social protection	

The text of the European Social Charter (revised) can be found at: <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>

The monitoring body for Social Charter is the European Committee of Social

Rights. The Committee consists of 13 impartial members, elected from the CoE's Committee of Ministers. Its job is to ascertain whether states parties are in conformity with the Articles outlined in the Social Charter. This is done in two ways, through a reporting procedure and a complaint procedure.

In the reporting procedure, states are responsible for presenting reports on an annual basis, which outline their compliance with the Charter. The report for a given year concerns certain articles depending whether it is an 'even' or 'odd' year. The Committee draws conclusions based on reports, which are published.

Under the Second Additional Protocol of the Charter, there is also a collective complaints procedure. Complaints of rights violations under the Charter can also be lodged with the Committee. Specified organisations are entitled to lodge complaints if a state has accepted the procedure under the Second Additional Protocol. These organisations include NGOs with consultative status with the CoE, which are on a list for this purpose. Some states have also approved to allow national NGOs to submit collective complaints.

Key ruling 3 - European Roma Rights Centre (ERRC) v. Portugal

On 7 November 2011, the decision on the merits of European Committee of Social Rights, with regard to case European Roma Rights Center (ERRC) v. Portugal became public.

The ERRC alleged that the situation in Portugal was in violation of Articles 16, 30, 31, alone or in conjunction with Article E of the Revised Charter, for failure to ensure the provision of adequate and integrated housing solutions for Roma.

The ERRC considers that re-housing programmes have failed to integrate Roma and often, in fact, have resulted in spatial segregation and inadequately sized dwellings in areas with poor infrastructure and limited or no access to public services. It considers that the approach of the Government to the housing situation of Roma points to, at least, indirect discriminatory practices, which keep Roma excluded and marginalised through residential segregation and substandard quality re-housing.

In its decision, the Committee concluded unanimously that there was violation

of Article E (non discrimination) taken in conjunction with Articles 31§1 (adequate housing), Article 16 (the right of the family to social, legal and economic protection) and Article 30 (right to protection against poverty and social exclusion) and invites the Committee of Ministers to recommend that Portugal pay the complainant organisation a sum of € 2,000 as compensation for expenses incurred by the procedure.

Civil and Political vs Economic, Social and Cultural Rights

In looking at the Council of Europe's European Convention on Human Rights and European Social Charter, we are once again faced with a division between civil and political rights and economic and social rights.

Under the United Nations, the ICCPR is to be implemented immediately, while the ICESCR is to be implemented progressively. Under the Council of Europe, the European Convention also enjoys the more significant enforcement powers of the European Court.

- Why do you think that organisations such as the United Nations and the Council of Europe tend to place civil and political rights in a special place in human rights law?
- Considering the inherent indivisibility of human rights, is this right?

Key ruling 4 - Finci and Sejdić v. Bosnia and Herzegovina

Mr. F., who is of Jewish origin and Mr. S., a man of Roma origin, are both citizens of Bosnia and Herzegovina and prominent public figures of the society. They were both living in Sarajevo at the time the facts of the case occurred. In 2006, Mr. F. enquired with the Bosnian Central Election Commission about his intentions to run for the office of Member of the House of Peoples (Chamber of the Parliamentary Assembly) and for the office of President of Bosnia and Herzegovina. The House of Peoples and the Presidency are composed only of persons belonging to the three types of "constituent peoples". This term, whose definition can be found in the preamble of the Bosnian constitution, provides for two types of citizens: the "constituent peoples" (Bosnians, Croats and Serbs)

and “others” (Jews, Roma and other national minorities together with those who do not declare affiliation with any ethnic group). As a result, people of other ethnic origins are excluded from, for instance, standing to certain public elections.

