



QUESTION PUT TO THE FRENCH PRESIDENCY OF THE EUROPEAN UNION ON THE SITUATION OF ROMA AND TRAVELLERS

France will assume the Presidency of the European Union between July and December 2008. This will provide a unique occasion to highlight the importance of respect and equality – values which France holds dear – but also to share these values with its European partners. There is, however, one situation that reminds us each and every day, both in France and the rest of Europe, that actions do not always match the values proclaimed: the extremely worrying situation of Roma and Travellers.

In the light of the large volume of existing EU and international legislation guaranteeing equal rights,

- Having regard to Article 13 of the EC Treaty, which authorises the European Community to take appropriate action to combat discrimination based on racial or ethnic origin,
- Having regard to the Charter of Fundamental Rights of the European Union,
- Having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹, which prohibits discrimination based on ethnic origin,
- Having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation²,
- Having regard to Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- Having regard to the European Convention on the Legal Status of Migrant Workers of the Council of Europe,
- Having regard to the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families,

In the light of the official reports, recommendations and resolutions that testify to the non-application of EU and international legislation,

- Having regard to the European Parliament resolution of 28 April 2005 on the situation of the Roma in the European Union that calls on the Commission “to adopt an action plan with clear recommendations to the Member States to bring about better economic, social and political integration of the Roma”,
- Having regard to the publication in 2004, by the Commission, of a report drawing attention to very disturbing levels of hostility and human rights abuses against Roma and Travellers in Europe³ which highlighted the need for an EU Roma Integration Directive,
- Having regard to the European Parliament resolution of 27 January 2005 on remembrance of the Holocaust, anti-Semitism and racism⁴,
- Having regard to the European Parliament resolution of 10 May 2007 on housing and regional policy which maintains that the issue of housing-related exclusion should be raised to the level of a priority in the EU strategy for social inclusion and social protection,
- Having regard to the final report⁵ of the Commissioner for Human Rights of the Council of Europe of 2006 which expresses concern that “*the Roma populations face considerable obstacles to the enjoyment of basic rights*” and condemns the long “*history of continued discrimination and persecution experienced by the Roma*”,
- Having regard to the various recommendations and resolutions of the Council of Europe⁶ calling for better access to healthcare and showing concern for unhealthy living conditions.

¹ OJ L 180, 19.7.2000, p. 22.

² OJ L 303, 2.12.2000, p. 16.

³ “The Situation of Roma in an enlarged European Union”, study commissioned and published by DG Employment and Social Affairs, 2004.

⁴ Texts Adopted, P6_TA(2005)0018.

⁵ Final report on the human rights situation of the Roma, Sinti and Travellers in Europe, CommDH(2006)

⁶ Recommendation Rec (2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe

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

Recommendation (2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe

Recommendation (2001)17 on improving the economic and employment situation of Roma and Travellers in Europe

Recommendation (2000) 4 of the Committee of Ministers to member states on the education of Roma children in Europe

Recommendation (1983) 1, on Stateless Nomads and Nomads of Undetermined Nationality

Resolution (1975) 13 on the Social Situation of Nomads in Europe

In the light of a situation that remains discriminatory,

- Whereas it is clearly apparent that public services and institutions often show prejudice towards Roma and Travellers, which results in discrimination when it comes to accessing their rights,
- Noting with concern that the Roma are regularly discriminated against when it comes to accessing healthcare and health insurance,
- Whereas substandard and unhealthy living conditions and proof of ghettoisation exist on a large scale,
- Whereas, on average, Roma communities are faced with unacceptably high unemployment levels,
- Whereas a significant number of Roma and Traveller children do not have access to the same quality of education offered to other children, and noting that this undermines the effective exercise of the individual's right to an education but is also detrimental to the future of society as a whole. Absenteeism and dropping out of school continue to reach unacceptable levels among children and the rates have actually continued to increase during the past ten years,
- Whereas throughout Europe the Roma encounter genuine difficulties in obtaining their civil status certificates, and whereas this constitutes a serious obstacle to the exercising of their fundamental rights and to accessing services that are essential for social integration,
- Deploring the fact that, in the majority of Member States, the main media outlets persist in reinforcing a negative stereotype of Roma citizens through print articles and television and radio broadcasts,
- Whereas the slavery and genocide of Roma in Europe (known as *Samudaripen*) have not been recognised by all Member States concerned,
- Deploring the fact that a significant number of Roma benefiting from temporary protection are threatened with expulsion from their host Member State due to the signature of readmission agreements between the European Union and accession countries,

The undersigned associations ask the French Presidency of the EU to work towards the adoption of a European framework directive for the inclusion of Roma and Travellers.

