

Strasbourg, 23 May 2019

Council of Europe Dialogue with Roma and Traveller¹ Civil Society

**7th meeting
Strasbourg, 11-12 April 2019**

“Protecting family life by securing housing and preventing evictions”

Conclusions and Recommendations

The [7th Council of Europe Dialogue](#) with Roma and Traveller civil society, held in Strasbourg on [11-12 April 2019](#), provided the opportunity to table and give further visibility to housing and/or accommodation rights and the consequences of evictions from a policy, research and grassroots perspective. The following conclusions and recommendations emanated from that meeting.

1. Conclusions

1. Housing is a human right. International law enshrines this right and states that member states must work towards making sure everyone has access to adequate and affordable housing. Unfortunately, some people such as Roma and Travellers, are not able to benefit from their rights due to discrimination based on their ethnicity, disability, sex, family status, social and economic status, and nomadic or semi nomadic way of life. When these multiple factors intersect, the disadvantage often creates institutional barriers that lead to entrenched poverty, segregation and homelessness.
2. The right to housing is connected to other fundamental rights. Affordable, adequate housing is a necessity for everyone in Europe. There is an undeniable link between affordable and adequate housing and quality of life. Housing provides the foundation for interacting with the broader community and for general well-being, economic and social inclusion. Adequate housing facilitates access to suitable employment or occupation, community resources and support as well as educational opportunities for all citizens.
3. Member states are obliged to put in place remedies for those in vulnerable situations who are unable to access their right to adequate housing and standard living conditions. The current housing situation of Roma and Travellers constitutes a serious problem and needs to be addressed through urgent action by member states, international organisations, EU and UN agencies and local authorities in order to ensure equal treatment and foster social inclusion. In this regard, the active participation of Roma and Travellers at all stages of the development of housing policies, from planning, implementation to evaluation and review, at

¹ The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand, Roma, Sinti/Manush, Kale/Calé, Kaale, Romanichals, Boyash/Rudari; and, on the other hand, groups such as Balkan Egyptians and Ashkali, Eastern groups (Dom, Lom and Abdal), Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies, Boshia or Garachi. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

EU, national, regional and local level, is essential. Furthermore, efforts to improve equal treatment and foster social inclusion need to actively combat residential segregation. As evidenced from this meeting, segregation is still evident in many Council of Europe member states. Furthermore, some housing projects targeting Roma and Travellers maintain or further the isolation and segregation of these communities, or do not take sufficient account of the nomadic or semi-nomadic way of life. Segregation and/or inadequate housing and accommodation can limit the access to education, employment and health care for many Roma and Travellers. In countries with a substantial Traveller community, the shortage and/or inadequacy of permanent and transient halting sites and pitches is tangible, despite the implementation of relevant programmes. The most commonly cited reasons are the difficulties of finding suitable land plots as well as financial resources, yet one of the strongest elements appears to be the opposition of non-Travellers in the locality. In addition to the lack of sites, there are also instances of regulations in some member states which create specific obstacles for Travellers and their mobile accommodations to use sites, to have the right to halt where needed for occupational, personal or family activity, and/or to obtain planning permission on their private land. The fact that mobile accommodation and the nomadic way of life are refused prevents equal rights and status with mainstream housing and sedentary way of life, which entails both direct and structural discrimination. In some member states, legal means to provide security and protection against forced evictions of vulnerable groups and families are missing. National legislation does not envisage alternative housing as a preventive measure in cases of eviction. Thus, the requirement of balance between personal and public interests is not met.

4. Housing is more than just a roof over the head. A shelter is not a home. Quality houses within neighbourhoods are important aspects of a community. Families grow up best in well-structured communities with access to services and amenities. Lack of security of tenure is a particularly acute problem for Roma and Traveller communities living in informal settlements or in rented accommodation. Persons living in informal settlements are particularly vulnerable to forced evictions. There are instances of forced evictions of Roma from municipal accommodation, including evictions of Roma who are regular rent payers, evictions without prior notice, evictions without genuine consultation with the affected communities, and evictions involving police violence and destruction of personal property. There are cases where authorities fail. Council of Europe member states need to ensure that Roma and Travellers have security of tenure, available services and infrastructure; that their housing is adequate, affordable, habitable and accessible; and that they live in an adequate location and culturally appropriate homes. Member states should provide without undue delay potable water, electricity, waste removal, public transportation, road provision, and other infrastructure to Roma settlements and Traveller sites lacking any of these facilities. The quality of housing of Roma and Travellers needs to be constantly monitored and improved. Member states should affirm the right of people to pursue sedentary or nomadic way or life, according to their own free choice. In order to ensure equal treatment all conditions necessary to pursue these lifestyles should be made available to them by the national, regional and local authorities in accordance with the resources available and within the legal framework relating to building, planning and access to private land.
5. Fighting anti-Gypsyism, discrimination and residential segregation should form part of any housing strategy. The presentations delivered at the meeting underlined that the main reason for the substandard housing conditions of Roma and Travellers is racial discrimination, both direct and indirect. Sometimes local authorities deny access to social housing through measures that are directly or indirectly discriminatory against Roma and Travellers. Landlords sometimes refuse to let housing to Roma even if the accommodation is sought by the welfare services.
6. Closing the gap between legislation and its implementation on the ground should form part of local and national strategies on securing housing. National governments should recognise the multifaceted problem in housing provision encountered by local authorities and put in place measures that activate obligations in equal treatment and promote social inclusion practices. At the same time, they should monitor and sanction

any directly or indirectly discriminatory practices undertaken at local level. Specialised bodies, e.g. equality bodies, have a particularly important role to play in ensuring that victims are provided with access to complaint mechanisms. Roma inclusion policy initiatives need to take account of the needs and circumstances of women and children from Roma and Traveller communities. They should address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.