On 3 January 2007 Mr. F. received a written confirmation from the Central Election Commission stating that due to his Jewish origin, he was ineligible to run for such office. Mr. F. and Mr. S. challenged this situation in the Bosnian domestic courts. However, the Constitutional Court of Bosnia and Herzegovina delivered two decisions in March and May of 2006 stating that it had no competence to decide whether any provision in the Bosnian Constitution are in accordance with the European Convention of Human Rights. Finally, the case was submitted to the European Court of Human Rights in 2006. It ruled on 22 December 2009 that Bosnia's constitution violates the rights of a Bosnian Jew and a Bosnian Roma in barring them from standing for high office.

This is the first time that the Court has found a violation under European Convention's Protocol No. 12, which generally prohibits discrimination. The Court also found a violation of article 14 of the European Convention on Human Rights, taken in conjunction with article 3 of protocol No 1, which protects free elections to the legislature. Referring to previous case law, the Court stated that: *“racial discrimination is a particularly egregious kind of discrimination’ which ‘requires ... special vigilance and a vigorous reaction’.*⁹ *Therefore, where a difference in treatment is based on race or ethnicity: ‘the notion of objective and reasonable justification must be interpreted as strictly as possible’.*¹⁰ The Court further stated that: *“no difference in treatment which is based exclusively or to a decisive extent on a person’s ethnic origin is capable of being objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures”.*

Additional European Mechanisms

Framework Convention for the Protection of National Minorities

The CoE's Framework Convention for the Protection of National Minorities is the first treaty to protect the rights of persons belonging to national minorities. The document is mainly made up of principles, such as equality, affirmative action and state obligations governing the protection of these vulnerable groups. While the document does not give a specific definition of a national minority, many

states have set out their own definition of “national minority” upon ratification and some have set out certain groups to which the Convention will apply.

The monitoring body for the Framework Convention for the Protection of National Minorities is the Committee of Ministers. States Parties are required to submit reports on the measures adopted to implement their commitments under the treaty. The Committee works in consultation with an Advisory Committee of 18 independent experts who make country visits to those states under the Convention's jurisdiction. There is no complaints procedure under the Convention, but activists have cited the convention in legal complaints before domestic courts. Reports are submitted every 5 years.

In the first cycle, the Committee of Ministers made reference to the situation of Roma/Sinti/Travellers in their conclusions on the Slovak Republic, Hungary, Romania, the Czech Republic, Germany and the United Kingdom. Throughout their conclusions and recommendations, the Committee has made reference to protection against ethnically motivated threats, violence and hostility, negative social perception and significant differences in socio-economic conditions amongst Romani populations. For those who wish to engage the Convention and its monitoring body, an important first step is to determine whether your state has made a declaration concerning the groups to which the convention will apply.

European Commission against Racism and Intolerance

The European Commission against Racism and Intolerance (ECRI) was established in 1993, with the aim to combat racism, xenophobia, anti-Semitism and intolerance at the level of greater Europe and from the perspective of the protection of human rights. The body is composed of independent members, appointed by national governments and works to strengthen both legal and political protection against all forms of intolerance, including discrimination on grounds of race, colour, language, religion, nationality or ethnic origin.

ECRI is not a treaty body. However, it does monitor member states of the Council of Europe through country reports. These reports are undertaken in 4–5 year cycles and approximately 10–12 countries are reviewed every year. The reports examine various issues of racism and intolerance within the subject state, as well as the implementation of ECRI's recommendations from previous reports. Each country is visited by an ECRI Rapporteur before the preparation of a new report. With regard to Romani issues, ECRI has made a number of important observations in its reports. The Commission makes many efforts to engage civil

society, including organising information sessions with NGOs, during the preparation of its reports.

In addition to state reports, ECRI does work on general themes within the area of racism and intolerance. In this function, the Commission creates General Policy Recommendations, collects and disseminates examples of "good practices" and promotes the broadening of non-discrimination under Article 14 of the European Convention through ratification of Protocol 12. Worthy of note is ECRI's General Recommendation number 3, on *Combating Racism and Intolerance against Roma/Gypsies* and its *Practical Examples in Combating Racism and Intolerance against Roma/Gypsies*. These documents are an indication of the seriousness with which ECRI takes the forms of discrimination and racism that face Romani communities throughout Europe.

