

Guidelines for Trainers and the Roma Community

Knowing Your Rights and Challenging Violation of Your Human Rights at a European Level



Tanveer Parnez
Director of National Development
BEMIS Scotland



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Background

“WHO ARE ROMA?”

The Roma community originally came from the Indian origin, which make up the largest ethnic minority in Europe. Most Roma live in Central, Eastern, and South-East Europe and constitute between 6-11% of the populations of Bulgaria, former Yugoslav Republic, Macedonia, Romania, and the Slovak Republic. Roma describe themselves as Romas, Gypsies, Travellers, Manouches, and Sinti. The spoken language of the Roma community is Romanis, an Indic language which is closely related to Hindi. Many dialects exist, but there is broad recognition of the unity of Romanis.

The marginalisation and segregation of Roma communities across Europe has been a cause for concern as there is a rise in Western Europe in anti-Roma violence as a reaction to real and perceived increased migration. Roma across Eastern and Central Europe is marked throughout history by racism and human rights abuses.

There is strong statistical evidence which suggests that the Roma community often suffer higher instances of illness and greater mortality in comparison to the majority ethnic population. This may be due, in part, to the prevalence of poverty, inequity in health, education, housing and employment.

This toolkit aims to develop a co-ordinated approach across Europe to reduce instances of discrimination and prejudice against the Roma community by building knowledge, understanding and skills within the ‘equality duty’ throughout public institutions. As this programme is disseminated throughout Europe the feedback, knowledge and best practice will be captured to ensure that the guidelines are continually updated and strengthened.

Secondly, the guidelines will assist community practitioners to develop knowledge, understanding and skills which they can use to support the Roma community building civic competences. This intervention will build the capacity and confidence of Roma people to understand ‘Human Rights’ through education encouraging increased participation of the Roma Community across Europe in shaping future policies.

These guidelines, will form the basis for ‘human rights’ education and will seek to improve the experience, outcomes and prosperity of the Roma Community by imparting their knowledge of their rights as EU citizens. To be effective this curriculum has been developed with ‘readability’ in mind and will be translated into many languages to increase accessibility and usability. The Law and the application of law most scholars can find a challenging topic, as such, this curriculum has been set to be informative, supportive and engaging.

AIMS AND OBJECTIVES

The objectives of the guidelines are to enable participants to:

- Analyse and gain clearer understanding of issues and situations affecting Roma in their respective countries based on internationally accepted human rights values and principles in accordance with the charter of fundamental rights and the treaties.
- Empower and Develop skills in using policy and domestic law, national legislation and international human rights instruments (i.e. United Nations and European Human Rights Systems) to protect and promote Roma Rights.
- Upskill knowledge and confidence to monitor and report human rights violations
- Use guidelines to increase organisational understanding and building capacity of the Roma community to apply the learning within their organizations and their societies
- Build new partnerships, network with NGOs, stakeholders and decision makers to advance the cause of Roma across Europe.

METHODOLOGY

The guide lines are developed with 'learning styles', which will be suitable for trainers and the target audience (Roma) The guidelines can be used in a number of ways including, workshops, seminars, tutorials, case studies, role-playing exercises and team activities.

Each module can be used as a Stand Alone or be spread over one to two days in order to get the maximum learning out of each module. Each member state will devise their modules or training and develop appropriate timings to provide contact time to ensure that support mechanisms are built in according to individual needs eg. via one to one, email, Skype and telephone with their host tutor.

The guidelines will enhance learning, understanding and retention of knowledge, where possible, the formation of small groups will allow participants a platform to reflect, discuss and increase confidence of understanding to enhance and build the competences of Europe. The modules will help trainers, organisations and the Roma community.

LEARNING OUTCOMES

- Increase knowledge and understanding of Roma Community
- Raise confidence of working with and for the Roma Community
- Increase competence of Europe and 'host country' law and its application within civil settings
- Increase connectivity, co-operation and knowledge sharing across Europe to provide support to Roma Community.
- Abilities to attract and sustain a higher volume of Roma Community within 'Host country' to participate in civic matters and active citizenship.

Each workshop is created to introduce the Human Rights Articles in relation to each file which can be cross referenced when using this guideline and can be used in conjunction with the reference book. The activities and learning will introduce a variety of activities in challenging discrimination and violation of their human rights across EUROPE.

The overall workshop training objective is to introduce participants to the legal context on violation of their human rights in their member states.

These Inserom Guidelines will be used in accordance with the Reference Book. There will be nine chapters referring to nine files from the Reference Book.

The objective of this training is to empower individuals on recognising their rights and gaining the confidence to challenge violation of their rights and at the same time informing them of their roles and responsibilities as citizens. Beginning of each activity participants will set up their own ground rules of confidentiality and how they would want the session to be throughout the day.

HOW TO USE THESE GUIDELINES

The guidelines have been designed to complement the Reference Book for organisations and participants working with the Roma community. Together we hope the guidelines and the Reference Book will help capacity build and develop the knowledge of the NGOs and the Roma Community in particular. The guideline will be used in parallel with the Reference Book which contains Nine Country Files. Each training session will be based over a full day; the total time allocated to activities is 4-5hrs. Facilitators will agree with participants to build in coffee breaks and lunch breaks.

How these INSEROM Guidelines can be used by NGOs, Facilitators, and the Roma Community

These Inserom Guidelines can be used on their own or with the Reference Book covering all the EU legislations in relation to the Reference Book and the Guidelines.

- There are Nine Modules/Files, each can be used on its own
- Modules can be used in a group setting with Roma Community and NGOs
- Each Module/file will suggest how the Inserom guidelines can be used and adapted to individuals or group sessions
- Modules /files can be delivered as a full day or a half day sessions or can be spread over two to three days
- This pack should only be regarded as a comprehensive information source on the topics covered in the Reference Book and Inserom Guidelines

- The Inserom Guidelines will contain activities relevant to the files and should be used as Stand Alone or with the Reference Book. The Inserom Guidelines and the Reference book should be used as a learning tool to better ones life to challenge the inequalities Roma Community face across Europe. The Inserom guideline should be seen as a Tree of Life.

HINTS & TIPS

The information below is summarised from the training tests formed across various EU member states to make the training better and more affective for the Roma community. The trainers guide is designed to be used in parallel with the Reference book. In order to use this Reference book and the Trainers Guide, it is important to follow the methodology, hints and tips when preparing for a training or delivering a training programme to the Roma community in their host countries.

Please read the methodology, hints and tips before using the INSEROM toolkit:

The educational toolkit of INSEROM has two parts:

- The reference book is based on legislation, procedures and knowledge related to the discrimination suffered by Roma people who live in Europe and in the participating countries.
- A trainer's guide includes complementary list of activities to work on the content from the reference book.

Both documents allow the professionals, volunteers or interested people in this area to design and develop a specific program according to the needs of the individuals or groups from the Roma population.

It is important to **familiarise** oneself with the three main points given below before designing any training programme. It is also necessary to adapt the three points of the toolkit in order to perform a robust training programme for the Roma community:

- The legal framework from each country is specific and different from each other and it is necessary to take these differences into account for the training.
- The situation of the Roma population in each country is specific and we cannot generalize. This situation should be taken into account in order to define the format and the training objectives.
- The target group could be interested in different areas or have different backgrounds: associations, activists, volunteers, working in culture, justice, social administration, being Roma or not

Hence, the use of the toolkit is an aid to deploy in parallel with the Guidelines which requires some knowledge of human rights and the legal framework in relation to Roma situation specific to the host country in order to support the implementation of a `training adapted to

the target group and the particular situation.

Note for the Facilitator/Trainer:

Aspects to bear in mind for the application of the INSEROM toolkit

Before the training session with or for the Roma population, it is advisable to identify the needs of the target group and design the training accordingly

- Selection of chapters depending on the needs and interests of the target group (diagnosis)
- Review of the proposed content from the reference book by the trainer to assimilate the information, simplify it and extract the useful and important information regarding the access to the rights.
- Review and analysis of the proposed activities from the trainers guide. Extraction and adaptation of the activities to the group, preparation of supporting and additional materials which could support the learning of the content.

During the development of the session with Roma community Facilitators/Trainers are advised to use different mechanisms and creative ways to get their message across when delivering training

- The content could be shown in different ways; audio-visual (power point) if the area contains the adequate infrastructures or with diagrams which could be used by the trainer as support in case there is no access to other resources.
- Lecture of the theory from the chapters of the reference book (previously worked and reviewed)
- After the lecture, bringing up the implementation of activities from the trainers guide adapting them to the level and specific features of the group, time frames or including other additional activities.
- Using case studies as close to reality and group situation as possible. It is recommendable the use of newspapers articles, real situation experienced or known by the participants. The activities offer a strong potential for participation, and this is where the participants should find the appropriate context to share their experiences and knowledge in this regard. Is highly recommended for the trainer to perform the "role play" to revitalize and promote closeness of all these aspects.

Feedback from the training sessions can be used to improve future training sessions:

After the training sessions it is important to gather all the general information which could be useful and relevant for other situations and experiences with other groups, and all the aspects which requires an amendment for future training sessions.

Aspects to bear in mind after the sessions:

1. Adaptation and further simplification of the technical and legal language used during the explanation of the content and activities.
2. When participants do not know the language, the presence of interpreter is very useful. Besides the translation of the supporting documentation in their mother tongue (this depends on the level of literacy of the group).
3. Approaching of the explication and contents to the group interests. It is important to take into account the questions, experiences and examples given by the participants. It is essential the application of the fundamental rights in their daily life, to have a critical attitude towards the application of the law and the general access to the rights of the population.
4. Reformulating some abstract and complex activities for a better use by the trainer. During the preparation of the sessions, is recommendable that the trainer analyses what are the chances of performing the activities with confidence and if necessary modify or erase them in case they are not accessible and accurate due to difficulty or high level of abstraction. The amendments could add creativity to encourage participation, the use of supporting material which can be gathered beforehand and are relevant to the Roma situation.

Case Studies

Note: Case Studies can be found in the Appendix.

As a starting point for the case studies, it is important to use current case studies in relation to the national context of the host country known by participants, or case studies from other training sessions, or newspapers articles could also be used and analysed. The biggest area of opportunity for the trainer is to engage the participants and ask them to share their personal experiences, therefore, it is highly recommended to engage and involve the participants in this work.