2. Recommendations

1. Anti-Gypsyism and structural discrimination are the roots to those barriers that inhibit Roma and Travellers from accessing their right to decent housing. Even when Roma and Travellers can access housing, they are often the victims of residential segregation. Therefore, there is a need for institutional recognition of anti-Gypsyism and anti-nomadism, which should be recognised within the legal arguments of rights claims and remedies, and on an equal basis with anti-Semitism.
2. Adequate housing/accommodation for Travellers is intrinsically linked to the right to pursue a nomadic or semi-nomadic way of life. National and local authorities should refrain from applying policies, legislations or practices leading to induced or forced sedentarisation of nomadic or semi-nomadic citizens, as well as refrain from general off-limit policies addressing mobile accommodation. Halting and stopping of Traveller mobile accommodations should be authorized throughout the national territories except in specifically forbidden areas. Access to quality education and training, as well as health care services should not be conditioned by mandatory prolonged settlement but adapted to a nomadic or semi-nomadic way of life. The legal protection and the notion of decent housing applied to brick and mortar dwellings should be extended to other homes, namely traveller mobile accommodation.
3. Securing access to all rights, including access to housing and decent living conditions, can only be achieved through political commitment and stronger tools for rights defenders to enforce the laws and standards. Even when court judgements are made, there is a weakness of enforcement. There is an urgent need for the appointment of an EU Ombudsman for Roma and Traveller Rights and a Special Representative of the Secretary General of the Council of Europe for Roma Issues as political representatives and promoters of Roma equality.
4. The Council of Europe through its legal instruments and bodies such as the European Court of Human Rights and the European Committee for Social Rights, as well as its other monitoring bodies, should recognise anti-Gypsyism and anti-nomadism within their mandate. In particular, the ECtHR should incorporate the term anti-Gypsyism and evoke Article 14 while examining applications from Roma and Travellers.
5. The collective complaints mechanism of the European Social Charter is a dynamic human rights procedure which can bring to the surface the violation of Roma and Travellers' rights, particularly in the area of housing. Unfortunately, many member states have not yet ratified the additional protocol on the collective complaints procedure within the Charter. In a joint initiative, the European Roma and Travellers Forum (ERTF) and Caritas Europe should publish a statement and send to member states who have not yet ratified the collective complaints procedure. The European Social Charter Secretariat should publish the list of NGOs which can launch collective complaints.
6. As collective evictions are a serious human rights violation, there should be an alert system in place with emergency responses from the Council of Europe.

7. Roma and Traveller integration is a shared responsibility and all actors, including Roma and Traveller civil society, should take a vital role in it. It is important that civil society voices form part of the mandatory consultation process within the instruments of the Council of Europe. The Dialogue meetings between the Council of Europe and Roma and Traveller civil society should form part of a coherent strategy of incorporating their voice into the mandate of all sectors of the Council of Europe, thus ensuring a wider dialogue and a transversality of Roma and Traveller issues from a grassroots perspective.
8. Taking into consideration the shrinking financial capacities of member States to seek solutions to the housing and accommodation issues, Roma and Traveller NGOs should take on a more active role and mediate between Roma and Traveller communities and local/national authorities. To this effect, Roma and Traveller NGOs should receive financial and structured support.
9. Sharing best practices in housing and accommodation and its effects on its members should form part of the knowledge sharing practices of the Council of Europe. An innovative sharing mechanism should be developed for sharing best practices regarding Roma and Traveller family life issues. Existing tools for sharing good practices should be made more visible.
10. In order to increase the visibility of the work of Roma and Traveller civil society organisations, they should seek to become members of the Council of Europe INGO Conference by applying for 'participatory status' with the organisation.
11. Tenure security is connected to security of life choices. Roma and Traveller civil society should seek collaborative initiatives to support the legalisation of ownership of homes through various legal, technical support, financial and micro credit schemes.
12. Ensure relevant and effective mechanisms by the Council of Europe for adequate and timely implementation of decisions issued on the ground of article 8 of the European Convention on Human Rights. In spite of the fact that a monitoring mechanism is in place, rulings and judgements are often not respected by member states. Efficient sanction mechanism should be put in place in order to secure adherence to judgements in cases of human rights violations.
13. A balanced position to overcoming housing segregation is required, ensuring the protection of the right of communities to reside/live together, if this is their desire. However, establishing active measures to improve access to public services and social as well as technical infrastructure should not be directed towards further segregation.
14. Policy development regarding housing conditions for Roma and Traveller communities should take place at European level in addition to the national level. Thus, the opportunity to replicate successful practices of different countries in the framework of Council of Europe member states would be enforced.
15. Housing solutions should work to overcome cost and spatial inequalities. This requires both policy change and investment. The Council of Europe Development Bank (CEB) should prioritise Roma and Traveller issues into its housing projects by targeting investment access to property ownership, rented accommodation and urban renewal through municipal housing-related infrastructure.