Other Bodies of Relevance to Roma Rights Works within the Council of Europe

The Council of Europe has several other bodies, in addition to those mentioned above, which work on human rights issues affecting Roma. The Specialist Group on Roma/Gypsies reviews the situation of Roma in Europe on a regular basis, advising the Committee of Ministers on matters concerning Roma. It promotes new initiatives concerning Roma, including studies, promotion of integration and developing relationships between Romani communities and the states in which they reside. The Secretary General's Coordinator of Activities on Roma/Gypsies promotes co-operation with other international organisations and Romani NGOs.

The Parliamentary Assembly also elects a Commissioner for Human Rights. This person is responsible for a number of duties relating to human rights promotion in Europe. The Commissioner:

- Promotes education and awareness of human rights;
- Identifies shortcomings in laws and practices of member states with regard to human rights;
- Promotes the observance and enjoyment of human rights as encoded in CoE instruments;
- Works with other governmental and non-governmental bodies for the promotion and protection of human rights; and
- Makes state visits to view human rights issues of concern as they arise.

The Commissioner is a non-judicial body, not empowered to rule on individual complaints.

The European Union

The European Union (EU) is an alliance of European countries committed to certain economic and political standards. Member states agree to surrender some of their sovereignty in order to further common matters of interest. The EU has dubbed this process "European integration". Membership in the European Union bestows certain benefits on EU citizens, such as the ability to travel wherever one chooses within the EU member countries.

The EU also has interests in, inter alia:

- Peacekeeping actions;
- Asylum and migration policy;
- Job creation within its borders;
- Environmental protection; and
- Human rights.

The main institutions of the EU are the European Parliament, the Council of the European Union and the European Commission.

The European Parliament is the democratically elected legislature of the EU, composed of representatives from all member states. The Council of the European Union, formerly known as the Council of Ministers, is the main legislative and decision making body of the EU. It consists of governmental representatives from all member states. The European Commission drafts proposals for European laws, ensures the implementation of EU decisions and supervises spending. It consists of a President and officials nominated by member governments and accepted by Parliament. For more information on these bodies, you can see their websites at:

- European Parliament:
- Council of the European Union:
- European Commission:

With regard to human rights, the EU has taken up activities such as creating standards for member states and developing bodies on specific thematic issues.

Institutions and instruments of relevance for Roma rights activism include:

- The Charter of Fundamental Rights;
- Anti-discrimination Directives;
- National Equality Bodies;
- The European Court of Justice; and
- The European Union Agency for Fundamental Rights (FRA).

The Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights sets out a range of civil, political, economic and social rights of EU citizens and residents. The document is composed of six sections:

1. Dignity;
2. Freedoms;
3. Equality;
4. Solidarity;
5. Citizens Rights; and
6. Justice.

The Charter is a reflection of the “[...] constitutional traditions and international obligations common to the Member States, the Treaty on the European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights”. (Preamble)

In Chapter III, the Charter’s provision on equality, Article 2(1), outlines the prohibition on discrimination based on any ground, such as sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. The Chapter also further stipulates respect for cultural, religious and linguistic diversity, equality between men and women, rights of the child, rights of the elderly and integration of persons with disabilities.

Anti-discrimination Directives

So far, the EU has introduced three non-discrimination Directives.

Formally called Council Directive 2000/43/EC¹ *“implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”* – what has come to be known as the “Race Directive” – is the EU’s strongest instrument with regard to combating racism.

Broad in scope, the document requires EU Member States to ban racial discrimination by law in fields including, employment, education, healthcare, housing, social protection, social advantages and access to goods and services. The Directive includes provisions that member states of the European Union must adopt laws, regulations and administrative provisions necessary to comply with the Directive. Member states are to implement the Directive directly into their national laws and practices to strengthen protection against discrimination based on racial or ethnic origin. Member states must also ensure that the domestic legal order includes the possibility of sanctions for discriminators and compensation for victims.