Summarizing and setting all the above, four examples of applicability of this training sessions are given. They are the training sessions performed by the participating countries in this project with a common framework and aspects and at the same time adapting the material to each situation, specific target population and specific legal framework from each country.

NOTES FOR FACILITATORS

Facilitators will need to become very familiar with the overall flow and content of the workshop; therefore, a thorough review of all activities and materials prior to the workshop is strongly recommended. Familiarise yourself with the articles, guidelines and the **Reference Book**. Design your own timetable according to the needs of the group. It is important to carry out a needs assessment of the target audience who you are pitching the training to. Identify

if there are any needs analyses carried out on the Roma community in the host country for training purposes. It is important to analyse the data from previous mapping exercises of the Roma community and then identify the issues affecting the Roma in their host country. In addition, the needs analysis will help identify the competency level of the individual, their literacy skills, language and the diversity of the groups. This will help the facilitator to prepare the training session in advance according to their needs and help facilitators to prepare hand-outs and any other relevant materials for the training. This will give an insight to the facilitator of its audience and their issues of concern. The Inserom Guidelines provide examples of activities and case studies within modules. The case studies used in the Inserom Guidelines are only examples which may or may not apply to certain EU States, hence the reason why the facilitators are encouraged to use different scenarios or case studies (e.g. cuttings from newspapers or magazines) relevant to the issues of concern, relating to any violations of human rights in relation to other characteristics e.g. race, gender, disability, nationality language, faith and religion. Facilitators are also encouraged to be imaginative and use pictograms, drawing to explain and engage those who may have literacy problems and can't read or write. Always read out the hand-outs or any articles to participants, ensure that they understand. The aim is to empower participants to understand their rights and rights of others and challenge inequalities.

Note: Facilitators can only make amendments or give examples of any changes in the policy or law to make the session more effective and interactive. Facilitators are encouraged to detach themselves from any bias attitudes regarding the Roma Community and act without any prejudice when delivering training.

Facilitators are advised to use the hints and tips provided at the beginning of each module when preparing training.

Conducting the Workshop

ICE BREAKERS: The aim of the ice breaker is an effective way to start a training session, which helps people get to know each other and it helps to get things off to a good start and helps build group spirit and get to know the Facilitator and build the bond between participants and the facilitator. At the beginning of each workshop the facilitator will introduce him/her and explain how the session will be develop throughout the day. Facilitators can also use ice-breakers during the training sessions when addressing complicated serious issues of concern and can break up and use a Brain Storming session to re-energize participants.

The opening page of each module provides an overview of the articles at a European level. The EU level overview should be reviewed with participants before beginning each new module.

Clear procedural instructions are provided for each of the activities to help you structure your workshop with the participants.

Background

Each module should be used in parallel to the Reference Book. Each module will start with the European Overview of the File from the Reference Book.

Timetable: The timetable can be designed according to the needs of the Roma community. The activities can be done in small learning bites, or can be done over one day or two days. Below is an example of a timetable for a full day for Module 1.

09:00 – 09:15	Opening
09:15 – 09:50	Welcome and Introductions
09:50 – 10:10	Participants' Expectations and Resources
10:10 – 10:30	Overview of the Program
10:30 – 11:00	Coffee Break
11:00 – 12:30	Activity 1: Roma Rights Issues in Your Country
12:30 – 14:00	Lunch
14:00 – 15:00	Activity 2: Human Rights Tree
15:00 – 16:00	Activity 3: The Current Situation of Roma Rights in Central and Eastern Europe
16:00 – 16:30	Break
16:30 – 17:30	Activity 4: Case Study
17:30 – 17:45	Evaluation

Flexibility when delivering a workshop

Be flexible! If you believe it is necessary to make changes to activities in order to accommodate your particular training context or participant group, and then feel free to do so. It is always important to engage your participants in the training process and it is important to identify their needs when advertising for workshops. Remember! This will help you to base your training at a certain phase and you should always be aware of the literacy skills of your participant's in-order to get the best out of your participants and build the trust between the facilitator and the participants. It is important that you encourage participants to engage, speak and take new opportunities provided in the workshop. In-order for your participants to be more interactive, ask them to be involved and ask for a volunteer to take up some tasks, e.g.:

- Taking notes, scribing on a flipchart
- Feeding back to the group
- Distributing hand-outs and collecting questionnaires

Module 1: Setting the Context

Article 1: Human dignity:

Human dignity is inviolable. It must be respected and protected.

Article 6: Right to liberty and security

Everyone has the right to liberty and security of person.

Article 20: Equality before the law

Everyone is equal before the law.

AN OVERVIEW OF THE ROMA AS EUROPEANS

The Reference Book can be used to better understand the Roma issues in Europe and in parallel the guidelines will help build knowledge and competences of both the trainer and the target audience to work together and challenge inequalities. It is aimed at helping to debunk received ideas which have persisted over time and which are causing issues since the beginning of this 21st century, an unprecedented degree of marginalisation of a human community which doesn't fit into the "democratic mould" we are supposed to share.

The Roma community has had a majority of Europeans for over 600 years making them the largest cultural minority on the continent. They are often overlooked or, conversely, seen as "too visible", strange and foreign, even when they have been living in the same country for centuries. If they are thus misjudged and little-known, it is because they have never staked a claim to a territory for themselves in a Europe of nation States. In short, the Roma are "strange citizens", who have been set aside in our minds and in our environment, just because they live in mobile homes.

This very diverse people nonetheless have a history, traditions, a culture (romanipen) and a language (Romani) which varies widely because of its geographical spread. As one of the constituents of Europe, the Roma could easily adopt the European Union's motto, United in Diversity. Almost everywhere they live there is either an effective European-ness or a promise of Europe.

They reside in all 28 European Union (EU) countries (including Croatia from 2013) and the last two enlargements in 2004 and 2007 considerably increased their representation. In the countries surrounding the EU, whether or not they are candidates for accession, the presence of Roma people is also very visible, be that in Turkey, Macedonia, Albania or Kosovo, or even in Switzerland, Ukraine and Russia. European-ness cannot be dissociated from the Roma identity, romanipen or "Romanitude".

The Roma were amongst the co-founders of the countries where they have lived for centuries. They are our compatriots. Within the European Union, as nationals of the different Member States, they are our fellow citizens. These obvious facts are barely recognized, and although they have a history in the European space predating the birth of entire States including Germany, Italy and Romania, the Roma people have not yet been granted their own space, if only because of the specificity of their "lifestyle".

Wherever they go, they are invited to integrate: to live like other Europeans. This is the main cause of the discrimination that the Roma people so often suffer. Their mobility is not understood – it is confused with nomadism – and their practical philosophy, which excludes them from land ownership, nuclear families, salaried work in businesses and submission to non-Roma (gadje) administrative domination, is not accepted. In fact, populations with more or less the same lifestyle as the Roma (such as the Beas in Hungary, the Ashkali in Kosovo and the Yeniche in Switzerland and Germany) are subject to essentially identical rejection.

Whilst it is important to uphold the law and demand compliance with texts, laws, directives and regulations ensuring the protection of minorities – including Roma people – it is easy to see that it is not sufficient. Human rights are consistently flouted everywhere, sometimes even where they have been proclaimed over and over again for decades. Without a constant and vigorous struggle on the part of the citizens, universal rights no longer truly apply and are eroded, forgotten and violated.

The Roma have experienced – and continue to experience – confinement (behind separating walls or in prison), exclusion (at best in the outskirts of urban centres, sometimes far from any decent living area, without water, toilets or waste disposal) and inclusion (in specific areas in order to separate families considered more or less undesirable). The societal inclusion of Roma people can only be conceived as the right approach towards those for whom Europe is home, even if their “lifestyle” is not the same as that of most Europeans.

Even the vocabulary reserved for these citizens considers them as either assimilated or nameless–thus not recognising their culture– or on the contrary, side-lined, and then designated in a stigmatizing way. Despite that “travelling people” no longer travel, or only rarely; they are still generally referred to as such, even though this expression has no singular or gendered form. Gypsies, Bohemians, Manouches, Roma and Tziganes (not to mention all the other local and popular expressions in each region of Europe) often go un-named or are named wrongly or imprecisely, because a given speaker is not familiar with the group in question. What the Roma (the name adopted and accepted in the European institutions of Brussels) suffer from first and foremost is others’ ignorance.

WELCOME AND INTRODUCTION

Ice Breaker: Speed Networking. Ask participants to introduce themselves to the person sitting next to them and ask participants to say their name and three things about them and move on to the next person till you had a chance to introduce yourself to all. Start from one end of the room and move down a chair as you continue this you should all have introduced yourselves to each other.

(10 mins)

Ground Rules: Write ground rules on a flip chart. Ask participants what they would like as their ground rules throughout the session. You can start with confidentiality and ensure whatever is discussed in the room will remain in the room and that everyone will have to accept and respect people’s opinions and confidentiality, and then ask them to add other ground rules.

(10 mins)

OVERVIEW OF THE PROGRAMME

Share with the participants the above **Overview of Roma as Europeans** and then initiate a

discussion about the Articles from the Fundamental Rights Charter.

(40 mins)

Notes for Facilitators: This activity will help participants to acknowledge the Fundamental Rights Charter and what Human Rights means to them. How does violation of their rights affect the individual, the family and the Roma community? The aim of this activity is to introduce participants to the Human Rights Articles and how they can use articles from the fundamental rights charter to challenge violation of their human rights. This is also for NGOs who are working with the Roma community to ensure when making decisions the rights of the Roma community are at the heart of their policies and procedures and ensuring it is imbedded within the service provision, in Housing, Employment, Education, Health and Criminal Justice.

The participants should be given an overview of the program, and then discuss what participants' expectations are and what resources they will need. Use the morning session to build participants trust and confidence and engage them in discussions and be flexible throughout the session.

(Time table can be changed according to the needs of the participants; this will be a two hour activity)

ACTIVITY 1: ROMA RIGHTS ISSUES IN YOUR COUNTRY

After the coffee break initiate a discussion on "the Current Situation of Roma Rights " in a large group. Ask participants to contribute and share their knowledge and concerns regarding the Roma community and ask them to give examples.

