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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Draft Council Conclusions on Measures to ensure equal access for Roma to adequate and desegregated housing, and to address segregated settlements - Approval

1. The Presidency has prepared a set of draft Council Conclusions on "Measures to ensure equal access for Roma to adequate and desegregated housing, and to address segregated settlements."
2. The Conclusions were examined by members of the Working Party on Social Questions on 10 July, 4 September and 18 September 2023.
3. An agreement in principle has been reached on the draft text as set out in the Annex to this note.
4. The Permanent Representatives Committee is invited to forward the draft Conclusions in the Annex to this note to the EPSCO Council for approval at its session on 9 October 2023.

Measures to ensure equal access for Roma¹ to adequate and desegregated housing, and to address segregated settlements²

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.

¹ Acknowledging the diversity that exists among Roma, the term 'Roma' is used as an umbrella term to refer to a number of different groups of Romani origin such as Roma, Sinti, Kale, Gypsies, Romanichels and Boyash/Rudari. It also encompasses groups such as Ashkali, Egyptians, Eastern groups (including Dom, Lom, Rom, and Abdal), as well as traveller populations, including ethnic Travellers, Yenish or those designated under the administrative term 'Gens du voyage', and people who identify themselves as Gypsies, Tsiganes or Tziganes, without denying the specific characteristics of those groups.

² For the purpose of the present Council Conclusions, "segregated settlements" are slums and substandard housing settlements of an informal and stable nature, with physical, functional and/or social isolation, where the objective conditions related to housing, poverty and access to rights and public services are significantly worse as compared to the rest of the population.

4. Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law,³ 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.
5. Directive 2020/2184 of the European Parliament and of the Council on the quality of water intended for human consumption, which states that all Member States shall take the necessary measures to improve or maintain access to water intended for human consumption for all, in particular for vulnerable and marginalised groups.
6. In its Recommendation on Roma equality, inclusion and participation (2021), the Council urged the Member States to strengthen efforts to improve the social and economic integration of Roma.
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 Pillar 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. Principle 20 of the Pillar 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.

³ OJ L 328, 6.12.2008, p. 55.

8. The European Parliament's resolutions regarding the Roma people;⁴ including in particular its Resolution on the situation of Roma people living in settlements in the EU (2022).
9. The Commission's communication entitled "A Union of equality: EU anti-racism action plan 2020-2025".
10. The Commission's communication entitled "A Union of equality: EU Roma strategic framework for equality, inclusion and participation" and in particular its headline objective 7: "Increase effective equal access to adequate desegregated housing and essential services".
11. The Commission's communication entitled "A Union of equality: Gender Equality Strategy 2020-2025," which points out that women may face "discrimination based on several personal characteristics". Roma women, in particular, may face discrimination on the grounds of their sex as well as of their racial or ethnic origin.
12. The Lisbon Declaration on the European Platform on Combatting Homelessness, signed by representatives of EU institutions, of Member States, of the European Economic and Social Committee, of the European Committee of the Regions and of civil society on 21 June 2021, and promoting policies based on a person-centred, housing-led and integrated approach.
13. 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.
14. The United Nations 2030 Agenda for Sustainable Development, and especially Sustainable Development Goals (SDGs) 1 ("No Poverty"), 10 ("Reduced Inequalities") and 11 ("Sustainable Cities and Communities").

⁴ 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.

RECOGNISING THAT:

15. Poverty and social exclusion, as well as other 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 groups in vulnerable situations, including Roma, and the rest of the population in a number of Member States to remain virtually unchanged in recent years.
16. According to recent research by the European Union Agency for Fundamental Rights (FRA) that focused on ten European countries, 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.⁵ An earlier FRA survey carried out in six additional Member States in 2019⁶ showed a similar pattern of discrepancy in terms of the housing deprivation experienced by Roma and non-Roma.
17. Data are compiled within national contexts, in line with national constitutional and legislative requirements as well as political and ethical considerations, for the purpose of analysing public policies addressing the multiple forms of discrimination and other issues affecting the Roma population, including housing exclusion. However, such data are not always sufficiently well-defined and do not always fully reflect the current situation on the ground in the different Member States.

⁵ FRA, *Roma in 10 European Countries* (2022). (The report covers the following Member States: Bulgaria, Croatia, Czechia, Greece, Hungary, Italy, Portugal, Romania, Slovakia and Spain.)

⁶ [FRA, *Roma and Travellers in six countries* \(2020\)](#). (The report covers the following Member States: Belgium, France, Ireland, the Netherlands and Sweden, as well as the former Member State the United Kingdom.)

18. 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 should guarantee these values for all people, including Roma.
19. The full and active participation and inclusion of Roma in society and measures fight against discrimination significantly ease the challenges related to their housing situation, including problems stemming from prejudice on the part of the rest of the population. Ensuring equal and effective access to employment and to universal services such as education and training, social protection and healthcare is a key priority in this regard.
20. “Antigypsyism” is an unusually prevalent form of racism, which has its origins in how mainstream society views and treats those considered as ‘gypsies’ in a process of historical ‘othering’, which builds on stereotypes and negative attitudes that may sometimes be unintentional or unconscious. The Member States of the European Union have all recognised antigypsyism as a barrier to inclusion, and hence the importance of tackling it.⁷
21. 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.
22. The segregation of Roma communities is sometimes exacerbated by the phenomenon known as “gentrification”, which can cause low-income individuals and families to leave areas where property values increase significantly.

