

Strasbourg, 31 March 2010

MG-S-ROM (2010) 13

COMMITTEE OF EXPERTS ON ROMA AND TRAVELLERS
(MG-S-ROM)

29th meeting

25-26 March 2010

Room G02, Agora building

Council of Europe, Strasbourg

LIST OF DECISIONS

Introduction

1. The Committee of Experts on Roma and Travellers (MG-S-ROM) held its 29th meeting in Strasbourg on 25-26 March 2010.
2. The Committee proceeded in camera with the elections of its new Board. Ms. Louiza Kyriakaki (Greece) was elected Chair, while Mr. Dezideriu Gergely (Romania) and Mr. Petar Antić (Serbia) were elected 1st and 2nd Vice-Chairs respectively.

Agenda and last meeting report

3. The agenda, as adopted by the Committee [MG-S-ROM(2010)2], appears in Appendix I.
4. The meeting report of the 28th meeting [document MG-S-ROM(2009)12] and its Addendum [MG-S-ROM(2009)12 Add - written contributions submitted at the 28th MG-S-ROM meeting] were adopted with the amendments proposed by the Greek Rom Inter-Municipal Network (concerning paragraph 54 of the meeting report and the presentation in the Addendum).

5. An abridged meeting report of the 29th meeting, including the list of participants and an addendum with all written contributions, will be soon made available by the Secretariat [document MG-S-ROM (2010)14].

Terms of Reference

6. The Committee adopted new proposed Terms of Reference [see document MG-S-ROM (2010)7 prov in Appendix II]. The amendments consist in extending the current Terms of Reference for 2 years (until 31 December 2012) and the inclusion of Austria, Estonia, Latvia and Moldova in the list of reimbursed countries by the Council of Europe budget, as requested by those delegations.

Employment

7. The Committee took note of the presentation made by the World Bank on the economic costs of Roma social exclusion, as well as of the draft implementation report of CM Recommendation (2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe presented by Ms. Louiza Kyriakaki (Greece). The Secretariat distributed the document MG-S-ROM (2010)3 prov containing contributions received from 16 country members so far, as well as the initial draft report prepared by Ms. Louiza Kyriakaki (Greece).

8. The Committee decided to fix the final deadline for submitting a short paragraph on good practices concerning Roma employment to **1 April 2010**. The Secretariat will circulate to the Committee the draft final implementation report prepared by Ms. Kyriakaki by mid-April. The Committee, including international observers, will have the possibility to comment on this final draft until 30 April 2010. After this date, the report will be considered as final.

Policies towards Roma and Travellers

9. Ms. Isild Heurtin from the Secretariat of the Parliamentary Assembly introduced Mr. József Berényi's Report on the Situation of Roma in Europe and relevant activities of the Council of Europe" to be adopted in plenary in April 2010.

10. Mrs. Aline Usanase from the Secretariat of ECRI, informed the Committee about developments concerning the drafting of a General Policy Recommendation on Anti-Gypsyism. The first drafting group meeting took place in March.

11. The Committee took note of presentations of national policies for Roma made by Austria, Estonia, the Russian Federation and Turkey. A summary of all these presentations will be included in the abridged meeting report.

12. Slovenia requested to present the newly adopted National Programme of Measures for Roma for the period 2010-2015 at the next meeting. It was also agreed that Moldova will make a presentation concerning the Roma policy in this country at the next meeting.

13. Mr. Nicolae Radița (Moldova) proposed that the Committee should consider in its future work drafting an opinion on the implementation of CM Recommendation (2008)5 on Policies towards Roma and/or Travellers in Europe, and in particular the harmonisation of such policies in Europe. The Secretariat proposed to present a document at the next meeting highlighting the existing national programmes, strategies or action plans for Roma and/or Travellers existing in member states, the thematic chapters covered by these programmes, as well as the monitoring and financing procedures and the mechanism of adoption of such a

document. On the basis of this information, the Committee should decide at its next meeting whether an Opinion should be drafted.