(40 mins)

Workshop aim: Participants should be given the articles 1, 6 and 20 from the Fundamental Rights Charter to read and discuss so that they are familiar with it. The article may relate to sensitive information on violation of one's rights and respect for human dignity. If you find yourself in this situation please make sure you provide full support and confidentiality to the individual and you must respect and treat the subject sensibly and with sensitivity.

If individuals would like to talk about the subject after the workshop they should be given support and sign post them to a contact that can help, e.g. counselling, school, service provider and Roma migrants or human rights NGO.

Discuss Article 1: The Right to Human Dignity. It must be respected and protected regardless of nationality or ethnic origin, cultural, religious and linguistic identity of minorities within their respective territories

What does this article mean?

Equality is human rights of everyone, and everyone should be treated with fairness and respect. Equality of these principles are at the heart of the human rights approach. (Cross-

reference guideline activities with the Reference Book for further information and reading)

What is your understanding of dignity?

- First discuss the stereotypes and prejudices in a group in relation to human dignity and respect.
- What is your understanding of Human Rights in general?
- Who benefits from human rights and how it can be used.
- How are human rights protected in your country?

(30 mins)

Facilitators Notes: Give people Post-it notes and ask them to write down what they perceive as negative/positive things they have heard about the Roma Community. Ask them to read out to the group what negative or positive things they have written.

(15 mins)

Facilitator's Notes: Put the questions on a flip chart and discuss collectively. Ask participants to share their own experiences regarding dignity and respect, and what do they think are the real facts about the Roma community, and why do you think people perceive Roma in a more negative way. Ask them to relate it to any discrimination they may have faced in their member state and if they feel their rights had been violated.

(30 mins)

Facilitator's notes to share with participants:

Dignity and Respect are key principles of the Human Rights Act and fundamental rights of the convention. When a person's dignity is compromised and no respect is given them, it is an abuse of their human rights. To ensure that the rights of individuals are upheld the key principles of...

- Fairness
- Respect
- Equality
- Dignity
- Accountability
- Dignity and Respect

...should be incorporated into service provision, planning, commissioning and delivery, standards, inspection, regulatory processes and professional education.

Learning Outcome:

At the end of the module the participants will be more aware of the Fundamental Rights Articles, they will know what dignity and respect mean and when it is violated and how they

would like to see themselves respected. They will be more competent in identifying different types of discrimination and will be able to challenge that.

ACTIVITY 2: HUMAN RIGHTS TREE

Draw a tree on a flip chart and ask participants to introduce themselves. Ask participants to share which human rights are important to them to live with dignity and respect and then ask them to write on the leaves: use different colours of pens to emphasise their opinions, their needs their emotions.

Leave the tree on the flip chart for participants to add as the day progresses.

ACTIVITY 3 THE CURRENT SITUATION OF ROMA RIGHTS IN CENTRAL AND EASTERN EUROPE

This activity will introduce participants to the current situation of Roma Rights in Central and Eastern Europe. The key objective of this activity is to introduce participants to articles 1, 6, and 20 of the Fundamental Rights Charter. The aim of this activity is to encourage open and honest discussion on their personal situation of living in the member states, encourage participants to talk about their concerns and their limitations in challenging discrimination.

Human Rights Principles:

- Equality
- Universality
- Human dignity
- Non-discrimination
- Indivisibility
- Interdependency
- Responsibility

Outcome:

Participants will be well informed and develop awareness of the Articles and will be able to understand their rights and responsibilities. The activities will enable the Roma community to challenge when their rights are violated. The communities will be more informed and empowered.

- Discuss how can these stereotypes be challenged
- What legislations/policies can help to challenge these stereotyping and discrimination in your member state

- What NGOs should be contacted for information
- How can you use article 1, 6, and 20 in this situation.
- How can you influence policy in relation to racism towards Roma person who are classified as ethnic minorities.

Facilitator should encourage the participants to cross check the articles with the Reference book and pick out examples of how Roma Rights are violated in their member states.

ACTIVITY 4: CASE STUDY

Discuss articles 6 and 20

Article 6: Right to liberty and security

Everyone has the right to liberty and security of person.

Article 20: Equality before the law

Everyone is equal before the law.

“Everyone is entitled to a fair trial, everyone charged with a criminal offence will be assumed innocent until proved guilty according to the Rule of Law”

After discussing articles 6 and 20 provide participants with the case study and discuss the questions below in a group. Below is an example of a case study; facilitators are encouraged to use relevant case studies relevant to the issues from their own member states.

(1 hour)

Module 2: Circulation Within the EU

Article 19: Collective expulsions are prohibited

1. Collective expulsions are prohibited.
2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Article 45: Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.
2. Freedom of movement and residence may be granted, in accordance with the Treaties, to nationals of third countries legally resident in the territory of a Member State.

INTRODUCTION

The EU has put various mechanisms in place to ensure that the law is upheld by the member states. Those who are signatory to the EU treaties and have included in its binding legislative texts within its principles and rules and has embedded within equality of treatment. This has been done on two levels, at the states level to make sure that they apply the principles and on the citizens level to give them means to take recourses.

First of all, to be part of the EU, member states must accept EU treaties. Consequently, any state which wishes to join the European Union must have included in its binding legislative texts its principles and rules, and apply them.

Secondly, EU Institutions and bodies have, to a certain extent, the capabilities to prevent or react to the violations made to the Treaties by member states.

The European Commission, very often called “Guardian of the Treaties”, monitors the member states to ensure that they apply the EU law along with their domestic laws.

An overview of Right to Free Movement

The violation of the law harming the Roma under the Free Movement Directive (2004/38/EC) aims to ensure that EU citizens can fully enjoy their rights to freely travel, live and work anywhere in the European Union. If countries does not apply with the directive the Commission threatens to take them to the court of Justice of the EU as all member states were signatory to these directives.

Roma migrants have all the same free movement rights as other EU nationals (to move as self-employed people, self-sufficient people, students).

Market Restrictions

Three important things must be outlined about these market restrictions:

- Victims are citizens of new EU Member State (for a minimum of 2 years to a maximum of 7 years)
- These restrictions are part of accession Treaties of every EU new Member State since the 2004 enlargement
- Any Member State can restrict the access to its labour market, and actually, for the toolkit France and Spain do restrict the access to new EU citizens.

These restrictions are named “**transitory measures**”; it is good to make the trainer familiar to this word to spread it to the participants.

Note: it is important to use human rights as a framework to risk assess policy weaknesses in service provision within the member state. Service providers should pay attention to complaints procedures and inconsistencies by staff when it comes to recording Roma

complaints, which applies to all public bodies. Raise awareness amongst the staff of Roma issues and exclusion from services and get staff to embed equality and human rights within their policies and procedures.

ACTIVITY 1: OVERVIEW OF THE RIGHT TO FREE MOVEMENT

Introduction and welcome: ask participants to say three positive things about themselves. (Facilitators can use different activities or ice breakers for introductions if they so wish)
(10 mins)

Discuss the above overview of the Right to Free Movement.
(50 mins)

ACTIVITY 2: EU LEGISLATIONS

Facilitator notes: provide a hand-out on articles 19 and 45.

Discuss the articles in brief and look at the legislations.

The facilitator should discuss free movement of EU Nationals to reside in EU member states according to the country where this training is taking place. The EU legislation under articles 19 and 45 will apply to all member states.
(30 mins)

Divide into two groups, ask the participants to discuss articles 19, 45 and the EU directive. Ask participants to record their answers on a flip chart.

- Look at your rights under the article
- Discuss any issues that you may face
- Look at any violations of your rights

(30 min)

ACTIVITY 3

Facilitator's notes: familiarise yourself pre-training on the directive. (Make prints of the directive 2004/38/EC below.)

Provide a hand out on the EU Directive. Freedom of circulation refers to each country's legal system on entry and to reside in a member state also refers to EU directive 2004/38/EC. Discuss the EU directive in the large group. Ask if they were aware of the directive under each heading.

(Cross check with the Reference book file 2 for more information and how it is used in each member state)

(2 hours)

Handout

Taken from <http://eumovement.wordpress.com/directive-200438ec/>

European Parliament and Council Directive **2004/38/EC** of 29 April 2004 is about **the right of citizens of the Union and their family members to move and reside freely within the territory of the EU and EEA member states.**

This new directive brings together most of the piecemeal measures previously found in European law. The new measures are designed, among other things, to encourage Union citizens to exercise their right to move and reside freely within Member States, to cut back administrative formalities to the bare essentials, to provide a better definition of the status of family members and to limit the scope for refusing entry or terminating the right of residence. In addition, it broadens the definition of family to also include non-married partners.

Who is covered by Directive 2004/38/EC?

- Citizens of an EU or EEA member state who visit, live, study or work in a different member state
- The EU citizen's direct family members, including their non-EU spouse and the spouse's direct family members (such as children)
- Other family members who are "beneficiaries", including common law partners, same sex partners, and dependent family members, members of the household, and sick family members
- Family members (as outlined above), where the EU citizen has worked in another member state and now wishes to return to their "home" country to work

Who is NOT covered by Directive 2004/38/EC?

- If a citizen is living in their home EU member state and has not worked in other EU member state, then this Directive does not apply. All movement of non-EU family members into the home state is governed by national law.
- Some old-EU member states have special "transitional" arrangements that curb the ability of citizens of new EU states (Bulgaria, Romania and Croatia) to move freely for work. The curbs can be maintained until 2014. Citizens of new EU member states can however travel without visas throughout Europe, and their non-EU family members can travel freely with them.
- Citizens of non-EEA countries who are not travelling with or joining family members who are EU/EEA citizen.

What is covered?