⁷ Council Recommendation on Roma equality, inclusion and participation (2021), paragraph 2.

CONSIDERING THAT:

23. A number of Roma encounter difficulties in accessing adequate housing, due to reasons such as social and economic vulnerability or discrimination in access to housing, which confines many members of this community to sub-standard housing in segregated settlements. The quality of housing has a significant direct impact on the living conditions, life chances, access to education and general equality of opportunities for Roma, particularly children. Equal access to adequate housing is a prerequisite for the full enjoyment of fundamental rights, as well as for a dignified life. When implementing housing policies for Roma, the relevant human rights framework needs to be respected.
24. The obstacles that Roma people often encounter when seeking access to adequate housing reinforces the vicious circle of intergenerational poverty and violations of human rights. This limits life expectancy and impedes social cohesion.
25. 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 in a number of Member States. It is therefore important to redress these inequalities and ensure access to adequate housing for Roma communities.
26. EU financial instruments, together with national, regional and local sources of funding, should be used as appropriate to improve housing conditions and to support the eradication of housing segregation stemming from discrimination or poverty and social exclusion in the European Union. In order to achieve these goals, it is important to initiate and implement programmes focused on addressing inadequate housing, and on other social and economic challenges faced by Roma.
27. Achieving effective results requires close cooperation between the various stakeholders, each contributing expertise in their area of competence, particularly at local level, where appropriate.

28. It is important to ensure the consultation and involvement of members of Roma communities and pro-Roma civil society in the design and implementation of all policies aimed specifically at combatting housing segregation and discrimination against Roma.
29. Transnational cooperation and mutual learning are essential to the process of eradicating housing segregation against Roma, including in order to improve housing conditions for nomadic Roma in Member States where these communities exist, as well as EU-mobile Roma who take up seasonal or short-term employment opportunities.
30. 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, in accordance with their national competences and circumstances, TO:

31. In accordance with their respective national Roma strategies, take concrete measures to improve the housing situation of Roma and to eradicate housing segregation where segregated Roma settlements exist. Various financial tools are available for this purpose, including ESF+, ERDF and rural development programmes at the national and regional levels, as well as instruments and initiatives under NextGenerationEU and InvestEU. It is important to ensure effective complementarity in the use of various funding sources.

32. Dedicate adequate financial resources to establish, maintain or improve infrastructure as necessary in disadvantaged neighbourhoods in terms of essential services such as transport, water and 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, while considering the use of innovative, digital and green technologies. All interventions should be accompanied by active desegregation measures.
33. Where Roma face difficulties when seeking to benefit from universal housing policies, implement housing initiatives for vulnerable Roma communities, as well as for other vulnerable communities, and include safeguards and inclusivity criteria within national Roma inclusion strategies.
34. Offer information and training on equal treatment and combating antigypsyism and discrimination to relevant staff in housing services and in other sectors such as social services, education, employment and health services, and in local administrations.
35. 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.
36. Identify available EU, national, regional and local financial resources to support the eradication of housing segregation affecting Roma.

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

37. Continue using the EU Roma Strategic Framework Portfolio of Indicators⁸ and pursuing the fulfilment of the EU level targets set out in the Framework, including, where relevant, quantitative and/or qualitative targets in their National Roma Strategic Frameworks. The indicators may be disaggregated, inter alia, by sex, age and dependency or disability status, among other criteria, and defined together with relevant actors, including Roma representatives, in order to contribute to the systematic monitoring of the implementation of the National Roma Strategic Frameworks and the eradication of housing segregation affecting Roma.
38. Support and empower Roma civil society in accessing EU national, regional and local financial resources on an equal footing with other stakeholders, 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.
39. Ensure, in accordance with the applicable rules, the effective monitoring of spending programmes and instruments that aim to foster the desegregation of Roma communities.
40. Support the effective functioning of national Roma contact points and their involvement in policy-making at all levels, including as regards housing.

⁸ See Council Recommendation on Roma equality, inclusion and participation (2021), paragraph 38 and Commission's Communication "A Union of equality: EU Roma strategic framework for equality, inclusion and participation" (2020), Annex 2.

INVITES THE COMMISSION TO:

41. Support Member States in their efforts to address the problem of housing segregation and deprivation, where they exist, in line with the Council Recommendation on Roma equality inclusion and participation (2021) and, where relevant, consider the "European Parliament resolution on the situation of Roma people living in settlements in the EU", as well as the 2020-2030 EU Roma strategic framework for equality, inclusion and participation, including by considering and duly supporting implementation of EU funds invested in housing and infrastructure.
42. Foster concrete actions to guarantee 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 and human trafficking.
43. Foster transnational cooperation and the sharing of good practice between Member States.

References

1. European Council

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

2. EU Legislation

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)

Directive 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1.)

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. (OJ L 328, 6.12.2008, p 55.)

3. Council

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

4. Commission

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

Annex II to the Communication from the Commission to the European Parliament and the Council – Portfolio of indicators

Communication “A Union of Equality: Gender Equality Strategy 2020-2025” (6678/20)

5. European Parliament

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

6. Committee of the Regions

Opinion of the Committee of Regions: A Union of Equality: EU Roma strategic framework for equality, inclusion and participation, 2021

7. European Union Agency for Fundamental Rights (FRA)

Roma in Ten European Countries, 2022.

Roma and Travellers in six countries, 2020

8. Other

The Lisbon Declaration on the European Platform on Combatting Homelessness (21 June 2021)

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"

9. 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