Roma migration and freedom of movement

14. On behalf of the Forum of European Roma Young People (FERYP) the Secretariat informed the Committee about the conclusions of the FERYP Conference of Roma migrants held in Valencia, Spain, on “Roma migration – challenges, opportunities and the youth perspective” and of FERYP’s proposal for co-operation with member states and international organisations, in particular the organisation of training sessions for youth migrants.

15. Mr. Igor Cvetkovski representing IOM, and who attended the Valencia conference, responded in favour of such a co-operation. He also made a presentation on the public perception, as well as on the self-identification of the “Roma migrant”, and the consequences that such perceptions entailed.

16. Ms. Eva Sobotka from the Fundamental Rights Agency (FRA) of the European Union and Ms. Mirjam Karoly from the OSCE-ODIHR, informed the Committee about the outcome and follow-up of the joint FRA/CoE/OSCE Conference on Roma migration and freedom of movement held in Vienna on 9-10 November 2009 and of the joint Council of Europe HRC/OSCE-HCNM study entitled “Recent Migration of Roma in Europe”.

17. The Chair proposed that the Committee drafts an opinion on Roma migration and freedom of Roma in Europe on the basis of the proposed recommendations distributed by the Council of Europe Roma and Travellers Division at the Vienna Conference and also taking into consideration the conclusions of this Conference. In that context, Mrs. Eva Sobotka from FRA proposed to introduce the conclusions of the Vienna Conference at the next meeting. These proposals were accepted by the Committee.

Return of Roma to Kosovo¹ and to South Eastern Europe

18. Mr. Andreas Wissner, Senior Legal officer of the UNHCR headquarters in Geneva, presented in details the UNHCR eligibility guidelines for assessing the international protection needs of individuals from Kosovo, adopted on 9 November 2009. He also presented an overview on current issues related to returns to Kosovo, including figures about recorded forced returns to Kosovo between 2003 and 2009 and about forcibly returned minorities who typically have protection concerns.

19. The Secretariat indicated that a document prepared by Mr. Henry Scicluna, Council of Europe Co-ordinator for Roma and Traveller related activities, had been circulated and which presents the various positions taken by various Council of Europe bodies (the Parliamentary Assembly, the Office of the Commissioner for Human Rights and the MG-S-ROM itself) *vis-à-vis* the return of Roma to Kosovo [MG-S-ROM(2010)12]. The Secretariat also drew attention of the participants to the paper sent by Germany regarding their position on the return of Roma to Kosovo.

20. Ms. Mirjam Karoly, OSCE-ODIHR, reported about OSCE-ODIHR’s assessment visits to Serbia and Kosovo on IDPs and refugees. She confirmed that about twenty returnees ended up in Mitrovica lead-poisoned camps, including a few returnees from Germany.

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

21. Mr. Detlev Boeing from DG Enlargement of the European Commission informed the Committee about projects financially supported by the EU in Kosovo.
22. Details of all the presentations held will be included in the abridged meeting report.

Requests for asylum made by Roma

23. Mr. Carl Ekström from the Secretariat of the Parliamentary Assembly indicated that PACE member Mr. Pupovac, from Croatia, had been appointed rapporteur for a report on Roma asylum seekers in Council of Europe member states. Mr. Pupovac decided to visit Hungary, Kosovo and the European Commission in Brussels during the drafting process of this report. Mr. Ekström also presented the outline of a PACE report on Roma asylum and introduces Recommendation 1889 (2009) “Improving the quality and consistency of asylum decisions in the Council of Europe member states” (rapporteur: Mr. Boriss Čilevics, Latvia).

24. The Secretariat presented a draft MG-S-ROM Opinion on PACE Recommendation 1889(2009) as a response to the request made by the Secretariat of the Committee of Ministers. The draft prepared by Mr. Scicluna with the assistance of Mr. Ian Naysmith (United Kingdom) and the Secretariat, contains particular recommendations while reflecting individual country replies sent by Finland, Greece, Ireland and the United Kingdom to the Secretariat.