- No-cost, easy, fast issue of visas
- Easy right to stay for up to 90 days if so desired. EU citizens and their non-EU family can work if desired in this period, or play.
- Easy right to stay longer if the EU citizen is working, is a student, or has medical insurance and is self sufficient
- Permanent residence after 5 years
- Right of facilitated entry if passports have been lost, or if a visa has not been obtained
- Applications can only be turned down in three limited circumstances (public health, public policy, national security), or when a marriage is determined to be fraudulent. Reasons for refusal must be spelled out in detail and there is a right of appeal.
- EU citizens and their non-EU family members cannot legally be treated differently than citizens of their EU host country

Things to be aware of

- There is no requirement that non-EU family members have previously been resident in the EU. An EU citizen and family members can move from outside the EU to an EU country (but not directly to the EU citizen's home country!) on the basis of this Directive.
- Family members must be travelling with or joining the EU citizen, in which case they have the same free movement rights as the EU citizen. They do not, in general, have an independent right of free movement to new places.

ACTIVITY 4A: WHAT DOES THE DIRECTIVE SAY?

Facilitator's notes: once you have shared the hand-outs on the directive, ask participants what does it mean? Use the questions below to prompt participants. The activity is in two parts.

Part 1:

- What does the directive say?
- Who is entitled to a free movement within the EU?
- What you need to know before travelling to another EU country
- Study their social security systems
- Look at the entry systems

Part 2:

Facilitator's notes: open the debate on the rights of movement within the EU and share the following information with participants. Use the above information from the directive.

- Introduction of free movement
- What one should know about the rules and systems and rule of law before travelling to another country? (Use information from the hand-out on the directive.)
If an EU citizen overstays its three month period and is staying without resources he can be viewed as an irregular migrant. The state can issue him a certificate to leave or the individual needs to prove he/she is economically active worker or self-employed. However irregular migrants can appeal their case. Under the EU Commission directives or depending on the member state and its policies EU citizens can register for state benefits (UK) and under Article 8(4) prohibits Member States from laying down a fixed amount to be regarded as "sufficient resources", either directly or indirectly
- The authorities of the Member States must take into account the personal situation of the individual concerned and Member States must carry out a proportionality test or develop a points-based system (see directive 2004/38)

The EU Free movement of EU National to reside freely within the territory of the Member States; which is a fundamental right in the EU according to article 45 of the treaty on the functioning of the European Union and further developed by EU secondary legislation and the case law of the court of justice. Thus, under the EU treaties the citizens are entitled to:

- Look for a job in another EU country
- Work there without needing a work permit
- Reside there for work purpose

- Enjoy equal treatment with nationals in access to employment, working condition and all other social and tax advantages.
- EU Nationals can transfer certain health and social security coverage to the country they wish to reside in (check conditions of social security as, it will differ for each member state.)

ACTIVITY 4B: RESIDENCY

Facilitators can share the information below with participants and open a discussion around the circulation and the installation; rules differ according to the length of stay:

- What documents will you need if you are travelling to another member state? Ask participants and record their answers on a flip chart then share with them the document requirements when travelling to another member state.

(30 mins)

Facilitators to share the points below with participants after the discussion so that they are well aware of the documents they will need to travel to another member state.

(30 mins)

- To circulate within the EU, citizens need only a valid identity card or a passport
- Up to a three months residency no administrative procedure is required.
- After these three months they can be asked to register to the relevant public authorities. Some documents testifying of their situation can be asked.
- In addition, If EU citizens stay more than three months on the territory of another member state; they need to have enough financial resources to afford their living.
- After five years living continuously in the territory of a member states, EU citizens have the right to obtain a permanent residency status. For workers and self-employed persons, this right can be obtained before these five years. For persons who no longer work in the host state, a list of exemptions has been made.

Rights may differ for some people who plan to be self-employed, students etc.

Non EU nationals may have the right to work and to be treated equally with EU national as regards their working conditions. The rights depend on their status as family members of EU nationals and on their own nationality.

LEARNING OUTCOME

The participants will be more informed about articles 19, 45, and the EU Directive 2004/38/EC. They will be more equipped and informed about the documents that they will require for travelling. This module provides ample information and participants are encouraged to use the Reference Book for further knowledge and information. It is also important that you reflect on the learning experience and help as to draw conclusions from what we have learnt. Reflection is the process that turns knowledge into learning.

Module 3: Right to Access Decent Housing

Article 7: Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

INTRODUCTION: AN OVERVIEW OF THE LEGISLATIVE TEXTS APPLYING THE RIGHTS TO DECENT HOUSING

Housing is not a common EU policy, that is to say that there is no EU law on the topic, thus member states are free to choose how they apply their legislation or domestic policies to address housing issues.

Nevertheless, two broad EU legislative articles refer to housing which is mentioned in the Charter of Fundamental Right, member states can provide the “right to social housing assistance” but they are not forced to. Furthermore, public and private housing sectors should not discriminate any one when it comes to accessing housing. It is important to know that not all member states have engaged through the Council of Europe to promote an effective access to housing or has any legal binding treaties on the subject, which is why member states feel less threatened by the Council of Europe.

However, at the international level, member states agreed that for everyone to reach an adequate standard of living, adequate housing is important. A decent house is important for the wellbeing of the person both physically and mentally. It is important member states look into improving living standards of the Roma community. EU citizens when travelling to another member state should register with social housing, housing associations or with private landlords when moving to member states or residing in existing countries.

ACTIVITY 1: DISCUSS ARTICLE 7

Introduction and welcome: participants to say their name and describe how they felt this morning when they woke up. How do they see themselves if they were placed on a tree, happy, sad, lazy, top of the world, confident, challenging, angry? This will give them motivation to discuss; facilitator can start with him/her and say how he/she felt this morning to start the discussion going.

(10 mins)

“Everyone has the right to respect for his or her private and family life, home and communications.”

“The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.”

Facilitator’s notes: share with participants an overview of the legislative texts applying the rights to decent housing above and use the Reference Book to share further information on housing in different member states.

Initiate a discussion on Article 7 in a group. What does it mean?

Please discuss the following questions in a group. Use a flip chart to record your answers and use different coloured pens to highlight your answers.

(2 hours)

- How does this article relate to housing?
- What do the housing act, legislations say?
- Why is it that the Roma community face housing difficulty in all member states?
- What are the eligibility criteria for housing in your member state?

Roma/Travellers experience prejudice, discrimination and harassment on a global scale, which is in part fuelled by the media – thus implementing negative stereotypes and instilling the image of Gypsy/Roma/Travellers as criminals in the mind of the wider settled community across Europe.

ACTIVITY 2: UNDERLYING DISCRIMINATION, MYTHS, STEREOTYPES

Facilitator's notes: To unpick the underlying discrimination, myths, stereotypes

Divide participants into two groups and discuss why is there so much discrimination faced by the Roma community in Housing and "Everyone has the right to respect for his or her private and family life, home and communications"

Questions to bear in mind are:

- What role do media play in this negative portrayal of the Roma Community?

Discuss and reflect about your own frustration which you may have felt after reading this quote below from a Romanian Gypsy Traveller

(50 mins)

"The media targets us, there is never anything positive said about Travellers and they always stereotype us. It makes people who read the papers judge us. People are always scared of what they don't know.

The papers always use stories about Travellers to sell their papers, but they just pick on a bad group and that makes the rest of us look bad too!"

Learning Outcome: knowledge about different types of discrimination and stereotypes and how to challenge them. Individuals will become more competent, knowledgeable, and experienced to address and judge actions to local circumstances. Individuals will be more empowered to address their human rights and challenge any violation or discrimination.

ACTIVITY 3: SHARING EXPERIENCES OF TRAVELLER SITES

Divide into three small groups and ask participants to discuss and share their experiences of living on a traveller site or knowing the problems faced by other Roma families living on

traveller sites?

Facilitator's notes: bring the group together and ask each group to share their experiences both negative and positive of a traveller site. In a large group ask how the negative experiences can be challenged. What does the government, municipality and other bodies need to do to help Roma community to settle in adequate housing?

- How can this be challenged?
- What steps do you think need to be taken, can you use any of the human rights articles or legislations in your member state to challenge the discrimination faced by Roma in housing?

ACTIVITY 4: DIRECT AND INDIRECT DISCRIMINATION

Facilitator's notes: Refer to the Reference Book on housing, direct discrimination and indirect discrimination, there are specific acts or legislations in each member state that protect people, e.g. the law on discrimination is now part of the Equality Act 2010 and in Spain, Czech Republic, France refers to the constitutional law and other domestic legislations. This means that 'race', including colour, nationality and national or ethnic origin, is one of the 'protected characteristics' along with others such as disability or sexual orientation. The act protects against both direct and indirect discrimination, as well as harassment and victimisation, on the basis of any of the protected characteristics. This applies in all member states according to their legislations and constitutional laws.

How familiar are you with direct and indirect discrimination?

Ask participants to relate to the situations below and discuss their own experiences of being in these situations?

(2 hours)

- Direct discrimination occurs when a person is treated less favourably on racial grounds (including nationality) than another person would be treated in the same or similar circumstances. An example would be where a housing provider refuses to rent a home to someone on the grounds of race, ethnic or national origins. It is usually unlawful, but is allowed if:
- Roma nationals are likely to fall into rent arrears if they lose their jobs and have not completed 12 months of authorised work.

Module 4: Right to Access Education

Article 14: Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

INTRODUCTION: AN OVERVIEW OF ARTICLE 14 AT A EUROPEAN LEVEL

It is a well-known factor that the level of education of Roma minorities is continuously low compared to other majority population. Member states are responsible for their national education and training systems, including their administrative systems. The EU supports and imbeds them in their policies and actions as well as it coordinates their works together to reach common objectives. As a result, the EU does not have the power of imposing or forcing laws on member states. It is left to the member state to follow the necessary laws and procedures and abide by the EU laws and treaties to promote changes.

However, resulting from the traditions and objectives, of member states the EU has a few and general rights related to the access to education. Therefore, everyone has the right to education and access to training. In addition, the public sectors and other public bodies must treat everyone equally in matter of education and access to vocational guidance.

Moreover, to ease the freedom of circulation of EU workers, their children should have the same access to education under the same conditions as national citizens to the general educational system, apprenticeship and vocational training courses of the other EU countries they live in. This right also mentions that member states should encourage their children to attend these courses and under the best conditions possible.