It is time for action and not words. That is why our associations are coming together now to ask the French Presidency to prioritise the implementation of a genuine European policy for the integration of the Roma, supported by a directive. The need for such a directive exists because of the obviously inadequate application of the EU and international legislation listed above.

As recommended in the "Report on the Situation of Roma in an enlarged European Union" published by the European Commission, this directive, thanks to an integrated approach, would provide assurance that all policies would be evaluated regularly in order to guarantee that their impact reaches the beneficiaries at a level appropriate to their needs. To ensure effectiveness, we ask that this directive be steered by a body⁷ with sufficient influence and authority to ensure that Member State governments and the European Commission take decisive action to target Roma integration.

a) This directive should incorporate the recommendations of the European Parliament and include the following points:

➔ The right to adequate living conditions:

The directive should set out concrete measures for:

- putting an end to the marginalising of families in environments that are generally run-down, unhealthy and located outside inhabited areas,
- organising, on a transient basis, effective access for families to basic infrastructure, i.e. drinking water, electricity, a road network, waste disposal, etc.,
- allowing families to obtain equal access to housing and decent living conditions,
- recognising and promoting the diversity of ways of living in local urban policies.

➔ Access to education:

The directive should ensure that Roma and Travellers have effective access to education and regular schools. Measures need to be taken to eliminate all the legal, bureaucratic and practical obstacles leading to absenteeism and dropping out of school, such as the lack of ID documents, residence permits and transportation.

The directive would define the framework for school support and programmes to combat illiteracy for adults belonging to the Roma community.

⁷ "The Situation of Roma in an enlarged European Union", study commissioned and published by DG Employment and Social Affairs, 2004.

→ Access to employment:

The directive should set out concrete measures to improve the access of Roma and Travellers to the labour market, in particular as regards training, information, assistance and accompanying measures.

Training obviously plays an essential role in the attempt to reduce the very high unemployment rate among the Roma population. It is of course important to provide better access to education and training, in particular for the young generation of Roma and Travellers.

There is also a need to adapt and reinforce the methods used to help, monitor and support women and girls. Another objective is official recognition of the status of women working in family businesses.

An introduction to the world of work and job-seeking should be provided through regular communication campaigns promoting the value of apprenticeships and informing young people, families and professionals about the prospects of recruitment in various jobs or sectors of activity.

It is also essential to address those who are older and currently on the road to impoverishment. There are several avenues available for this purpose. Short training programmes leading to a qualification and combined with assistance need to be offered, allowing older adults to support their families while at the same time becoming reintegrated into society and perhaps adding to their skill base.

The recognition of these skills by certification or accreditation of work experience procedures likewise represents a good way of integrating them into the world of work.

Finally, the creation of small businesses not only helps to integrate Roma and Travellers but also helps a country's economy. It would be useful therefore, to assist these entrepreneurs by monitoring them or providing support, by offering additional training or assistance specially adapted to itinerant communities, for example.

→ Access to healthcare:

Measures should be taken to make sure that discrimination does not hinder access to healthcare services and that all patients are considered on an equal footing and under the same conditions, ensuring especially that healthcare for mothers and children is promoted. In particular, non-discriminatory access should be provided to the health cover systems available in each country, and automatic access should be provided for children under 18 years of age to the full social security system.

→ Access to identity papers:

Measures should be taken to provide effective access to civil status certificates.

→ Freedom of movement and establishment:

The directive should guarantee equal treatment of all EU citizens and guarantee that all Member States will respect the free movement of people as a fundamental freedom of all European Union citizens. This freedom of movement should be granted without means-testing. We are calling for the abolition of transitional arrangements as a systematic tool and the establishment of bilateral agreements on methods of compensating for any costs incurred by host countries related to the welfare protection of disadvantaged people.

