

## EQUINET'S WORK FOR THE RIGHTS OF ROMA PEOPLE

### AN EQUINET FACTSHEET

Equinet is the European Network of National Equality Bodies currently counting 33 members in 28 European countries. Equinet aims to provide a platform for its members, facilitating peer learning, enhancing the capacity of national equality bodies, identifying and communicating the learning from the work of these public bodies to all stakeholders at EU and national level.

National equality bodies, based on their mandate, expertise and experience in the field, play a key role in improving the situation of Roma people by challenging the inequality and social exclusion they face.

This factsheet was produced by Equinet with its members experienced in work on Roma issues in order to encourage and inform the participation of national equality bodies in the development, implementation and monitoring of the National Roma Integration Strategies in their Member States.

A municipality in Slovakia was hiring a person for the position of field social worker. The position was created with the financial support of the Social Development Fund that specifically mentioned Roma origin and the knowledge of Romani language as advantages for the position. However, the municipality failed to publish these special criteria in its advertisement.

An unsuccessful Roma candidate felt discriminated against because she had higher education and better work experiences with Roma communities than the successful candidate. The **Slovak National Centre for Human Rights** decided to bring a case against the municipality for race discrimination in the field of employment.

In the field of healthcare the **Hungarian Equal Treatment Authority** has received a number of complaints regarding the issue of intolerably longer waiting periods and waiting lists for patients of Roma origin. The Authority has investigated the complaints and succeeded in reaching friendly settlements in a number of cases.

### **National Equality Bodies**

National equality bodies are public administration structures set up in all EU Member States pursuant to the requirements of the EU anti-discrimination directives and in particular to the EU Race Equality Directive (Directive 2000/43/EC). This directive requires European Member States to develop legal instruments and take measures that facilitate access to effective redress for individuals when their rights are violated. Thirty out of thirty-three Equinet member equality bodies have a clear mandate to deal with discrimination against Roma people and to:

- *provide independent assistance to victims of discrimination in pursuing their complaints*
- *conduct independent surveys concerning discrimination*
- *publish independent reports and make recommendations on any issue relating to such discrimination*

In view of this, national equality bodies, as independently functioning national public administration bodies, are key actors in

securing and strengthening the rights of Roma to equality, non-discrimination and other human rights.

In the Netherlands some elementary schools in a certain municipality have concluded an agreement to spread pupils from local Roma and Sinti communities over the different schools. The alleged goal of this agreement was the integration of these pupils and maintaining the quality of education.

The **Dutch Equal Treatment Commission** in its opinion established that this case constituted direct discrimination (and therefore with no possibility for objective justification) on the ground of ethnic origin as the agreement was only applicable to Roma and Sinti pupils. The Commission went on to clarify that even if objective justification was possible, the goal of integration cannot justify discrimination.

In Belgium, a group of Roma people who were refused entry in a dance club contacted the **Belgian Centre for Equal Opportunities and Opposition to Racism** for help.

The Centre contacted the owner of the dance club asking for information about the case and laying out the relevant legal framework. Following this intervention of the equality body, the dance club granted entry to the group of Roma upon their next attempt to visit the establishment.

## Action against discrimination of Roma in the EU

Roma people in the European Union and beyond are strongly affected by discrimination and counted amongst the most disadvantaged minority groups. They face discrimination, prejudice, poverty and social exclusion affecting their daily lives. At the same time, as Equinet has pointed out in its recent Opinion<sup>1</sup> on the topic, the specific culture and socio-economic status of the

Roma population, the institutional nature of their discrimination as well as political and popular hostility makes addressing these problems even more complicated and challenging. An understanding of Roma living conditions and greater participation and influence by Roma is a prerequisite for identifying measures that can lead to positive changes.

In the spring of 2011 the EPSCO Council and the European Council endorsed the EU Framework for National Roma Integration Strategies up to 2020<sup>2</sup>, proposed by the European Commission. The document outlines the importance of ensuring Roma are not discriminated against and have equal access to all fundamental rights in order to improve their situation. It also highlights that action is needed to counteract the vicious cycle of generational poverty that moves from one generation to the next.

The document sets out the following specific **goals** for Roma inclusion:

- **Access to education:** Ensure that all Roma children complete at least primary school
- **Access to employment:** Cut the employment gap between Roma and the rest of the population
- **Access to health:** Reduce the gap in health status between the Roma and the rest of the population
- **Access to housing and essential services:** Close the gap between the share of Roma with access to housing and to public utilities and that of the rest of the population

<sup>1</sup> Making equality legislation work for Roma and Travellers, Equinet, 2010

<sup>2</sup> [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

The document employs a strong **horizontal anti-discrimination approach** requiring Member States to provide full and equal access to education, employment, health, housing and all fundamental rights to Roma people without any discrimination.

To ensure that effective policies are in place in the Member States, a monitoring system and National Roma Integration Strategies will be developed or, where they already exist, adapted to meet the EU Roma integration goals, with targeted actions and sufficient funding to deliver them. **Member States will have to submit their National Roma Integration Strategies by the end of 2011.**

The **Swedish Equality Ombudsman** has developed a mutual education strategy in order to better address problems faced by Roma. This dialogue involved education seminars for Roma about the existing legislative protection against discrimination. At the same time the dialogue has benefited the Ombudsman and their staff enhancing their knowledge base concerning the Roma. This approach has assisted the Ombudsman in understanding and dealing with the complaints from Roma women and men that often involve complex situations. Implementation of this method by the Ombudsman has led to a positive conclusion concerning an increasing number of complaints, either through settlements or court cases.