Furthermore, to ease the circulation of EU workers within the Union and facilitate their integration, a directive has been made for their children, who have to attend school, to receive a free schooling from the host member state countries and especially learning national language(s) . In addition, member states should also promote (and are not forced to) encourage migrant children to maintain and learn their mother tongue and the culture of the country of their origin. But there is no mention if this teaching should be free, although in certain member states some of the languages are free to learn in schools. It is also to the communities to maintain their mother tongue by teaching children and holding Sunday classes.

International level

Regarding international law, outside of the EU, member states are free to decide if they want to sign and implement international legislative texts.

Firstly, primary education should be compulsory and free to all. In addition, no one can be refused the right to education and parents have the right to ensure the education of their children which should be respected by the States. Beyond that, the UNESCO made an exhaustive Convention against discrimination in terms of education and by taking a large definition of it. According to the text, discrimination includes:

- to deny a person or a group of person access to education

- to provide an inferior standard of education
- to create or maintain separate educational systems for groups of persons
- to put someone or a group in a situation where it affects their dignity

Consequently, to avoid discrimination, states who joined this Convention must:

- repeal any administrative practises which would include any discrimination
- take measures, including making laws, for ending the discrimination towards pupils to be admitted in the educational system
- give to foreign nationals residing in their country the same access to education as their national citizens

Furthermore, everyone has a right of vocational training. States which agreed with it must provide or promote trainings for everyone as well as special measures for the professional re-integration of long-term unemployed persons. Lifelong learning is provided in various countries to people who have left school at an early age or for other reasons, lifelong learning is essential for member states to provide. Distance learning, home schooling especially for Romani Travellers is essential and often encouraged. It is difficult to enrol Roma and Traveller children in schools if they are not stationary in one place for a length of time, although these children have the same rights as any other child from the host country.

(Use the Reference Book for further information, file 4.)

Human rights concerns, its values appear in all spheres of life, home, school, workplace, courts, markets, everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights in case laws and other activities. This right includes the possibility to receive free compulsory education.

ACTIVITY 1: ARTICLE 14

Facilitator's Notes: share with participants the hand out on Article 14.

Initiate a discussion on Article 14: Right to Education in the large group.

- How can right to education be guaranteed by the member states?

Facilitator's notes: Share with participants the information given below to identify whether the reasons given below are the only barriers or there are other barriers too from participant's perspective. Ask participants to share their concerns, barriers to education and write them on a flip chart to recap at the end of the activity.

Children in schools may be enrolled and will still be excluded in education from participating and learning in the classroom, language can be the biggest obstacle in education for the Roma community or any community whose language is not that of the host country. Things to bear in mind:

- Materials may not be in their language
- Teachers may purposely exclude individuals and may not ask them to contribute
- Children sometimes hold back, may not contribute as they don't feel they fit in
- There may be a disability issue
- Some children may need extra help but help is not given

Children do want to learn, want to be included, accepted in a classroom environment.

Outcome of this activity: Empower participants and build their confidence, enable them to talk about their experiences in education in a classroom.

ACTIVITY 2: INCLUSIVE LEARNING AND SYSTEMS

Facilitator's notes: Ask participants what is their understanding of Inclusive Learning? Record their answers on a flip chart to share with the group later.

What are the structures of education in your member state or the host country you are living in? How familiar are you? Are you aware of the enrolment procedures in schools?

(60 mins)

(Refer to the Reference Book for further details.)

- Children aged 3-6yrs
- Primary school education
- Secondary school education
- Further education (colleges, universities)

How many of you in this group attended secondary school education? (Ask them to share their thoughts about the school, how they were treated in the class room by their teachers, their feelings and emotions etc.)

(30 mins)

What do you think a community based approach for education and awareness raising will work with Roma parents, women and school aged children which will help stimulate an interest in education as a basic human right?

(30 mins)

In most EU countries schools normally start in August/September and finish in June. Is this the case in your member state?

(10 mins)

ACTIVITY 3: DIFFERENT FORMS OF DISCRIMINATION

Facilitator's notes: initiate a discussion in a large group with participants on different forms of discrimination.

Below you will find the definitions of various types of discriminatory behaviour.

Direct Discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic, ethnicity, colour, religion, age, faith, they have or are thought to have (see Perceptive Discrimination below), or because they associate with someone who has a protected characteristic (see Associative Discrimination below).

Associative Discrimination

This already applies to Race, Religion or Belief and Sexual Orientation. It is now extended to cover Age, Disability, Gender Reassignment and Sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination

This already applies to Age, Race, Religion or Belief and Sexual Orientation. It is now extended to cover Disability, Gender Reassignment and Sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess the characteristic.

Indirect Discrimination

This already applies to Age, Race, Religion or Belief, Sex, Sexual Orientation and Marriage and Civil Partnership. It is now extended to cover Disability and Gender Reassignment.

Indirect Discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic.

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Employees will now be able to complain about behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment

This already applies to Sex. It is now expected to cover Age, Disability, Gender Reassignment, Race, Religion or Belief and Sexual Orientation.

How can you challenge the discrimination faced by your child or your siblings in the education system?

Some helpful notes: submit a complaint to the school in question. Write to the education authorities to investigate your complaint, or if all fails you have the right to take the authorities to court. (Refer to Reference Book file 4 under discrimination.)

ACTIVITY 4: CASE STUDY:

As a starting point for the case studies, it is important to use current case studies in relation to the national context of the host country known by participants, or case studies from other training sessions, or newspapers articles could also be used and analysed. The biggest area of opportunity for the trainer is to engage the participants and ask them to share their personal experiences, therefore, it is highly recommended to engage and involve the participants in this work.

The participating countries in this project with a common framework should adapt materials from their test training and also from newspapers and from current situations which will be specific to each country

LEARNING OUTCOME

Participants will be more informed about their rights and will be able to recognise different forms of discrimination within the education system or out with whenever their rights are violated. Participants will be able to challenge the authorities when their human rights are abused and individuals will become more empowered and will be able to recognise different types of discrimination. Individuals will be better equipped with knowledge about the education system of their country and reflect on their own learning needs.

Module 5: Right to Access Employment

Article 15: Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation
2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right to establishment and to provide services in any Member State.
3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Article 29: Right of access to placement services

Everyone has the right of access to a free placement service

INTRODUCTION: AN OVERVIEW OF THE RIGHTS TO EMPLOYMENT AT A EUROPEAN LEVEL

The fundamental Rights legislations apply to anyone who wishes to access employment and should be treated equally and this equality also applies within the selection criteria and conditions of recruitment. In addition Member States shall repeal any legislative texts contrary to equal treatment.

To apply the freedom of circulation of workers, no discrimination should be made between the EU citizens. European citizens have the right to apply to job offers, to move freely for work within the EU, to reside in another Member State and, while working, they are under the same conditions as national citizens. They also have the right to look for a job, but they need to make sure they have enough resources to live in the country. They can also be asked to give proof of their job searches.

However, citizens from Bulgaria, Romania and Croatia are treated unequally due to the fact their countries have just joined the EU; they are still under the transitional measures period. Consequently workers have a restricted freedom of circulation. The decisions under which condition a citizen of these countries can work in another Member State are made at the national level. However, not all Member States apply restrictions to access to their working market under the transitional measure provision.

Regarding the case of an unemployed person from one of these countries, according to the conditions imposed by some Member States, the job seeker may not be able to reside there to seek for a job after three months stay. Only students and non-working persons such as retired persons, have the right to reside in another Member State for more than three months without being employed.

Nevertheless, between a non-EU citizen and an EU citizen from one of these countries, priority to hire someone should be given to the EU citizen.

For EU job seekers, Member States must have implemented special services in charge of advertising job offers, which may encounter applicants in another Member State, as well as the applications of workers who wish to work in another Member State. Concerning the applications, the Member State's employment service for which an application is addressed to, should answer within a month to the applicant. These services should also inform job seekers about opportunities in another Member State when they mentioned that they wish to work abroad.

In addition, non-EU citizens have the right to work and reside within the EU. The rules to work in a Member State depend on the agreements made between the country of the citizen and the Member State he/she wants to work in.

Member States have the right to set a quota on the number of citizens to seek for a job in their country.

For more information on working in another Member State see:

- The European Job mobility portal (EURES): <https://ec.europa.eu/eures/home.jsp?lang=en>
- The list of each EU Member State national employment services: <https://ec.europa.eu/eures/main.jsp?catId=0&lang=en&acro=links&orgTypeId=0&myOrgTypeId=1>
- The transitional rules applying to citizens of Bulgaria, Romania and Croatia when working in another Member State (choose the country of work and the citizenship of the worker): <https://ec.europa.eu/eures/main.jsp?lang=en&countryId=UK&accessing=0&content=1&restrictions=1&step=1>

ACTIVITY 1: RIGHT TO WORK

Introduction and welcome: discuss articles 15 and 29 in brief and ask the participants what they mean to them and how does they relate to their situation in their member state?

Read the above content as an overview to the participants from a European Level. (Refer to File 5 and pages 85-96 in the Reference Book.)

(1 hour)

What is your understanding of Right to Work?

Who is allowed to work under articles 15 and 29?

What do some member states mean by different rules for Aliens (page 96 of the Reference Book)?

“Aliens are not guaranteed the same conditions”

What do you feel about the terminology used—‘Aliens’?

ACTIVITY 2

Facilitator’s notes: discuss within the large group the EU Directive on Employment.

(1 hour)

Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions [See amending acts]

Summary

The principle of equal treatment means that there should be no discrimination whatsoever

on the grounds of sex, race, ethnicity religion or belief, either directly or indirectly, by reference in particular to marital or family status. Member States may, however, exclude from the Directive's scope occupational activities, depending on the nature of the heavy/ physical work where a state may only employ a male worker.

The Directive is without prejudice to provisions concerning the protection of women (pregnancy, maternity), or to measures to remove existing inequalities which affect women's opportunities in the areas covered by the Directive.

Application of the principle means that there should be no discrimination on grounds of sex in the conditions, including selection criteria, for access to all jobs or posts at all levels of the hierarchy.

The principle applies to access to all types and all levels of vocational guidance, basic and advanced vocational training and retraining.

Application of the principle to working conditions, including conditions governing dismissal, means that men and women must be guaranteed the same conditions.