Although the document provides minimum requirements for the promotion of equal treatment of all persons, there is no maximum standard set down. This means that states may implement more progressive measures as long as they are in line with the intentions and spirit of the Directive. Laws and other provisions contrary to the principle of equal treatment are to be abolished. States are additionally required to designate a body or bodies for the promotion of equal treatment.

The original deadline for member states to transpose all of the provisions of the Directive into domestic law was July 19, 2003, with new EU member states expected to adopt laws as required by the Directive by the time of they join the EU.

The Race Directive also sets out a reporting procedure, which requires state reports every 5 years, assessing the impact of measures taken. Reports are submitted to the European Commission. The first round of reporting is to begin in July 2005.

Also introduced in 2000, Directive 2000/78/EC² *“establishing a general framework for equal treatment in employment and occupation”* implements the

¹ http://europa.eu.int/comm/employment_social/news/2002/jan/2000-43_en.pdf.

² <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0016:0022:en:PDF>.

principle of equal treatment in the area of employment, covering disability, religion or belief, sexual orientation and age. In particular, "*employers are required to take appropriate measures, where necessary, to enable a person with a disability to have access to, participate or advance in employment, or to undergo training, unless such measures impose a disproportionate burden on the employer.*"

Directive 2004/113/EC³, described as "*implementing the principle of equal treatment between men and women in the access to and supply of goods and services*", was established in 2004. The Directive prohibits, in principle, the use of sex as a criterion in the calculation of premiums and benefits for the purposes of insurance and related financial services, in all new contracts concluded after 21 December 2007.

National Equality Bodies

All Member States have established or designated "National Equality Bodies" for the promotion of equal treatment. These organisations are expected to provide independent assistance to victims of discrimination, conduct surveys and studies, and publish independent reports and recommendations. Whilst the legislation refers specifically to bodies concerned with racial discrimination, many countries have also decided to set up bodies that will cover other aspects of discrimination.

The European Court of Justice

The European Court of Justice (ECJ) is the body which ensures that EU laws are enforced. The Court settles disputes on interpretations of treaties and legislation of the EU, setting standards of protection for citizens through case law. The Court has jurisdiction over members of the European Union and can overturn decisions made at the national level that are found to stray from European Community Law. The Court is made up of 1 independent judge from each EU member state.

³ <http://www.gelijkekansen.be/bijlagen/Internationaal/Bij%20EU/Dir%202004.113.EC.pdf>.

The European Union Agency for Fundamental Rights (FRA)

The FRA is an advisory body of the European Union. It was established in 2007 by a legal act of the European Union and is based in Vienna, Austria. The FRA helps to ensure that fundamental rights of people living in the EU are protected. It does this by collecting evidence about the situation of fundamental rights across the European Union and providing advice, based on evidence, about how to improve the situation. The FRA also informs people about their fundamental rights.

According to the Council Regulation 168/2007 EC establishing the FRA, the Agency carries out its tasks within the competencies of the Community, as laid down in the Treaties. The Agency refers to fundamental rights within the meaning of Article 6(2) of the Treaty on European Union, including the European Convention on Human Rights and Fundamental Freedoms, and as reflected in the Charter of Fundamental Rights.

The Council's Decision states that the Agency will work in the following areas:

- 1) racism, xenophobia and related intolerance;
- 2) discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination);
- 3) compensation of victims;
- 4) the rights of the child, including the protection of children;
- 5) asylum, immigration and integration of migrants;
- 6) visa and border control;
- 7) participation of the EU citizens in the Union's democratic functioning;
- 8) information society and, in particular, respect for private life and protection of personal data; and
- 9) access to efficient and independent justice.

The Organization for Security and Co-operation in Europe

The Organization for Security and Co-operation in Europe (OSCE), is an organisation which came out of the politics of the Cold War and was meant to ease conflict in Europe. The members of this organisation include the United States, Canada, Russia and the nations of Europe. There are 55 participating states altogether.

