

Discrimination of Roma in housing and health



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International human rights law

EU Member States are bound by the provisions on equality and non-discrimination enshrined in international human rights law

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

EU human rights law

- European Convention on Human Rights (ECHR)
- European Social Charter (ESC)
- CoE recommendations and resolutions
- Treaty on the European Union (TEU) – Articles 2, 3
- Treaty on the Functioning of the EU (TFEU) – Articles 9, 10
- EU Charter of Fundamental Rights
 - Article 21 - Prohibits discrimination based on any ground, including ethnic origin
- Secondary EU law:
 - Council Directive 2000/43/EC – Race Equality Directive
 - Council Framework Decision 2008/913/JHA on racism and xenophobia

- Regarding discrimination in access to housing
 - Article 3 (3) TEU – combating social exclusion and promoting social justice and protection among the objectives of the EU
 - Article 34 (3) EU Charter –
 - housing assistance is recognised as a right, so as to ensure a decent existence for all those who lack sufficient resources;
 - access to basic sanitation an essential component of living a decent existence

- Regarding discrimination in access to health care
 - Article 9 TFEU – promoting high level of human health protection
 - Article 35 EU Charter – everyone has the right of access to preventive healthcare
 - Article 34 (1) EU Charter – social security and social services in cases such as maternity, illness, industrial accidents, dependency or old age
 - Racial Equality Directive – Article 3 (1)(e) – health care and social protection fall within the scope

Housing conditions have not significantly changed between 2011 and 2016

Indicator	2011	2016
Average number of rooms per person (excl. kitchens)	0.6	0.7
People living in HH without tap water inside the dwelling	29%	30%
People living in HH without a toilet, shower or bathroom inside the dwelling	36%	38%
People living in HH with electricity supply	92%	96%

Discrimination in access to Housing

Discrimination in access to housing continues to be a problem

- Respondents who felt discriminated against due to being Roma when looking for housing: 45% in 2011 → 41% in 2016
- Share of Roma experiencing discrimination in housing increased in a number of countries (CZ, ES, HR, PT)

- Identified need for
 - Measures to improve housing conditions through elimination of spatial segregation and promoting desegregation
 - Non-discriminatory access to social housing
 - Ensuring access to public utilities and infrastructure
 - Target Roma and other vulnerable groups in development and allocation of housing stock
 - Appropriate assistance and protection against force eviction (as a last resort, and strictly in line with international standards)

- Roma who assessed their health as “very good” or “good” increased from 55% in 2011 to 68% 2016; on average similar to general population
 - Some gaps between Roma women and men
- Respondents (16+) with medical insurance coverage: 78% in 2011 → 74% in 2016

Discrimination in access to health care

- Identified need for
 - improving access to health services through lowering physical as well as intangible barriers such as discrimination
 - awareness raising regarding all citizens' rights to health care
 - improving healthcare professionals' awareness of duty to non-discrimination
 - increased focus on ensuring preventive health care in particular for women, children, older people, persons with disabilities → pre- and post-natal care; family planning; immunisation (particularly linked to housing and sanitation conditions)

Reporting discrimination

- **Awareness of organisations offering support or advice**
 - 71% of all minorities are not aware of any organisation that offers support or advice to discrimination victims (85% among Roma)
 - 38% are aware of any equality body (29% among Roma)
 - 67% aware of law prohibiting discrimination on the basis of skin color, ethnic origin or religion (36% among Roma)
 - On average 12% Roma who felt discriminated because of Roma background reported the incident to an authority
- **Role of equality bodies**
 - Law enforcement could work together with equality bodies to reach out to Roma to feel confident in reporting incidents of hate crime and discriminatory treatment, including discriminatory ethnic profiling

Applying the EU Charter of Fundamental Rights



- *“The duty of the Member States to respect the Charter exists as a necessary corollary of the EU’s fundamental rights obligations. It complements human rights obligations that Member States have under their own constitutions and under international human rights treaties.”*
- National courts can apply the Charter
- Violating Charter rights can lead to infringement procedure
- Check in which situations and whether the Charter applies

Thank you for your attention!

Questions? Comments?

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