Member States must take the measures necessary to ensure that:

- Any laws, regulations and administrative provisions contrary to the principle of equality are abolished or amended if they were originally based on a concern for protection which is no longer well-founded;
- Inappropriate provisions included in collective agreements, individual contracts of employment, the internal rules of undertakings or rules governing independent professions can be declared null and void or amended.

Labour and management must be requested to undertake the revision of such provisions in collective agreements.

Persons wronged by **failure to apply the principle** must have the right to pursue their claims by judicial process.

Employees must be protected against dismissal by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment."

http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10906_en.htm

ACTIVITY 3: WORK DOCUMENTS REQUIRED TO WORK IN A EU MEMBER STATE

Work in a large group as this information will be useful for all participants and record your answers on the flip chart and ask everyone to contribute. Ensure the participant that their

answers whether right or wrong are valuable and it is a learning process for all. Make them feel comfortable and respect their opinions and answers.

What documents would you require to work within an EU member state?

Passport, birth certificate, national insurance no

- Non UK Nationals can reside and work
- Restrictions only apply to Bulgarians and Romanians until the end of 2013, and to Croatians starting from July 2013, for 2 years minimum.

Work permit, criminal record, medical certificate

Requirement for obtaining a work permit as an employee for Romanian citizen:

The employer must submit (in person) the following documents to the Foreign Office:

- application form
- copy of the passport,
- copy of appropriate qualifications or training and also
- companies legal identity seeking approval for the permit for the individual

Discuss in a group what legislations/policies can be used to protect individuals from Discrimination and give right to work in the UK, France, Spain, and Czech Republic. (Refer to the Reference Book for further information relevant to the member state.)

ACTIVITY 4: CASE STUDY: SYSTEMIC EXCLUSION OF ROMA FROM EMPLOYMENT

As a starting point for the case studies, it is important to use current case studies in relation to the national context of the host country known by participants, or case studies from other training sessions, or newspapers articles could also be used and analysed. The biggest area of opportunity for the trainer is to engage the participants and ask them to share their personal experiences, therefore, it is highly recommended to engage and involve the participants in this work.

The participating countries in this project with a common framework should adapt materials from their test training and also from newspapers and from current situations which will be specific to each country.

LEARNING OUTCOME

Understanding about the employment directive and your right under the directive. More aware of the documents that one may require when they go to work in EU Member state. Competency and skills to research before travelling for such documents that you or your family member may require.

Module 6: Right to Access Health Care Services

Article 35: Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all the Union's Policies and activities.

INTRODUCTION:
AN OVERVIEW OF THE EU HEALTH CARE SYSTEMS: THE RIGHT TO ACCESS HEALTH CARE SERVICES AT A EUROPEAN LEVEL

The European Union recognises the right to access to health care for preventive cares and medical treatments. However member states are in charge of their systems and decide the conditions of their functioning. Nevertheless, the EU considers that everyone should be highly protected in matter of health and member states should take this into account. In addition, health care services should not discriminate anyone and their access should be equal for all. The access of children to cares, including for rehabilitation purposes, pre-natal and post-natal cares for mother, has been recognised through the international level by member states. Through this international level still, member states have recognised the right for everyone to be on the top of his/her physical and mental health. Consequently, they must ensure to everyone, in case of illness, medical services and cares.

Within the context of the EU health care system, In essence it entitles all EU citizens to obtain healthcare services in another EU Member State. Some EU Member states have complex health systems mixed between private and public sector and government. Most systems are based on compulsory public health insurance which is often supplemented by voluntary insurance. The health system in the EU countries is regulated by the Government bodies to protect all citizens from illness and disease. The national legislation applying to access health care services in the EU member state can be different from country to country under the member states own rules and regulations. Most EU member states provide health care and cannot refuse care to anybody on the grounds covered by the law on discrimination and most EU member states health systems are guaranteed by the Constitutional law of their country. Unfortunately many migrants are often unaware of the health care systems when they go to another member state, e.g. cost of care, the reimbursement procedures, and for those illegal migrants the fear of detection in case information is passed to the police. The danger of excluding illegal migrants from the health care system can risk the health of the individual.

In countries like Spain the Spanish national health care system includes public health, primary care, specialised care, emergency care and medical care as a whole, with preventative care systems in place. It is important to be aware of health care systems of other EU Member States when travelling to another country for work. In many countries the individual seeking healthcare in another Member State will be asked for prior authorisation from his/her own country. If granted, then costs incurred for any healthcare obtained in the other EU State will be reimbursed to the individual. Further to this the healthcare service must also be available in the applicant's own country. Both at an EU and International level all Member States recognises the health care of children, including rehabilitation health care, pre-natal and post natal cares for mothers and preventative care.

ACTIVITY 1: MY EXPECTATIONS

Description: At the start of the seminar facilitator will ask participants to tell what their expectations are for the module. Participants to state what their expectations are which are of special relevance to themselves. Although you might not be able to satisfy all expectations it is important to know what your participants are interested in.

(30 mins)

The main aim of this activity is to get to know the participants in more detail and to learn more about their expectations for the training.

This activity gives flexibility in the programme, with the possibility to add participants' ideas or needs. Try to accommodate the interests of your participants as best as you can - you all want to spend a cheerful day with each other. Nevertheless, it is important to emphasise that you cannot accommodate every participant's wishes, however you will try your best to satisfy everyone.

Materials needed: enough cards for all participants (approx. three cards for each person), felt pens for all, and a pin board.

Every participant gets three cards (or post-it notes) on which he/she writes down his/her expectations. Then ask participants to stick them on to the pin board or if you are using a flip chart to stick them on

Health Care Directive:

Facilitator's notes: Read the above Directive to participants and then discuss in a group what the Directive means. Note down on a flip chart and then re-cap everything at the end of the activity so that participants are well aware of the Directive. Ensure that they understand their rights at a European level.

(1 hour)

Learning outcome

Participants will be more aware of the Directive that applies to EU citizens and those seeking to move to other EU Member States. They will be more familiar with the European Health Insurance Card System which they can use in another member state.

ACTIVITY 2: DISCRIMINATION AND HEALTH CARE

Discuss with participants health discrimination and initiate a discussion. Write the questions on a flip chart then discuss in a large group and record their answers on a flip chart. Share with them the notes below.

All persons are equal before the law and are entitled without any discrimination to the equal

protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- What is your awareness of your own health system in your member state?

Think about the health insurance systems, state medical aid, which provides free medical for migrants and illegal migrants for those who lived in the country for three months or less on a very low income in some member states.

- In some member states a person has to fit into certain categories of employment, pension, social security benefit system and be an EU resident.
- When doing this activity please be aware of people suffering from mental health problems and by discussing health issues it might open up some emotional problems with certain participants and how the health system had a negative/positive impact on them.
- Don't you think it is the responsibility of the state to look after and provide appropriate care for these people? (Open a discussion and get participants to talk about it and provide suggestions.)

ACTIVITY 3: ROMA WOMEN AND MULTIPLE DISCRIMINATION

Roma women tend to face multiple kinds of discrimination within the health care system and be treated badly by health professionals in many member states. Women often lack access to information on sexual and reproductive health. One of the reasons being the high illiteracy rates amongst the women due to leaving schools early and getting married at an early age, and also being channelled into "special schools", which provide an inferior education and which limits their access to information and ability to challenge authorities. There is inadequate data on Roma health which hinders the development of policies to address the needs of these communities. Some traveller Roma community may not possess a health card and lose their rights to health care. Poverty is another factor for the Roma community as a whole, and it also suffers from alcohol problems which lead to women and children being subject to injury and abuse.

In addition, Roma women have suffered unconsented sterilisation in some member states and are often placed in separate maternity wards from the existing Roma women. Their rights are violated under article 35. There is so much mistrust amongst the Roma people of the health system.

Facilitator's notes: discuss the above and split the group in two. Provide a flip chart and ask a volunteer to scribe notes on the flip chart to share it with the other group.

(1 hour)

- Why do you think women are discriminated against in getting access to the health care system?

Facilitator's notes: share with the participants the following on Palliative care and ask if they can share any experiences they have come across with their families or friends.

(1 hour)

What is palliative care?

People are often denied information on Palliative care, and under article 19 everyone has the right to receive information regardless of where they from, and has the right to freedoms of expression and to know any information held on their health records. They also have every right to know about their illness and any risk procedures.

“Palliative care is an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and proper assessment and treatment of pain and other problems, physical, psychosocial and spiritual.”

http://equalpartners.info/Chapter4/ch4_1How.html#ch4_1anch1

Palliative care:

- Provides relief from pain and other distressing symptoms
- Affirms life and regards dying as a normal process
- Intends neither to hasten or postpone death
- Integrates the psychological and spiritual aspects of patient care
- Offers a support system to help patients live as actively as possible until death
- Offers a support system to help the family cope during the patients illness and in their own bereavement
- Uses a multidisciplinary team approach to address the needs of patients and their families, including bereavement counselling, if indicated
- Will enhance quality of life, and may also positively influence the course of illness

ACTIVITY 4: COMPLAINT PROCEDURES

Use Relevant Case Studies

As a starting point for the case studies, it is important to use current case studies in relation to the national context of the host country known by participants, or case studies from other training sessions, or newspapers articles could also be used and analysed. The biggest area of opportunity for the trainer is to engage the participants and ask them to share their personal experiences, therefore, it is highly recommended to engage and involve the participants in

this work.

The participating countries in this project with a common framework should adapt materials from their test training and also from newspapers and from current situations which will be specific to each country.

Discuss in a large group Complaint Procedures, and share with participants how they can complain if they feel they were inadequately treated by the health professionals. Ask participants if they have ever complained to any authorities regarding their health problems. Ensure that all information discussed will remain confidential and will not be repeated elsewhere. Ask participants to contribute to the discussion. Stop at each point and ask them if they were aware of the complaint procedures.

