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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on Measures to improve the housing situation of Roma people living in segregated settlements

Delegations will find attached a set of draft Council Conclusions on "Guaranteeing the right to housing of Roma people living in segregated settlements" prepared by the Presidency.

This document will be examined by the Social Questions Working Party on 10 July 2023.

Procedure

The Presidency hopes that an agreement on these Conclusions can be reached in two meetings.

Delegations are therefore invited to make every effort to develop their positions in good time, with a view to holding a productive discussion at the meeting on 10 July 2023.

Measures to improve the housing situation of Roma¹ people living in segregated settlements**Draft Council Conclusions****RECALLING THAT:**

1. According to Article 10 of the Treaty on the Functioning of the European Union, in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
2. According to Article 21(1) of the Charter of Fundamental Rights of the European Union, any discrimination based on any ground such as sex, race, 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 shall be prohibited.

RECALLING:

3. Council Directive 2000/43/EC, which lays down a framework for combating discrimination on the grounds of racial or ethnic origin in order to ensure equal treatment in the EU in the fields of employment, education, social protection (including social security and health care), social advantages and access to and supply of goods and services, including housing.
4. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law,² which states that racism and xenophobia are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded and which are common to the Member States.

¹ "Roma" is an umbrella term encompassing a wide range of people of different origins, such as the Roma, Sinti, Kale, Romanichel and Boyash/Rudari communities; this term also includes groups such as the Ashkali, Egyptians, Yenish, Dom, Lom, Rom and Abdal, as well as Traveller populations, including "ethnic" Travellers or those designated by the administrative term gens du voyage, and people who identify as Gypsies or Tzigane, without denying their specific identities.

² OJ L 328, 6.12.2008, p. 55.

5. The Council of Europe legal framework for the protection of minorities and the case law of the European Court of Human Rights, particularly regarding the manifestly discriminatory practice of segregating Roma children in education.
6. The United Nations 2030 Agenda for Sustainable Development, and especially Sustainable Development Goals (SDGs) 10 and 11.
7. The European Pillar of Social Rights and the “European Pillar of Social Rights Action Plan” presented by the Commission. Specifically, Principle 19 of the European Pillar of Social Rights refers to housing and assistance for the homeless, and stipulates that access to social housing or housing assistance of good quality is to be provided for those in need; that vulnerable people have the right to appropriate assistance and protection against forced eviction; and that adequate shelter and services are to be provided to the homeless in order to promote their social inclusion.
8. Principle 20 of the European Pillar of Social Rights, which refers to access to essential services, and specifies that everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications, and stipulates that support for access to such services be available for those in need.
9. In its Recommendation on Roma equality, inclusion and participation, the Council urged the Member States to strengthen efforts to improve the social and economic integration of Roma. The Council has the powers to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
10. The European Parliament’s resolutions regarding the Roma people;³ including in particular its Resolution on the situation of Roma people living in settlements in the EU (2022).
11. The Commission’s communication entitled "A Union of equality: EU anti-racism action plan 2020-2025".

³ OJ C 199 E, 7.7.2012, p. 112; OJ C 468, 15.12.2016, p. 36; OJ C 449, 23.12.2020, p. 2; and OJ C 385, 22.9.2021, p. 104.

12. The Commission's communication entitled "A Union of equality: EU Roma strategic framework for equality, inclusion and participation".
13. The Commission's communication entitled "A Union of equality: Gender Equality Strategy 2020-2025".

RECOGNIZING THAT:

14. Factors such as the lack of significant policy measures or investment, the limited availability and poor quality of social housing, discrimination in the housing market, and segregation, have caused the gap in access to housing between the Roma population and the rest of the population to remain virtually unchanged in recent years.
15. 52% of Roma households experience housing deprivation compared with 17% of the rest of the EU population. 82% of Roma live in overcrowded households and 22% live in homes without running water compared with 1.5% of the general population. 24% have experienced anti-Roma discrimination when looking for housing.
16. The values of the EU can only prevail in a society that respects diversity, pluralism, non-discrimination, tolerance, justice, solidarity and gender equality, and that Member States called to guarantee these values for all people, including Roma.
17. Antigypsyism, a form of specific discrimination against the Roma people, is a historically rooted structural phenomenon that appears at institutional, social and interpersonal levels. It has its origins in how the majority views and treats those considered "gypsies." It stems from a process of "othering" that builds on both negative and positive "exoticizing" stereotypes. The Member States of the European Union have all recognised antigypsyism as a barrier to inclusion, and hence the importance of tackling it.
18. Multiple forms of discrimination exacerbate antigypsyism, meaning that a person may be discriminated against on the grounds of their racial or ethnic origin, and simultaneously, on the grounds of their sex, religion or belief, disability, age or sexual orientation.

19. The data compiled for the purpose of analysing public policies that seek to address the multiple forms of discrimination and other issues affecting the Roma population are not sufficiently well defined and do not fully reflect the current situation on the ground in the different Member States.

CONSIDERING THAT:

20. Many Roma are denied access to quality housing due to housing segregation, which confines many members of this community to sub-standard housing in segregated settlements. There is also discrimination in the area of access to housing. The quality of housing has a significant direct impact on the living conditions, life chances and equality of opportunities for Roma, particularly children. It is a prerequisite for the exercise of and access to fundamental rights, as well as for a dignified life.
21. Denying Roma equal access to housing reinforces the vicious circle of intergenerational poverty, limits life expectancy, and impedes social cohesion.
22. Despite the existing political, financial and legal instruments and the efforts already made to address the housing inequality and deprivation experienced by Roma, inequalities in access to housing for Roma still persist. It is therefore necessary to redress these inequalities and ensure access to adequate housing for Roma communities.
23. EU financial instruments, together with national, regional and local sources of funding, should be used as appropriate to support the process of eradicating segregation in the European Union.
24. Achieving effective results requires strong cooperation between the various stakeholders, each contributing expertise in their area of competence.
25. It is necessary to ensure the participation of the Roma people and Roma civil society in the design and implementation of all policies aimed at combating segregation and discrimination against Roma.