25. The Committee adopted the Opinion [MG-S-ROM(2010)11] taking into account amendments proposed by the 1st Vice-Chair, Mr. Dezideriu Gergely (Romania). The adopted Opinion is available in Appendix III².

26. Mrs. Mabea Kamberi (“the former Yugoslav Republic of Macedonia”) informed the Committee that the Government of “the former Yugoslav Republic of Macedonia” will organise in the context of their chairmanship of the Council of Europe a Conference on Roma ID and property issues and Roma asylum seekers in Skopje on 14-15 June 2010. Up to 20 member states will be invited, as well as relevant international organisations and experts, including PACE rapporteurs.

Presentation of the Roma-related work of the Commissioner for Human Rights.

27. Mrs. Isil Gachet, the Director of the Human Rights Commissioner presented an overview of recent statements, visits, country reports and viewpoints made by Commissioner Hammarberg related to the situation of Roma in Europe. The Secretariat circulated a document indicating web links to these documents [MG-S-ROM (2010)10].

28. Mrs. Isil Gachet underlined that Roma are high in the priorities of the Commissioner’s work and that issues concerning Roma are systematically addressed by the Commissioner, both through countries reports and in his contacts with member states. A summary of questions and answers that followed Mrs. Gachet’s presentation will be made available in the abridged meeting report.

Roma political participation

29. The Secretariat recalled that at its last meeting the Committee decided to prepare a draft Opinion on Roma political participation and representation in Council of Europe member states. The Secretariat informed the Committee about contributions received so far

² Following subsequent decision of the CDMG not to present any Opinion on PACE recommendation 1889 (2009) to the Secretariat of the Committee of Ministers, the sentence related to the support CDMG was deleted from the MG-S-ROM Opinion.

from MG-S-ROM and DH-MIN members on political participation and representation of Roma and Travellers [MG-S-ROM (2010)4 prov], and presented a new structure for the Overview document which takes into account information provided by member states for the Advisory Committee of the Framework Convention for the protection of national minorities or for the ECRI.

30. The Committee agreed with the new structure and tasked the Secretariat to present a complete country-by-country Overview at the next meeting. A draft will be circulated prior to the next meeting for comments, including to international organisations, FRA and OSCE-ODIHR in particular.

31. Mr. Nazif Memedi, Roma member of Croatian Parliament (Sabor) and Mrs. Viktória Mohácsi, former Hungarian Roma member of the European Parliament, both made a presentation about their experience as Roma involved in politics, either through Roma parties or through mainstream political parties. Mr. Memedi also referred to recent policy developments in Croatia while Mrs. Mohácsi referred to segregation still present in Hungarian school institutions.

32. The Secretariat invited the Committee to read the written statement sent by Mrs. Livia Jaroka, Hungarian Roma Member of the European Parliament which was very much focused on the current situation and challenges of Roma political participation in Europe.

33. The Vice-Chair, Mr. Petar Antić (Serbia), proposed to make a presentation at the next meeting on (Roma) National Councils.

Developments at the level of local and regional authorities

34. Mrs. Kostana Jovanovic, Chair of the NGO Roma Platform Netherlands and president of the NGO Roma Toekomst Liberta in Nieuwegein, presented the situation of Roma in The Netherlands. She particularly highlighted the lack of consultation and effective participation of Roma in policy developments and in the context of the Dutch Platform Roma municipalities.

35. Dhr. C.M. de Vos, Mayor of Nieuwegein, presented the Dutch Platform Roma municipalities, which he is chairing. The Platform was established at the end of 2008 and includes 12 Dutch municipalities. The Platform is based at the Association of Dutch Municipalities (VNG) in The Hague, composed of 431 municipalities. Mr. de Vos reiterated the position of the Dutch government, that Roma issues should be dealt at the local level and do not require a national policy framework but should be treated like any other citizens. Finally, within the discourse held on Roma rights, he placed great emphasis on Roma shared responsibility too.