(2 hours)

- If a person feels they were not dealt appropriately by the health professional then they can make a direct complain to the hospital.
- Medical Council, as they have the disciplinary control over the professional members if they violate their code of practice, if the complaint is not dealt properly or been ignored by the health board or the municipality or anybody who is dealing with the complaint
- If all complain procedures fail then the complaint can be taken up with the ombudsman. The ombudsman can refer the case to the court if he/she sees that your human rights have been violated and the standards set by the governing bodies and the EU treaties were not adhered to and were violated.
- The EU Charter of Patients' Rights, which states that "each individual has the right to avoid suffering".
- Complaints can also be made to CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women)

(Refer to the Reference Book file 6)

LEARNING OUTCOME

Awareness of discrimination, attitudes towards Roma people, and different types of health care systems in the EU. One will be more competent to take the complaints forward through the right channels.

Module 7: Defence of the Vulnerable Members of Roma Community

Article 1: Human dignity

Human dignity is inviolable. It must be respected and protected.

Article 33: Family and professional life

1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Article 21: Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.

INTRODUCTION: AN OVERVIEW OF THE EUROPEAN AND INTERNATIONAL LEVEL ON LEGISLATIONS PROTECTING VULNERABLE PERSONS

Apart from the fact that Roma people are discriminated due to their ethnic origin, some members of the community face multiple discrimination due to their circumstances and conditions which makes them more vulnerable. In a report, the Commissioner for Human Rights of the Council of Europe pointed out the vulnerability of Roma women who are forced to be sterilised, and for some of them, they have not even been informed of it. He also stressed the unfair removal of the children from their parents only on grounds of lack of financial means. Besides, he also tackles the customary marriages, within some groups of Roma, which raise three issues: the violation of the rights of a child, when it is a minor who has been married, as well as perpetuating the subordinate position of women, and the denial of the social and economic rights of couples who did not get a civil marriage. Finally, Roma persons, and more specifically women and children, are the victims of human trafficking through sexual exploitation, labour exploitation, domestic servitude, illegal adoption and begging. To answer this double discrimination, you will find in this part laws referring to the protection of children, disabled persons and women as well as victims of human trafficking.

Children

International organisations made rights specifically for children to protect them from exploitation and mistreatment and the EU transposed these into its legislation. For the EU, a child is usually under 18. However, a minor can do activities, generally considered as "adult", before 18 if the national law says so (e.g. working, getting married).

When it comes to working, someone has the right to start working from the age of 15, or when they reach the national legal age where school is not compulsory any longer. This aims at providing children with a minimum of education and ensuring their well-being as well as avoiding the risk of exploitation due to their vulnerability. Besides, people between the legal age of working and 18 years old are considered as adolescent or young people and thus cannot be treated as adults and are under different working rules.

Regarding the legal age to get married, this is decided at the national level. Following a UN Convention stating the need to set up an age for that, in most EU countries this is 18 years old, and can be lowered with Court permission. Age of consent is also decided at national level and within the EU the age is most of the time between 14 and 16.

In addition, States must protect children from sexual exploitation and sexual abuse (from prostitution to pornography) as well as protecting them from being sold.

Disabled persons

Disabled persons also benefit from the protection of specific legislation. The UN made a

Convention to avoid the exploitation and mistreatment of disabled individuals, including a definition of a “disabled person”. The Convention tackles their equal treatment (Article 7) as well as their right to access to justice (Article 13). Besides, they have the right to access on an equal basis to their environment (transportation and information and communications – Article 9), to have an adequate standard of living, including an adequate housing with access to clean water (Article 28) and have their privacy (Article 22) and their home and family respected (Article 23). In addition, they have the rights to access education at all level and on a lifelong learning perspective (Article 24) and to access to healthcare (Article 25). Access to work and employment shall also be ensured by member states (Article 27).

This Convention has been approved by the EU which inserted it in its legislation through a compulsory legislative text meaning that it has implemented the Convention and therefore Member States shall apply it as well.

Women

The UN created a Convention, ratified by Member States, to protect women from any type of discrimination, which includes a definition of discrimination itself. In this Convention, States should cancel or modify any legislative texts discriminating women. The Convention also prohibited any discrimination based on gender and ensures the access of women to justice (Article 2). In addition, women should have access to education like men (Article 10), as well as access to healthcare (Article 12). Regarding work, the right of women to work and access employment without discrimination, and not be fired due to the fact they are pregnant or married is protected within Article 11. Furthermore, they should be free to choose their spouse and to decide whether or not they want to get married (Article 16). Engagement or marriage of children should not be legal and marriages should be registered in an official registry (Article 16). The Convention also tackles traffic in women and their exploitation for prostitution purposes which both should be suppressed (Article 6).

EU legislation aims to ensure equal treatment of women and men. Therefore, even though the Charter of Fundamental Rights widens the principle of equal treatment to all fields most of the EU binding legislation is about employment and work. Regarding the rights of women in their private life, the EU does not have real competency on this level. However, the European Parliament asked in 2011 for the creation of a Directive to ensure that rape and any sexual violence perpetrated against women would be considered as a crime, punishable by the law. Even though the initiative has been accepted by the European Parliament, the Directive still does not exist. To avoid medical abuses and—among others—forced sterilisation, the Charter of Fundamental Rights states the right of the patient to have a free and informed consent before receiving any medical care .

Domestic violence

In 2011 the Council of Europe made a binding legislative text, the Istanbul Convention, which

aims at combating violence against women, including domestic violence through prevention and the implementation of legal remedies for the victims. The Convention has been so far ratified by only four States.

Families

The only definition existing on family is the one within the Directive on freedom of circulation of EU citizens which states that someone's family members include the spouse or legal partner, direct descendants under 21 years old (children) and direct relatives on an "ascending line" who is dependant for living on this person (parents and parents-in-law). However this definition is not considered as the only one possible.

As States must protect children, they have the right to take them away from their parents in case of their mistreatment. States are also allowed to sue parents if needed. However, separating children from their parents should always be in line with the best interest of the child, especially if the child wants to stay with his/her parents. If the child wants to keep contact with them, States should facilitate this. In case the separation is due to an imprisonment or expulsion ordered by the State, parents and children should be informed of each other's whereabouts. Still, parents and children are required to request this information from the State as this information will not be released without a request. Nevertheless, for any action made by the State, the persons involved (e.g. parents, children) have the right to express their views and the State should always behave in the best interest of the child.

Furthermore, in the Convention to eliminate discrimination towards women, it is said that States must ensure that the spouses have equal rights and responsibilities regarding matters related to their relationship (e.g. in case of divorce, ownership, regarding the children).

In relation to divorces the parties have a variety of choices as to jurisdictions to get divorced within if there is some cross border element. It is possible to get divorced in the spouse's habitual residence, or the previous one (if one of them still live there), or the one of the spouse (if both wish to divorce), or else in the seeker habitual residence (if this person lives there for at least one year before the application was made). This also applies to legal separation or marriage annulment. In addition, a legal decision taken in a Member State should apply to all other Member States.

Human trafficking

Human trafficking is the trade of individuals for various purposes including labour services or sexual ones. Any act related to this trade (from recruitment to reception and including the control over someone) is forbidden and punishable. If the use of force or fear has been proven during the actions then whether the individual consented at any point is irrelevant. Regarding children, if human trafficking is proven, there is no need of proving any use of force or threat over them. To face the traffic of human beings, Member States must provide assistance to the victims, for them to recover physically, psychologically and socially, which

amongst others includes providing housing, healthcare and employment, educational and training opportunities. Besides, they should have the right to remain in the Member State's territory temporarily or permanently. In case of repatriation, the Member State should make sure this person is safe. Furthermore, the EU has set out the conditions for granting a non-EU citizen a resident permit with a limited duration, in order to for him/her to cooperate in the criminal proceeding. It is mentioned that Member States must give a time of reflection to the person to decide whether he/she wants to cooperate. The length should take into account the recovering of the person who should not be expelled during that period. (File 7 from Reference Book, page 115).

The above articles are a recap of the earlier articles for the benefit of the participants:

ACTIVITY 1: TREE OF HUMAN DIGNITY AND RESPECT

Welcome and introduction: draw a tree with branches on a flip chart and ask participants to write what human rights they think people will need to live in dignity and respect. Use the above overview on EU legislations to discuss the rights of a child, women, family, disabled persons etc.

Ask participants to write the three main rights that mean the most to them and do they think it should be the responsibility of the government to ensure their citizens get their rights (use the information from above overview and the article on the rights)?

- education, employment, housing, food and health and any other human rights they think are important

(2 hours)

Outcome

The learning will empower and build participants confidence to speak up for their rights and to know what exactly is important to them. The overview of the EU legislation will give participants to reflect from previous activities and from the Reference Book. It will also help individuals see how these activities relate to them or had related to them in the past and what steps they can put in place that it does not happen again or at least it eliminates any forms of discrimination.

ACTIVITY 2: CASE STUDY ON A 16 YEAR-OLD ROMANIAN GIRL

Facilitator's notes: provide a hand out of the Case Study to participants and read the scenario to participants (always keep in mind some participants may have literacy problems, ensure everyone understands what is required of them and make them feel they are important throughout the training. An example case study can be found in the Appendix. Facilitators are encouraged to use relevant case studies relevant to the issues from their own member

states)

(1 hour)

Outcome

This activity will inform participants on the Rights of the Child and will help participants to realise how important it is to have a voice and challenge and fight for their rights. This activity will raise emotions to take actions amongst participants and encourage them to contact relevant bodies, NGOs and campaigners for support. The learning from the activities will provide a better understanding and knowledge and help individuals to review their experiences and see themselves as equal citizens to that of the host country.

ACTIVITY 3: SHARING INFORMATION ON FAMILY LAW

“Everyone is guaranteed the enjoyment of her fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status.”

Facilitator’s notes: provide information on family law and initiate a discussion and discuss articles 10, 1, and 2 and use this in parallel with the Reference Book.

“The European Union (EU) has a limited role in family law matters. Each individual member state has its own rules about separation, divorce, maintenance of spouses and children, custody and guardianship and other family law matters. The role of the EU is mainly concerned with ensuring that decisions made in one country can be implemented in another. It also has a role in trying to establish which country has jurisdiction to hear a particular case. In effect, the EU does not have rules which govern, for example, who is entitled to have custody or access but it does have rules which try to ensure that custody and access orders made in one country can be put into effect in another.”

Article 10 paragraphs 1 and 2 (see Reference Book):

“Everyone has the right to demand that her human dignity, personal honour, and good reputation be respected, and that her name be protected.”