26. Transnational cooperation and mutual learning are essential to the process of eradicating segregation in the context of Roma housing in the Member States.
27. This set of Conclusions builds on previous work and political commitments of the European Council, the Council, the European Parliament and the Commission and on work by other relevant stakeholders, including the documents listed in Annex I.

THE COUNCIL OF THE EUROPEAN UNION

INVITES THE MEMBER STATES TO:

28. Include measures for the eradication of segregated Roma settlements in national and regional ESF+ programmes, ERDFs and/or initiatives under the NextGenerationEU scheme, as well as other relevant EU financial instruments.
29. Implement specific measures and dedicate sufficient financial resources to establish or improve infrastructure in disadvantaged neighbourhoods in terms of transport, water, sanitation, sewage systems, digital networks, and access to public and private services such as refuse collection, health centres, schools, lighting, electricity, gas, and communication networks including telephone and internet connections.
30. Implement housing programmes for Roma and include safeguards and inclusivity criteria for housing programmes and services within national Roma inclusion strategies.
31. Train the staff of housing services and municipal administrations in the field of equal treatment and provide them with the skills required to recognise and combat antigypsyism and discrimination in the context of housing.

INVITES THE COMMISSION AND THE MEMBER STATES, in close cooperation and in accordance with their respective competences, to:

32. Establish a table of indicators that covers multiple forms of discrimination and different factors affecting the Roma people. The indicators should be disaggregated by gender, age and dependency or disability status, among other criteria, and be defined together with Roma representatives, in order to contribute to the systematic monitoring of the future EU Action Plan and the housing situation of Roma.
33. Educate, support and empower Roma civil society so as to ensure its access to EU national, regional and local financial resources, and so as to strengthen its structures of representation, as well as its capacity to be actively involved in decision-making processes, under conditions of equal treatment, paying particular attention to the importance of involving young Roma and Roma women in policy-making.
34. Ensure the participation in decision-making processes of families living in disadvantaged settlements. Pursue this work hand in hand with European Roma civil society and while ensuring the participation of Roma in decision-making at all administrative and governmental levels, on the basis of equality of treatment, paying particular attention to the importance of involving young Roma and Roma women in policy-making

INVITES THE COMMISSION TO:

35. Define and draw up an EU Action Plan to address the problem of segregation, in line with the 2022 Council Recommendation and the "European Parliament resolution on the situation of Roma people living in settlements in the EU", as well as the 2020-2030 EURSF, including by considering and duly supporting implementation of EU funds invested in housing and infrastructure.
36. Include concrete measures to prevent and combat the problem of housing segregation, including by providing access to basic services to the most marginalised Roma settlements, and by providing alternative housing to their inhabitants in due course.

37. Foster, through the elements set forth in the Action Plan, effective and real access for Roma to non-segregated housing, adopting an approach that recognizes that a person may be discriminated against on the grounds of their racial or ethnic origin, and simultaneously, on the grounds of their sex, religion or belief, disability, age or sexual orientation, and paying particular attention to youth and children, as well as to victims of any form of violence against women; establish specific priorities and objectives for the Action Plan; and include therein a component regarding transnational cooperation and the sharing of good practice between Member States.
38. In parallel, establish an eradication plan for all the segregated settlements identified, specifying tailored interventions for each one, and defining the measures to be adopted and the actors that will intervene at the different governmental and administrative levels, both at EU and national level, as well as defining the short, medium and long-term deadlines for the objectives set.
39. Identify available EU, national, regional and local financial resources to support the eradication of segregated Roma settlements.
40. Encourage cooperation between the relevant Directorates-General (DGs) of the Commission in defining and coordinating the implementation of the Action Plan.

References

1. European Council

Conclusions of the European Council (23/24 June 2011) EUCO 23/1/11 REV 1, p. 13

2. Council

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22)

Recommendation on Roma equality inclusion and participation (OJ C 93, 19.3.2021, p. 1)

3. Commission

Communication “A Union of Equality: EU Roma strategic framework for equality, inclusion and participation” (COM(2020) 620 final)

4. European Parliament

European Parliament resolution of 5 October 2022 on the situation of Roma people living in settlements in the EU (2022/2662(RSP))

5. European Union Agency for Fundamental Rights (FRA)

"Roma in Ten European Countries," 2021

6. Other

CASE OF ORŠUŠ AND OTHERS v. CROATIA. European Court of Human Rights (ECHR)

Final report by Mr Alvaro Gil-Robles on the human rights situation of the Roma, Sinti and Travellers in Europe (15 February 2006)

Article 26 of the International Covenant on Civil and Political Rights

Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination

Articles 28 and 30 of the Convention on the Rights of the Child

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Articles 1 and 3 of the Convention against Discrimination in Education of 14 December 1960

FEANTSA Statement "The Housing Situation for Roma in the EU Remains Difficult"

7. Council of Europe

Recommendation No R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe (adopted on 3 February 2000) and its appendix

Recommendation CM/Rec (2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe (adopted on 17 June 2009)

Recommendation No 1203 (1993) of the Parliamentary Assembly of the Council of Europe on Gypsies in Europe

Recommendation No 1557 (2002) of the Parliamentary Assembly of the Council of Europe on the legal situation of the Roma in Europe