36. The Secretariat and several Committee members reminded the recommendations addressed to the Dutch authorities following the 26th MG-S-ROM meeting in The Hague (5-6 November 2008), namely about the official recognition of Roma and Sinti as national minorities and the need to develop in The Netherlands a national policy for Roma, Sinti and Travellers, as is the case in more than 24 member states of the Council of Europe. Other members recalled that at international level affirmative action and targeted approach are not considered discriminatory. The Chair recalled CoE recommendations according to which Roma participation is a fundamental guiding principle for member states while implementing Roma targeted policies and called for greater participation of Roma at the local level and in particularly through the Dutch Platform Roma Municipalities.

37. Mr. Dominique Raimbourg presented the newly established Working Group of French Big Municipalities on Roma, which includes several big French cities. This Working Group

aims at bringing together cities and municipalities that wish to conduct a more pro-active policy for the Roma migrants, essentially coming from Romania, Bulgaria and ex-Yugoslavia. He recalled the position of France, very similar to the Dutch one, that French *Gens du voyage* are regarded as French citizens and not as a separate community or minority, concept that does exist in France.

38. A more detailed summary of the discussion will be presented in the Abridged meeting report.

39. Mr. Peter Jorna (The Netherlands) expressed his regrets that the Congress for Local and Regional Authorities was absent to this meeting since the invitations addressed to municipalities in Nantes and Nieuwegein were primarily made to engage a debate with the Congress on the role of local and regional authorities in implementing policies and in supporting the establishment of national and a European network of municipalities.

40. The Committee decided that the Chair will address a letter to the Congress for Local and Regional Authorities of the Council of Europe requesting its commitment on the Congress's representation in MG-S-ROM meetings in the future and also, urging the Congress to implement its Resolutions 16 (1995) and 44 (1997) regarding the establishment of a European network of municipalities. Having in mind the recent establishment of national networks of municipalities dealing with Roma and Travellers' issues in various member states, the Committee feels that time has come to re-address this European network as described in Resolutions 16 (1995) and 44 (1997). Following a proposal made by the Mayor of Nieuwegein, the letter to the Congress could refer to the UCLG (United Cities and Local Governments), based in Barcelona, as a possible future partner on this issue.

Gender issues

41. The Chair, Mrs Louiza Kyriakaki, and Mrs. Tsetsekou from the Roma and Travellers Division, both reported about the 2nd Romani Women's Conference held in Athens on 11-12 January 2010. Mrs. Tsetsekou announced that Finland already proposed to hold the next annual conference of Romani women in 2011, while Spain has proposed to organise a World Romani Women's conference that would include Romani women from Europe, Latin America and India.

42. Mrs. Eva Sobotka announced that in Cordoba, Spain, on 6-7 April, FRA will facilitate a meeting of Romani women's networks to discuss *inter alia* the follow-up of Athens Conference and future cooperation. The meeting will also serve as a preparation of a Romani women's statement for the 2nd EU Roma Summit (Cordoba, 8-9 April).

Roma holocaust/genocide (Samudaripen)

43. Mrs. Aurora Ailincăi, Council of Europe DG4 Education, presented the website devoted to the "Teaching of Roma genocide Samudaripen" (<http://www.romagenocide.org>) which is a joint CoE/OSZCE-ODIHR initiative. She thanked MG-S-ROM members who already sent their contributions to update information available on the country-based interactive map.

44. Mr. Igor Cvetkovski from IOM gave a PowerPoint presentation on IOM's seven-year programme to assist Roma Holocaust survivors, while Mr. Herbert Heuß from the *Zentralrat deutscher Roma und Sinti* informed participants about recent developments concerning the memorial for the Roma Holocaust in Germany. Other participants contributed to this agenda item. A summary of the interventions will be included in the abridged meeting report.