The OSCE was originally set up as an umbrella organisation to discuss shared security issues; defuse tensions and promote human rights. Since the end of the Cold War, the OSCE has concentrated increasingly on preventing conflicts, addressing issues in crisis and post-crisis settings on the continent and promoting regional security and stability broadly. Human rights remain a key focus of OSCE work, although OSCE officials often emphasise that the OSCE's primary strengths are diplomatic rather than legal. This distinguishes the OSCE somewhat from the institutions discussed above. Human rights concerns at the OSCE fall within the "Human Dimension" aspect of the OSCE's mandate.

The OSCE's major bodies include the Permanent Council, the Ministerial Council and the Secretariat. The Permanent Council of the OSCE consists of permanent representatives of participating states who take up the organisation's major political consultation and decision making. The Ministerial Council consists of the foreign ministers of the 55 participating states, which review the activities and issue guidance for the organisation. The Secretariat is responsible for the management of OSCE structures and operations. In addition to these bodies, the OSCE has many other instruments to help implement its mandate.

The Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) is the key organ of the OSCE that deals with the "Human Dimension" of regional security. The ODIHR performs a range of functions for the protection of human rights including election observation, building and strengthening civil society institutions, promoting the rule of law through legal reform, training legal personnel and the professionalisation of legal education, mainstreaming gender in all OSCE activities, monitoring human rights and providing early warning in cases of serious human rights crises. The ODIHR also assists OSCE field missions to implement human dimension activities.

Under the auspices of the ODIHR is the Contact Point for Roma and Sinti Issues (CPRSI). This body was established by the OSCE out of concern for the racial and ethnic hatred, xenophobia and discrimination prevalent towards Roma throughout the region. The CPRSI has initiated awareness raising programmes for Romani voters, training courses for Romani candidates and political parties and convened the first ever transnational meeting of parliamentarians, mayors and local councillors to develop common strategies to promote the political participation of Roma.

High Commissioner on National Minorities

The High Commissioner on National Minorities (HCNM) focuses on the security implications of minority issues, including identifying ethnic tensions that might endanger peace, stability or friendly relations between the OSCE's member states. The Commissioner's main aim is conflict prevention. This may be accomplished through on-site missions and preventative diplomacy. The High Commissioner on National Minorities is not responsible for investigating individual human rights violations or complaints; these are excluded from the Commissioner's mandate. The HCNM is a political instrument, not intended to supervise states' compliance with their international obligations. The Commissioner does, however, make recommendations to governments about concerns of arising tensions and their security implications.

Evidential base for the exclusion and discrimination of Roma

Publications

- Amnesty International, Treated Like Waste. Roma Homes Destroyed and Health at Risk, in Romania, 2010:
http://www.amnesty.org.uk/uploads/documents/doc_20090.pdf
- Amnesty International, Violent Attacks against Roma in Hungary, 2010:
http://www.amnesty.at/uploads/tx_amnesty/Violent_attacks_against_Roma_in_Hungary_report_web.pdf
- ERRC, Breaking the Silence – Trafficking in Romani Communities, 2011:
<http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>
- ERRC, Life Sentence – Romani Children in Institutional Care, 2011:
<http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>
- ERRC, Standards Do Not Apply. Inadequate Housing in Romani Communities, 2010: <http://errc.org/cms/upload/file/standards-do-not-apply-01-december-2010.pdf>
- European Monitoring Center on Racism and Xenophobia, Roma and Travellers in Public Education, 2006:
http://fra.europa.eu/fraWebsite/attachments/roma_report.pdf
- FRA, Data in Focus Report – The Roma, 2009:
http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf

- FRA, Housing Conditions of Roma and Travellers in the European Union, 2009:
http://fra.europa.eu/fraWebsite/attachments/Roma_Housing_Comparative-final_en.pdf
- OSI, Security A La Italiana – Fingerprinting, Extreme Violence and Harassment of Roma in Italy, 2008:
http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715/fingerprinting_20080715.pdf

