



# **Improving access to housing for Roma: Good local practices, funding and legislation**

## **Working Group 1: Practical application of anti-discrimination legislation**

**Prague**

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# ● Difficulties in dealing with Roma housing cases

- ✚ the structural nature of the problem
- ✚ the weaknesses of individual based approach



- ✚ The need for a strategic/systemic approach

# The Greek Ombudsman's strategic plan on Roma

## Focus on:

- ✎ practices that sustain Roma invisibility
- ✎ Roma housing

## Starting point of the investigations:

- ✎ Individual complaints
- ✎ Ex officio interventions

## Method:

- ✎ Regular visits to camps
- ✎ Contacts/meetings with all actors involved in local and central level

## Findings

## Recommendations

# Why focusing on housing:

- ✦ **Most of the complaints received are related to the inhuman and sub-standard living conditions of Roma and their right to adequate housing**
- ✦ **“Roma settlement” constitutes the epitome of the conjunction of two basic problems:**
  - that of social integration and
  - that of participation and enjoyment of rights.

**Thus, housing is the axis around which the aforementioned problems evolve.**

# The examination of complaints

**The main aim is to have direct intervention on the problems underlined by the complaints, but also systemic examination of the findings in order to put forward and evaluate:**

- ✎ **the current settlement conditions of the Roma in various regions;**
- ✎ **the particular manner in which various types of settlement are connected with specific problems of social exclusion, particularly with regard to health, employment, education, participation in public life;**
- ✎ **the response of the public administration and the legality and effectiveness of the handling of the problems, in the field of land use, town planning, the status of Roma on the municipal roll, welfare, and education.**



# Local authorities

- ✚ Their role according to the law
- ✚ Their role in national policies for Roma
- ✚ Their role in contributing to the creation of a culture of rights and equality

# The need to establish regular contact with Roma

Establishment of a communication and coordination network with regional civil society organizations and local authorities.

Aiming at:

- ✎ encouraging the mediation between the targeted population group and the Greek Ombudsman,
- ✎ the dissemination of critical information related to the assistance to victims of discrimination
- ✎ the gathering of information on the crucial problems faced by these groups;
- ✎ but, above all, the joint coordination of action for the participating bodies.

# The outcome of the plan

- ✎ Increase of the number of complaints
- ✎ Evidence based systematic public intervention on the issue

## Findings:

- ✎ Inhuman and sub-standard living conditions in camps are strongly related to the lack of participation of Roma citizens in mainstream social, financial and political life.
- ✎ The typology of the ways in which responsible authorities respond to and handle such problems, present the impact assessment of these practices, both from the point of view of their legality as well as from that of their effectiveness, demonstrating the institutional and regulatory deficit that contributes to the perpetuation of the problem.



# Barriers in developing the plan

- ✎ **Gain the trust of the Roma concerned, in order to cover the communication gap between them and the institutions which are competent for their protection**
- ✎ **fight misconceptions and prejudices from the part of public administration**
- ✎ **Resistance or unwillingness of the local authorities to co-operate effectively for the implementation of policies or positive measures for Roma.**
- ✎ **Reaction of other citizens residing in the area, where Roma settlements are established**
- ✎ **Failure of local and central administration to communicate a clear message of anti-discrimination stressing that the aim of policies targeting Roma is not to grant privileges but to correct structural inequalities stabilizing the opportunities and chances of Roma to those of other members of society.**

# Conclusions as regards legislation

- ✎ Existing legislation needs to explicitly address the systemic nature of the discrimination experienced by Roma.
- ✎ A serious number of Roma cases do not fall within the scope of the directives as incorporated in the national legal order (law 3304/2005). The relevant provisions are applied only in cases where the state is providing a service and not in all functions of the state.
- ✎ In this regard it is also important to introduce positive duties on the part of the state. It is a prerequisite in order to ensure substantial equality and to remove the obstacles hampering Roma access to fundamental rights. The eradication of discrimination and mainly of indirect discrimination necessitates not only the obligation to abstain from discriminatory actions and the provision of remedies but it also involves proactive actions to change discriminatory practices.

# Conclusions related to other key actors

- ✎ The resistance that housing policies for Roma have at several local societies and their poor outcomes are strongly related, to the unwillingness of local authorities to proceed to its effective implementation. This negative impact on the housing situation of Roma affects also their trust to the public authorities and their actions.
- ✎ In practice, states prefer to handle the Roma housing adopting national strategies, where the objectives are defined in a loose and abstract way. Despite the fact that Roma housing should be handled in a holistic way, it can be proven more effective to proceed to an ad hoc examination of the problems raised, taking into account the differences that appear even in different areas of the same country and focusing on specific solutions, addressing better the specific needs of the Roma group concerned, in each case. This approach can only be effective if it is followed by the necessary raise of awareness of the local society and the actual involvement of the local authorities and the persons concerned. By failing to take proper measures in this regard the social cohesion is at stake



# The anti-discrimination legislation

- ✦ **Until comprehensive rules are drafted to this effect, the judicial and administrative authorities can only resort to the Constitution and the European Convention on Human Rights and Fundamental Freedoms (ECHR) and interpret it in each case accordingly in combination with the principle of equal treatment (Law 3304/2005) so that the necessary regulatory orientation is made clearer and explicit.**
- ✦ **Equality Bodies have a crucial role in the further development of the existing legislation in order to be more effective in the fight against discrimination. Even if, they do not have sufficient regulations drafted in this regard, the legal interpretive activism and the strategic approach of the cases can be proven useful tools to put things forward.**