→ The fight against racism:

The French Presidency of the EU should call on the European Commission to "strengthen national legislation and administrative measures in the directive and specifically counter Anti-Gypsyism".

The directive should also play a role in the fight against stereotyping⁸. This mission should start in the schoolroom, where children would be informed about the negative consequences of racism and discrimination on the development of society as a whole. Initiatives aimed at increasing interaction between the Roma and non-Roma populations are also of great importance.

b) We furthermore call on the French Presidency of the EU to remind the Member States:

- to transpose into national law all the provisions of the EU's anti-discrimination directives,
- to launch initiatives to promote tolerance and regular contacts between the Roma and non-Roma populations,
- to recognise the genocide of the Roma and to initiate a memorial as quickly as possible,
- to implement measures to guarantee the effective participation of Roma and Travellers in political life, in particular concerning the decisions that affect the lives and welfare of people in their communities.

⁸ Final report on the human rights situation of the Roma, Sinti and Travellers in Europe, CommDH(2006)

The French Presidency should also ensure, in the framework of the political requirements of the Copenhagen criteria, that EU accession countries make real efforts to strengthen the rule of law and protect human rights. As the European Parliament called on the European Commission to do in its resolution of 28 April 2005, the Roma and Traveller issue should be raised to a pan-European level, in particular with candidate countries, as the Roma live in every part of Europe.

In line with the final report of the Commissioner for Human Rights of the Council of Europe, the French Presidency of the European Union must ensure that no forced returns of displaced Roma and other minorities are undertaken to areas where they continue to face threats to their safety and security. Each claim for protection must be verified through an effective and independent examination.

We therefore ask for a revision of the lists of “safe” countries of origin as well as the creation of a mechanism to monitor the updating of these lists.

c) Finally, we ask that France set an example in this matter:

France should first and foremost set an example within its own borders. Beyond adding a pan-European policy for the integration of Roma and Travellers to its agenda, France should undertake to:

- Uphold official recognition of the “Gypsy internment camps” operated in France between 1940 and 1946, support the research work being done in this area and preserve the memorial sites,

- Repeal laws and regulations that discriminate against people living in non-settled communities, in particular the Act of 3 January 1969, and many decrees, circulars and articles of a discriminatory nature, that derogate from the general law, or that are specifically targeted⁹ that infringe fundamental rights such as the right to vote, freedom of movement or establishment and address location,

- Recognise the caravan as housing with all the related social and civic rights: rent allowances, access to the housing solidarity fund, real estate loans, insurance, etc.,

- Develop a “National Living Conditions Plan adapted to Travellers” in order to respond to the urgent need for a local anchor point for tens of thousands of people,

These four measures will obviously not be enough to respond to the extent of the difficulties and the violence of the rejection being suffered by Roma and Travellers in France. Nevertheless, they would provide a strong signal of France’s genuine commitment to this cause and would represent a sign of credibility to encourage the Member States to strive towards better treatment of these populations.

The following associations are taking part in this initiative:

ANGVC
ASAV
CCFD
FNASAT
Secours catholique

Fondation Abbé Pierre
Ligue des droits de l’Homme
Médecins du Monde
Romeurope

With the support of:

ATD Quart Monde
Regards

⁹ Law 69-3 of 3 January 1969 on the exercising of itinerant activities and the arrangements for people travelling in France without a fixed abode or address.

Articles 27 and 28 of Law No. 2007-297 of 5 March 2007 on the prevention of delinquency.

Articles 53 to 58 of Law No. 2003-239 of 18 March 2003 on internal security.

Art. 15 of Framework Law No. 2003-710 of 1 August 2003 on the municipal planning and urban renovation. (for info or for the record: *Municipalities with fewer than 20,000 inhabitants where half of the population lives in a sensitive urban area as defined in Article 42(3) of Framework Law No. 95-115 of 4 February 1995 on territorial planning and development are excluded, on their request, from the field of application of the provisions of Law No. 2000-614 of 5 July 2000 on the reception and accommodation of Travellers and in particular the obligation provided for in Article 2 of said Law.*)