Recent developments and upcoming events

45. A summary of all interventions will be presented in the abridged meeting report. The full version of all presentations will be attached as an addendum to the abridged meeting report.

Adoption of the list of decisions

46. The Secretariat made an oral summary of all decisions adopted by the Committee, item by item. The list was approved by the Committee.

Dates and venue of the next meeting

47. Mrs. Małgorzata Różycka (Poland) invited the Committee to host its 30th meeting in Wroclaw, Poland, that will last four days: one day for a conference where the publication on the “40 years of Council of Europe action on Roma” will be presented and debated, a second day for a site visit and discussion with local actors, and finally followed by a two-day Committee meeting. Following consultation with other Committee members, the dates of 18-21 October have been accepted. The Secretariat reminded Committee members to send their short testimonials by the middle of May so that they can be included in the CoE publication.

Items on the agenda of the next meeting and experts to be invited

48. Having in mind the ERTF Statement for the 2nd Roma EU Summit in Cordoba calling inter alia for the recognition of Roma as a “pan-European national minority”, and referring to interesting debates in Oxford in January 2010 regarding minority vs. citizenship status, the Secretariat proposed to include a discussion on the status of Roma at its next meeting, or alternatively during the conference. The proposal was accepted by the Committee.

49. The Secretariat informed the Committee that Sweden would like to invite at the 30th MG-S-ROM meeting a representative of the Swedish Delegation for Roma issues. Mr. Sergey Tolkalin (Russian Federation) also proposed to invite Mr. Alexander Bariyev, President of the Federal National Cultural Autonomy of Russian Roma. Both proposals were accepted.

50. The Secretariat reminded that ERTF has a reserved seat in the MG-S-ROM meetings and thanked the ERTF delegate, Mr. Asmet Elezovski and other participants, for having spoken in the Romani language. The Secretariat also reminded participants that Mr. Jean-Pierre Liégeois who is currently drafting essential parts of the forthcoming CoE publication will also have to be among the experts to be invited at the next meeting.

APPENDIX I

Agenda

IN-CAMERA MEETING

- a) Election of a new Chair*
- b) Election of two Vice-Chairs*
- c) Working methods and future priorities*
- d) Adoption of proposed new Terms of Reference*

OPENING OF THE 29th MG-S-ROM MEETING

- I. ADOPTION OF THE AGENDA**
- II. EMPLOYMENT**
- III. POLICIES FOR ROMA, SINTI AND TRAVELLERS**
- IV. MIGRATION, FREEDOM OF MOVEMENT, RETURN AND ISSUES RELATED TO ASYLUM**
 - Sub-item 1: Roma migration and freedom of movement*
 - Sub-item 2: Return of Roma to Kosovo and to South Eastern Europe*
 - Sub-item 3: Requests for asylum made by Roma*
- V. PRESENTATION OF THE ROMA RELATED WORK OF THE COMMISSIONER FOR HUMAN RIGHTS**
- VI. ROMA POLITICAL PARTICIPATION**
- VII. DEVELOPMENTS AT THE LEVEL OF LOCAL AND REGIONAL AUTHORITIES**
- VIII. GENDER ISSUES**
- IX. ROMA HOLOCAUST/GENOCIDE (SAMUDARIPEN)**
- X. RECENT DEVELOPMENTS AND UPCOMING EVENTS**
- XI. ADOPTION OF THE LIST OF DECISIONS AND ARRANGEMENTS FOR THE NEXT MEETING**

APPENDIX II

MG-S-ROM (2010)7

COMMITTEE OF EXPERTS
ON ROMA AND TRAVELLERS
(MG-S-ROM)

Proposed new terms of reference

Adopted by the MG-S-ROM
at its 29th meeting in Strasbourg on 25-26 March 2010

TERMS OF REFERENCE

COMMITTEE OF EXPERTS ON ROMA AND TRAVELLERS

(MG-S-ROM)