The **Hungarian Ombudsman for National and Ethnic Minorities** travels regularly for a number of days to some very deprived areas of the country, where – in co-operation with local Roma self-governments – they provide counselling and gather complaints from people who would probably otherwise not be able to ask for their help. On these occasions, the Ombudsman also organises a meeting with all minority stakeholders and representatives in the given area.

## The capacity and potential of equality bodies

National equality bodies are key Member State institutions dedicated to the task of promoting equality and to drawing attention to and tackling the discriminatory structures that prevent Roma from enjoying their rights. Therefore, equality bodies have a unique potential and a vital role to play in tackling the discrimination and social exclusion experienced by many Roma people.

- **Experience and expertise:** Equality bodies are centres for excellence on equality issues. They possess a distinct expertise and a constantly growing body of experience on addressing discrimination and social exclusion of Roma. This experience and expertise is reflected in reports, awareness raising materials and good practice guides of equality bodies as well as in their expert advice to policy makers and legislators on equality issues.
- **Independence:** Equality bodies are independent from the government. This independence guarantees the effectiveness and the neutrality of national equality bodies and creates an atmosphere of mutual trust when dealing with Roma people and their organisations.
- **Providing a safe space for Roma people:** Equality bodies are distinct from other parts of the public administration. They contain experience and expertise on how discrimination prevents the access of Roma to human rights. Many Roma experiencing discrimination and social exclusion still display a considerable lack of trust in authorities,

but are more likely to turn to an equality body to assert their rights.

- **Partnership with Roma communities and NGOs:** Equality bodies have developed close and fruitful relationships with Roma communities and their organisations. This invaluable asset provides equality bodies with access to first-hand information essential to successfully develop, implement and monitor National Roma Integration Strategies.
- **Awareness raising and training:** Equality bodies play an important role in providing courses designed to improve Roma's understanding of the protection against discrimination, their human rights and the available remedies. The human rights training and awareness raising material of equality bodies developed for and together with Roma represent a valuable asset in making National Roma Integration Strategies effective. National equality bodies also play a crucial role in stimulating social change, promoting a more diverse and equal society in which Roma fully enjoy their human rights.
- **Guidance to employers and service providers:** Equality bodies have potential and experience in developing a good cooperation with duty-bearers in order to promote equality and help these organisations develop anti-discrimination policies and practices accommodating diversity and securing equality for all. Guidance on equality, good practice sharing, training and practical information to employers and service providers are effective tools used by equality bodies in this regard.

- **Strategic litigation:** Most equality bodies have a strong mandate to assist individuals facing discrimination by way of supporting litigation or delivering decisions on discrimination cases. Taking a strategic approach to litigation serves to highlight and confirm the existence of discrimination against Roma. This also confirms the idea that the majority society demands accountability when rights are violated. These cases not only provide individual redress but also lead to lasting legal and societal changes that are indispensable in order to successfully reach the aims of the National Roma Integration Strategies.

The **Equality Commission for Northern Ireland** operates a specialized Promotion and Education Division that provides a wide range of information, guidance and advisory services to members of the public, employers and other key stakeholders. The Division also organizes training and publicity campaigns and it undertakes a range of special projects.

One of these special projects is the *Anti-Racist Workplace Week* which promotes good practice initiatives among enterprises to respond to cultural diversity and to create integrated workplaces. The main focus of the week is to raise awareness around the issue of racism in the workplace and to encourage employers and trade unionists to develop strategies to achieve equality of opportunity in a culturally diverse workforce. The project has a particular focus on Travellers.

The **Hungarian Ombudsman for National and Ethnic Minorities** has concluded several cooperation agreements with academic institutions, such as the Corvinus University in Budapest, whereby the Ombudsman and his colleagues give lectures in a university program on equality and minority rights. This collaboration ensures that the Ombudsman has a strong impact in the formation of young generations by sharing his experiences, good practice examples and promoting a culture of equality for Roma and other ethnic minorities.



## **Roles for national equality bodies under the National Roma Integration Strategies**

National equality bodies have the potential, experience and expertise to play a major role in the development, implementation and monitoring of National Roma Integration Strategies. In particular, they can usefully provide advice, build a knowledge base and take part in the monitoring of the strategies in their Member States.

**Advisory role:** Equality bodies, building on their expertise and existing collaboration with Roma, can ensure the adoption and implementation of effective policies and thereby help to improve the lives of Roma in Europe.

**Building a knowledge base:** Equality bodies knowledge base, deriving from their reports, statistical data and case handling, is valuable in order to combat the discrimination of Roma and to inform the regular follow-up activities of the National Roma Integration Strategies.

**Monitoring role:** Building on their experience and expertise, equality bodies can also be an important part of a robust monitoring system consisting of relevant expert organisations assessing the implementation of National Roma Integration Strategies and its effect on equality for Roma. The monitoring system needs to build strongly on equality bodies, utilising also the expertise and work of all other relevant governmental and non-governmental organizations.

The following two steps are instrumental in order to formulate robust and legitimate National Roma Integration Strategies and to ensure a long-term perspective on combating discrimination against Roma:

- **National equality bodies should, together with Roma, seek to make a contribution to the National Roma Integration Strategies in the planning as well as in the implementation and the monitoring phases.**
- **National governments and policy makers could usefully involve national equality bodies in the planning, implementation and monitoring of National Roma Integration Strategies in order to capitalise on their unique potential as well as their expertise and experience in the field. National equality bodies need to be independent and sufficiently empowered to effectively assume this role.**