



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



**OSCE**  
Organization for Security and Co-operation in Europe  
High Commissioner on National Minorities

18 May 2009

## **Protecting freedom of movement and human rights of Roma**

**Joint CHR, FRA and OSCE Preparatory Working Seminar for  
a Conference on Roma freedom of movement and migration**

**9 July 2009**

**Council of Europe, Strasbourg**

**Draft Agenda**

## Meeting place

Council of Europe  
Agora Buiding, Room G5  
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**General information note:**  
**Given the brainstorming nature of the seminar, all possible efforts will be made so that all participants will be able to take the floor and provide their input.**

## Thursday 9 July 2009

8:30-9:00: Registration

9:00-9:15: Welcome and information on Joint Action of CHR, FRA and OSCE on Roma freedom of movement and migration

<b>Morning session</b>
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**Moderator:** Nikos Sitaropoulos, *Office of the Commissioner for Human Rights*

9:15-11:00: **Causes of migration, freedom of movement and settlement of Roma – An overview of European standards and concerns**

**Michel Villan, Directeur, Direction de l'intégration des personnes étrangères et de l'égalité des chances, Service public de Wallonie (CDMG member) : Council of Europe hard and soft law on migration relevant to Roma (10 mins)**

**Gabriel Toggenburg, FRA: EU Freedom of movement as a fundamental right within the EU (10 mins)**

**Questions to kick-off discussion:**

- What are the factors that trigger Roma migration / exercise of freedom of movement in Europe?
- 1977 European Convention on the Legal Status of Migrant Workers – What are its potentials in the current European migration landscape?
- Are existing European standards complementary?
- Is there a need for more synergy and additional mechanisms of coordination between the three international players (CoE, EU, OSCE) regarding Roma policies?
- What are the specific problems encountered by Roma during settlement and when applying for citizenship? What is the role that lack of documentation (including *de facto* or *de iure* statelessness) plays in this regard?
- Is EU law in compliance with international and European human rights law? Are there any implementation deficits with regard to Directive 2004/38/EC that are of special relevance for Roma? Is there a need for analytical studies to monitor the impact of these standards?

11:00-11:15: Coffee Break

11:15-12:30: **Thematic focus: Access to justice and awareness of rights**

**Panayotis Voyatzis, Registry of the European Court of Human Rights: Access to justice for Roma – A view through the ECtHR case law concerning Roma (10 mins)**

**Olga Demian, ERRC: The experience and contribution of ERRC litigation – lessons learnt (10 mins) (tbc)**

**Michail Beis, FRA: Findings of FRA studies on awareness of rights/ access to justice (10 mins)**

**Questions to kick-off discussion:**

- What is the influence of the relevant European Social Charter, ECHR and EU standards and how can they be streamlined and implemented in European states today?
- 1977 European Convention on the Legal Status of Migrant Workers – What are its potentials in current European migration landscape?

- How access to justice (including legal aid) and protection against expulsion are guaranteed? Are there any effective procedural safeguards and administrative redress procedures in place for the persons concerned?
- How to remove structural barriers that especially prevent the Roma communities from accessing justice – what is the role and potentials of expert NGOs at national level?

12:30-14:00: Lunch

<b>Afternoon Session</b> <b>European country practice and case studies</b>
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**Moderator:** Eva Sobotka, *Fundamental Rights Agency*

14:00-15:30: **Thematic focus: Housing and employment**

**Gioia Scappucci, European Social Charter Secretariat: Country-based case law of the European Committee of Social Rights (10 mins)**

**Michael Guet, Roma and access to housing (10 mins) (tbc)**

**Claude Cahn, independent expert: Findings of CHR - OSCE HCNM study on recent migration of Roma in Europe (10 mins) (tbc)**

**Tara Bedard, Preliminary findings of FRA study on freedom of movement of Roma in the EU (10 mins)**

**Questions to kick-off discussion:**

- What is the influence of the relevant European Social Charter, ECHR and EU standards and how can they be streamlined and implemented in European states today?
- 1977 European Convention on the Legal Status of Migrant Workers – What are its potentials in current European migration landscape?
- Do European States provide any social assistance and housing/ employment services?
- Are there special information campaigns taking the specific situation of Roma into account?

15:30-15:45: Coffee Break

15:45-17:15: **Thematic focus: Education and health care**

**Moderator:** Gabriel Toggenburg, *Fundamental Rights Agency*

**Stéphanie Marsal, FCNM Secretariat: Access to education and to health care for Roma – Experience and standards of the FCNM (10 minutes)**

**Teresa Sorde Marti, Autonomous University of Barcelona: Other major findings of research in Roma education (10 mins)**

**Tara Bedard, Preliminary findings of FRA study on freedom of movement of Roma in the EU (10 mins)**

**Questions to kick-off discussion:**

- What is the influence of the relevant European Social Charter, ECHR and EU standards and how can they be streamlined and implemented in European states today?
- Special issues on Roma education: “special schools” and pre-school education
- Do European States grant maintenance aid for studies including vocational training, student grants or student loans? Do States grant healthcare services?

- Access to education of Roma, when moving in Europe.
- What is the role today of specialized CoE treaties such as the 1953 European Convention on Social and Medical Assistance and the 1972 European Convention on Social Security?

17:15-17:45: **Conclusions of the Seminar**

**On Friday 10 July 2009 from 9:00 to 13:00 there will be a closed session for CoE, FRA and OSCE to discuss issues relating to the preparation of the November Conference in Vienna**

Proposed items:

- structure
- level of participation
- budget
- key messages for policy makers
- key messages for the media
- media element of the conference
- participants of the Conference and networking element
- division of tasks and responsibilities (invitation letter, agenda, releases etc.)