1. **Name of committee:** COMMITTEE OF EXPERTS ON ROMA AND TRAVELLERS¹ (MG-S-ROM)
2. **Type of committee:** Committee of Experts
3. **Source of terms of reference:** Committee of Ministers, upon the suggestion of the European Committee on Migration (CDMG)

4. **Terms of reference:**

Having regard to:

- Resolution Res (2005) 47 on committees and subordinate bodies, their terms of reference and working methods;
- the Declaration and the Action Plan adopted at the Warsaw Summit [CM (2005)80 final 17 May 2005] where the member states “confirmed [their] commitment to combat all kinds of exclusion and insecurity of the Roma communities in Europe and to promote their full and effective equality”;
- the Partnership Agreement signed between the Council of Europe and the European Roma and Travellers Forum on 15 December 2004;
- the Ministers' Deputies decision (572nd meeting, 5 September 1996) to launch a "Council of Europe Project on Roma/Gypsies in Central and Eastern Europe" and following decisions to extend the project;
- the Convention for the Protection of Human Rights and Fundamental Freedoms, with Protocol 14 thereto, from the date of its entry into force;
- the Revised European Social Charter;
- the Framework Convention for the Protection of National Minorities;
- the European Charter for Regional or Minority Languages;
- the European Commission against Racism and Intolerance;
- the Recommendation Rec(2000)4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe;
- the Recommendation Rec(2001)17 of the Committee of Ministers to member states on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe;
- the Recommendation Rec(2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe;
- the Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe;
- the Recommendation Rec(2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe;
- the Recommendation Rec(2008)5 of the Committee of Ministers to member states on policies for Roma/and Travellers in Europe;
- the Recommendations 563 (1969) and 1203 (1993) of the Parliamentary Assembly of the Council of Europe;

¹ The term “Roma and Travellers” used in the present text refers to Roma, Sinti, Kalé, Travellers, and related groups in Europe, and aims to cover the wide diversity of groups concerned, including groups which identify themselves as Gypsies.

- the Resolutions 125 (1981), 16 (1995) and 249 (1993) and Recommendation 11 (1995) of the Congress of Local and Regional Authorities of the Council of Europe.

Under the authority of the European Committee on Migration (CDMG), and in relation with the implementation of the Programme IV.1.6 Roma and Travellers, in particular Project 2008/DG3/1361 “Ensuring Equal rights and treatment for Roma and Travellers in Europe and combating anti-Gypsyism”, of the Programme of Activities, the Committee is instructed to:

- i. study, analyse and evaluate the implementation of policies (national programmes and/or action plans) and practices of member states concerning Roma and Travellers and act as a forum for the exchange of information, views and experience on policies, good practice and issues relating to Roma and Travellers at domestic level and in the context of relevant international instruments, including those of the Council of Europe, without pursuing activities relating to monitoring the situation in individual member states.
- ii. draw up guidelines for the development and/or implementation of policies which promote the rights of the Roma and Traveller populations taking into account the findings of the monitoring mechanisms of the relevant legal instruments of the Council of Europe.
- iii. keep under review the situation of Roma and Travellers in member states in compliance with relevant legal instruments of the Council of Europe.

5. Composition of the Committee:

5.A. Members

Governments of member states are entitled to appoint one representative qualified in the field of Roma and Travellers.

The governmental or non-governmental experts shall be appointed by their governments taking into account the following profile:

- They shall have specialised knowledge of the various issues relating to Roma and/or Travellers (legal status, discrimination, health, education, employment, housing and political participation);
- They shall have direct experience of the Roma and/or Traveller populations and of their culture and way of life;
- They shall have a deep knowledge of the policies on Roma and/or Travellers in their country and have a good knowledge of policies in other member states;
- They shall be in close contact in their country with the Roma and Traveller populations, the decision-making bodies and the NGOs working in this area;
- They shall be able to liaise with the authorities of their countries about any decisions, documents or recommendations adopted by the Committee;
- They shall be able to speak and read in at least one of the official languages of the Council of Europe (English and French).