Romani Civil Society

Albania

- Unioni i Rromeve te Shqiperise “Amaro Drom”
<http://www.unioniamarodrom.org/>

Austria

- Romano Centro
<http://www.romano-centro.org/>

Belgium

- European Roma Information Office
<http://erionet.org/site/>
- Opre Roma
<http://www.opreromadmk.hu/hun/index.html>

Bulgaria

- Foundation „C.E.G.A.” – Creating Effective Grassroots Alternatives”
<http://www.cega.bg/>
- Roma-Lom Foundation
<http://www.roma-lom.org/>
- Romani Baht Foundation
<http://baht2000.free.bg/en.html>

- Center for Interethnic Dialogue and Tolerance „Amalipe”
<http://amalipe.com/en/>

Canada

- Roma Community Center
<http://www.rcctoronto.org/>
- Roma Rights Network
<http://www.romarights.net/v2/>

Czech Republic

- Dženo Association
http://www.dzeno.cz/?r_id=28
- Romea
<http://www.romea.cz/>
- Romodrom
<http://www.romodrom.cz/cs/>

Germany

- Rom e.V.
<http://www.romev.de/>

Hungary

- Amaro Drom
<http://www.amarodrom.hu/>

Ireland

- Irish Traveller Movement
<http://www.itmtrav.com/>
- Pavee Point
<http://paveepoint.ie/>

Italy

- Associazione “Amalipe Romano”
<http://www.amaliperomano.altervista.org/>
- IDEA ROM ONLUS
<http://idearom.jimdo.com/>

Kosovo

- Roma & Ashkali Documentation Center
<http://radcenter.org/>

Macedonia

- National Roma Centrum
<http://www.nationalromacentrum.org/en/>
- Roma Rights Forum Arka
<http://www.arka.org.mk/>
- Roma Women Organization „Daja“-Kumanovo
<http://www.daja.org.mk/mk/IndexMK.asp>
- Romaversitas
<http://www.romaversitas.edu.mk/>

Romania

- Romani CRISS
<http://www.romanicriss.org/index.php?mylang=english>

Serbia

- Minority Rights Center
http://www.mrc.org.rs/index_e.php
- Civic Initiatives
<http://www.gradjanske.org/page/home/sr.html>

Spain

- Asociacion De Mujeres Gitana De Granada
<http://www.mujeresromi.org/>
- Federación de Asociaciones Gitanas Extremenas
<http://www.fagex.org/>

Human Rights Institutions and Instruments

- Council of Europe
www.coe.int

- European Convention of Human Rights
http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf
- European Court of Human Rights
<http://www.echr.coe.int/echr/>
- European Social Charter (revised)
http://www.coe.int/t/dghl/monitoring/socialcharter/conclusions/State/France2009_en.pdf
- International Covenant on Civil and Political Rights
<http://www2.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economical, Social and Cultural Rights
<http://www2.ohchr.org/english/law/pdf/cescr.pdf>
- Framework Convention for the Protection of National Minorities
http://www.florina.org/rainbow/framework_convention_e.pdf
- European Commission against Racism and Intolerance
http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp
- European Parliament
http://www.europa.eu.int/institutions/parliament/index_en.htm
- Council of the European Union
http://www.europa.eu.int/institutions/council/index_en.htm
- European Commission
http://www.europa.eu.int/institutions/comm/index_en.htm
- The Charter of Fundamental Rights of the European Union
http://www.europarl.europa.eu/charter/pdf/text_en.pdf
- European National Equality Bodies
<http://www.equineteurope.org/>

- European Court of Justice
http://www.europa.eu.int/institutions/court/index_en.htm
- European Union Agency For Fundamental Rights
http://fra.europa.eu/fraWebsite/home/home_en.htm
- Organization for Security and Co-Operation in Europe
http://fra.europa.eu/fraWebsite/home/home_en.htm
- Office for Democratic Institutions and Human Rights
<http://www.osce.org/odihr>
- High Commissioner on National Minorities
www.osce.org/hcnm