The Council of Europe budget will bear the travel and subsistence expenses of one representative from each of the following twenty one member states: Albania, **Austria**, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, **Estonia**, Finland, Greece, Hungary, Italy, **Latvia**, **Moldova**, the Netherlands, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, “the former Yugoslav Republic of Macedonia”, Turkey, and the Ukraine.

5.B. Participants

- i. The following Committees may each send representatives to meetings of the Committee without the right to vote and at the charge of the corresponding CoE budget sub-heads:
 - the European Committee of Social Rights (ECSR);
 - the Steering Committee for Education (CDED);
 - the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN);
 - the Advisory Committee of the Framework Convention for the Protection of National Minorities;
 - the Experts Committee of the European Charter for Regional or Minority Languages.

Where this seems desirable for purposes of co-ordination of activities, the Committee may invite representatives of other Council of Europe bodies to take part in its meetings without the right to vote and at the charge of the corresponding CoE budget sub-heads.

- ii. The Parliamentary Assembly may send representatives to meetings of the Committee without the right to vote and at the charge of its administrative budget.
- iii. The Congress of Local and Regional Authorities of the Council of Europe may send representatives to meetings of the Committee without the right to vote and at the charge of its administrative budget.
- iv. The Council of Europe Commissioner for Human Rights may send representatives to meetings of the Committee without the right to vote and at the charge of its administrative budget.
- v. The European Commission against Racism and Intolerance (ECRI) may send representatives to meetings of the Committee without the right to vote and at the charge of its administrative budget.
- vi. The Council of Europe Development Bank may send representatives to meetings of the Committee without the right to vote and at the charge of its administrative budget.
- vii. The Conference of INGOs of the Council of Europe may send representatives to meetings of the Committee without the right to vote and at the charge of the sending body.

5.C Other participants

- i. The European Commission, the Council of the European Union, the European Parliament and the European Union Agency for Fundamental Rights (FRA) may send representatives to meetings of the Committee without the right to vote or defrayal of expenses.

- ii. The states with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send representatives to meetings of the Committee without the right to vote or defrayal of expenses.
- iii. The following intergovernmental organisations may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:
 - the International Organization for Migration (IOM);
 - the Organization for Security and Co-Operation in Europe / Office for Democratic Institutions and Human Rights (OSCE/ODIHR);
 - the United Nations Development Program (UNDP);
 - the United Nations High Commissioner for Refugees (UNHCR);
 - the World Bank.

The Committee may decide to invite other intergovernmental organisations to hearings or to participate in individual meetings as required, without the right to vote or defrayal of expenses.

5.D. Observers

The following non-governmental organisations may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- the European Roma Information Office (ERIO);
- the European Roma Rights Centre (ERRC);
- the European Roma and Travellers Forum (ERTF);
- the Open Society Institute (OSI);
- the Project on Ethnic Relations (PER);
- the Decade of Roma Inclusion Secretariat Foundation;
- the Forum of European Roma Young People (FERYP);
- Roma Education Fund (REF).

6. Working Methods and Structures

A maximum of five Romani and/or Traveller representatives – including one representative of the European Roma and Travellers Forum (ERTF) – and/or independent experts who can usefully contribute to the work of the Committee will also participate in the Committee meetings, without the right to vote.

The Council of Europe budget will bear the travel and subsistence expenses of these five representatives.

A member of the European Roma and Travellers Forum (ERTF) shall be designated by the President of the Forum to attend the Committee meetings, bearing in mind the agenda.

The maximum four other Romani and/or Traveller representatives and/or independent experts shall be invited by the Secretariat, for a specific meeting, following approval by the President and Vice-President(s) of the Committee, on the basis of proposals received from the Committee's experts and bearing in mind the agenda of the meeting.

There are no reserved seats for any Romani and/or Traveller representatives and/or independent experts from one meeting to another.

The Committee will hold two regular meetings a year, one of which should be possibly hosted by a member state. When a meeting takes place outside Strasbourg, the host country should organise on the occasion of the meeting a public hearing and a field visit.

To progress in its work, the Committee may entrust a restricted number of the Committee's members with specific tasks to be fulfilled between regular meetings.

In addition to the official working languages of the Organisation, interpretation will be provided in Romani language during regular meetings.

7. Duration

These terms of reference will expire on **31 December 2012**.

APPENDIX III

MG-S-ROM (2010)11

Opinion of the MG-S-ROM on

PACE Recommendation 1889 (2009) – "Improving the quality and consistency of asylum decisions in the Council of Europe member states"

Adopted by the MG-S-ROM
at its 29th meeting in Strasbourg on 25-26 March 2010

The Committee of Experts on Roma and Travellers (MG-S-ROM), having examined Recommendation 1889 (2009) on improving the quality and consistency of asylum decisions in the Council of Europe member states, makes the following comments:

There is no doubt that the shortcomings in the implementation of current regulations outlined in the report raise serious human rights issues which need to be tackled. However, it is important that work done or envisaged by other international organisations and institutions on these same issues be seriously considered and taken into account before undertaking similar activities, not only to avoid duplication but also conflicting guidelines and orientations.

As stated in the Assembly report, the European Union is very active on asylum issues. Discussions are under way for setting up a **Common European Asylum System (CEAS)** by 2010 with a view to establishing a common asylum procedure and a uniform status for those who are granted asylum or complementary protection.

Within this context the following instruments are under discussion for revision:

- the Dublin II Regulation, designed to ensure that asylum seekers can only claim asylum in one member state;
- the Procedures Directive, which includes provisions on the first asylum country, safe third country and safe country of origin, is being revised, *inter alia*, to set up a single, common asylum procedure, leaving no room for disparate procedural arrangements in member states;
- the Receptions Directive, which sets down minimum standards for detention centres, is also being revised to address the issue of access to justice for asylum seekers;
- the Qualification Directive, which aims at ensuring that member states apply common criteria for the identification of persons genuinely in need of international protection.

In 2009, the European Commission proposed the setting up of a **European Asylum Support Office** which is intended to provide assistance to those countries which receive the most asylum applications, assist member states in comparing good practices, organise training at European Union level and facilitate practical cooperation between Community states and non-member states. The Office will work closely with the UNHCR.

A **European Asylum Curriculum (EAC)** has been developed specifically for the people involved in the asylum procedures.

EURASIL pools country information and the **European Migration Network** provides the exchange of statistical data on immigration and asylum.

The **UNHCR** has published:

- a Handbook on Procedures and Criteria for determining Refugee Status;
- Guidelines on International Protection;
- A 10-Point Plan of Action for integrating refugee protection considerations into migration and border control policies;
- a study on the implementation of the qualification directive.

Having in mind that ECRI and the Office of the Commissioner for Human Rights country monitoring mechanisms cover asylum issues, the MG-S-ROM suggests that the Committee of Ministers urges member states to take careful note of the comments and recommendations made by these institutions.

The MG-S-ROM also suggests that a thematic report on asylum issues be prepared by one of these bodies or alternatively that ECRI considers preparing a General Policy Recommendation on Asylum procedures and decisions in Council of Europe Member States.

As concerns the development of training programmes and tools for those involved in asylum procedures (paragraph 2.4 of the PACE Recommendation), the MG-S-ROM recommends including non EU-member states in those training courses to ensure consistency of asylum policies.

Regarding the specific situation of Roma asylum seekers originating from Kosovo (as referred to in paragraph 30 of Mr. Cilevičs' report), the EU competent bodies and member states should take into consideration the opinion and recommendations of various Council of Europe bodies (such as the Parliamentary Assembly, the Human Rights Commissioner and the MG-S-ROM itself) relating to Roma from Kosovo.