Women are often subject to Domestic Violence across all member states. There are free services provided by Municipalities, local authorities, women’s organisation and police. In many countries it is Zero Tolerance and police take strict actions against domestic violence issues. If a complaint is made to the police then it is their responsibility to make the necessary arrangements for the domestic violence person and in some countries such as the UK there are domestic violence units set up to protect women from domestic violence and provide safe accommodation for the women and her children from a violent partner. There are gender based organisations who report to CEDAW (the United Nations Committee on the

Elimination of Discrimination against Women).

(1 hour)

ACTIVITY 4: CASE STUDY ON DOMESTIC VIOLENCE

Facilitator's notes: read the case study to the participants and discuss the following questions below. An example case study can be found in the Appendix. Facilitators are encouraged to use relevant case studies relevant to the issues from their own member states)

Case Study on Domestic Violence

Facilitator's notes: share the notes with participants for extra information and awareness of the law.

The EU can only make laws where the treaties give right to do so, only if member states are signatory to the treaty. It is up to the member state to deal with the family law and its legislations affecting family relationships, parentage and marriage or divorce.

Matrimonial cases can be taken in the member state one is resident in and jurisdiction of that country will decide the outcome and what is in the best interest of the child.

It is also important to keep in mind if a child's residence changes then it is important to let the authorities know as there is time limit in lodging the case and only under strict conditions. If a wrongful removal of a child or family has taken place then the jurisdiction will change and the court can quickly take action on substantive cases.

Care and custody of a child is often granted to a spouse (in most cases it's the mother) until the child is 18 years old and can take the decision him or herself. The court takes into account the child's safety, the environment, and character of the spouse.

LEARNING OUTCOME

Participants will be more competent to challenge domestic violence or any domestic situation. They will be more informed about where they can seek information and which organisation to contact for refuge from domestic violence. The learning will empower women to challenge and fight for their rights and right and safety of their children.

Module 8: Right to Receive Social Assistance

Article 34: Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.
2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.
3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.

OVERVIEW OF THE LEGISLATION: APPLYING THE RIGHT TO SOCIAL AND HOUSING ASSISTANCE

Providing social assistance is a topic dealt with at national level since the EU does not have the competencies to decide whether or not Member States must include it in their law. Therefore, the EU recognises and respects the right to access social services, social help and housing assistance, but do not oblige Member States to provide them.

In addition, EU States are not obliged to provide social assistance to an EU citizen from another Member State during the first three months of residency, in its country, or during the period that the EU citizen is seeking a job. Nor shall the Member State be obliged to provide any educational assistance before the citizen receives a permanent residence permit.

Basically, the only EU citizens that Member States are obliged to provide social assistance, while they are not from their countries, are workers, self-employed persons and members of their family . Therefore, workers have the right to register to the official list of housing seekers, if a Member State has one, and they also benefit of the same social advantages that a citizen of the country where he/she lives would receive.

In addition and this applies to all EU citizens living in another Member State, they must receive the same assistance provided to national citizens, in terms of jobs search, from the employment agencies .

ACTIVITY 1: HUMAN RIGHTS QUIZ

1. Human Rights were first legally defined by international agreement after the horrors of the Second World War.
True or False?
2. Under the Human Rights Act everyone has a legal duty to uphold human rights.
True or False?
3. Public bodies must have human rights principles in mind when they are making policies and decisions about people's rights, and be able to demonstrate they have taken this into consideration.
True or False?
4. Since refugees have no right to come to the UK, they must rely on our generosity and the Human Rights Act does not apply to them.
True or False?
5. Using The Human Rights Act 1998 stops you from having your convention rights recognised under the European Court of Human Rights in Strasbourg.
True or False?

6. The language and underpinning values of human rights are useful outside of the courtroom.
True or False?

Answers

1. True: To protect the rights and freedoms of people living in their borders, countries which belong to the Council of Europe (greater Europe also includes countries such as Russia, Turkey and the Ukraine) created a treaty called the 'European Convention on Human Rights' which the UK was actively involved in developing and signed up to in 1951.
2. False: A private person or body is not required to comply with the Convention, the Human Rights Act requires all public authorities to act compatibly with everyone's Convention rights. The HRA only legally binds public authorities to uphold it.
3. True: Public bodies have a positive obligation to take proactive steps to protect human rights regardless of who or what is causing the harm. They need to do more than simply refrain from action that may violate human rights. Public bodies have to consider how all policies or decisions they make may have a human rights impact.
4. False: The Human Rights Act applies to everyone in the UK regardless of their status. "Everyone has the right to seek and enjoy in other countries freedom from persecution" (Article 14). A person exercising this right to enter another country and seek protection is known as an "asylum seeker". The UK has an international obligation to determine asylum seekers' claims and if they are found to be refugees, afford them protection.
5. False: The Human Rights Act 1998 (HRA) has incorporated the European Convention on Human Rights (ECHR) into UK law. This does not stop you taking your case to the European Court for consideration once you have exhausted all routes in the UK. The fundamental impact the Human Rights Act has made is that it is now much easier and quicker to rely on the articles in the convention than prior to incorporation.
6. True: Many of the case studies used today and previously collected by organisations such as BIHR highlight that using HR language can improve people's experience of public services and quality of life.

(Quiz from Equality and Human Rights Commission)

ACTIVITY 2: SOCIAL BENEFITS IN EU MEMBER STATES

Facilitator's notes: discuss what they know about social benefits in their member states. Ask participants if they are aware of social benefits and how they can access them for themselves and their families.

- Are you aware that you have to register with a social assistance scheme in your member state for 12 months to be able to claim benefits?
- You can lose benefits if you don't inform the authorities of a change of job.
- Are you aware of your right, if you are a homeless person and don't earn an adequate income, the state is responsible to provide you housing/shelter, and social benefits for you and your family?
- In order to access social assistance you require a resident permit.
- Social assistance can be accessed for elderly and disabled persons.

Traveller community and housing

The traveller community when evicted from their settlement can get an emergency accommodation from the social work and family units.

People living in adequate, poor housing conditions can have the right to housing. People in low income or who live in poverty can get help for their children in schools with vouchers for clothing and shoes.

(2 hours)

ACTIVITY 3: CASE STUDY: INADEQUATE HOUSING CONDITIONS

An example case study can be found in the appendix. Facilitators are encouraged to use relevant case studies relevant to the issues from their own member states.

(1 hour)

ACTIVITY 4: EMPOWERING PARTICIPANTS

Facilitator's notes: initiate a large group discussion.

Share information given below with participants to raise their awareness of social assistance and care system. Encourage participants to share their thoughts in a large group. Use the questions below to empower participants.

- How aware are you of your social benefit rights and pension rights?
- What are the areas that you think you would have challenges with if you were in this situation?
- What effective actions will you take to ensure your rights are respected?

People who are residents and have been working for a long time are entitled to a pension scheme on their retirement. Those who have not worked to their retirement age would get state pension and it will be calculated against the period one has worked and paid their pension.

Elderly are entitled to social care benefits for dependant's person and for home care. The

state provides a carer to look after the individual who is severely ill or disabled. Families can apply to county social services and the applications are assessed according to their needs and medical records. The ministry of labour, local authorities and social affairs and other benefit agencies are responsible to provide adequate care systems for the vulnerable.

Do you think Roma are given fair assessments of their needs or do you think sometimes the authorities worsen the individual's position by discriminating against them only because they are Roma? (If this is the case encourage participants to discuss openly).

Are you aware that homeless people can also get help from NGOs, many charitable organisations provide Soup Kitchens, shelter, food and promote employment programmes e.g. Red Cross, Salvation Army etc. NGOs are well aware of the plights of Roma Community and NGOs help provide guidance, information and support to those who most need it.

How do you feel about the Social Workers having too much power to make decisions as to what benefit or social assistance you should be getting? Is this a breach of your right?

(1 hour)

OUTCOME

Participants will be able to judge their rights and find out information for them on social assistances, and their rights to housing and to the labour market. The above activity will build their confidence and self-esteem to ask questions of the authorities and challenge and they will be able to complain to the right authorities. The information in the activities will help individuals to access their rights for their children and themselves e.g. vouchers for their children's clothing and shoes. Participants can often lose benefits for themselves and their children due to lack of knowledge and information of the systems on social assistance in all European Member States. Participants will know where to access free information when their rights are violated or breached by authorities.

Module 9: How to Fight Anti-Roma Discrimination

Article 21: Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited

Article 22: Cultural, religious and linguistic diversity

The European Union shall respect cultural, religious and linguistic diversity

Article 41: Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.
2. This right includes
 - a. the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - ...
 - c. the obligation of the administration to give reasons for its decisions

AN OVERVIEW OF THE RULES AT EUROPEAN AND INTERNATIONAL LEVEL

European Union's rules

The EU directive on discrimination and goods and services forbids any type of discrimination on grounds race, colour, ethnicity, sexual orientation, faith and religion or belief, age, language, political or any other opinion, membership of a national minority, property, birth, disability, shall be prohibited.

However, the EU made some rules to ensure that victims of discrimination are properly defended in the Member States from direct or indirect discrimination and harassment which violates and affects the dignity and respect of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Consequently, to defend victims of discrimination, Member States shall provide remedies and make them accessible by everyone. NGOs or any other legal entity should be able to bring and conduct a legal action on behalf of Roma persons who want it. Victims must be informed of all relevant information concerning the complaint, the procedure and the protection and assistance which he/she may be granted. The information should be made in a language “commonly” understood by the victims. Besides, non-EU citizens victims are entitled to special protection, in particular related to the right to be informed in her/his language. This includes the right to interpretation, the right to translation of essential document and the payment by the Member State of these expenses. In addition to all this, Member States should place the burden of proof upon the respondent to the case. This requires the person who is sued to prove he/she did not discriminate the victim who raised the case. However, this only applies to civil and administrative cases and not ones of a criminal nature.

Finally, according to decisions of the ECJ, EU law is directly effective and can be relied upon by citizens even if their national State does not include such provisions in domestic law. If a right exists in the European legislation, but not in national legislation, a citizen can still rely upon it before a national jurisdiction. If there is any doubt about the interpretation or validity EU law, the national judge should refer the case to the Court of Justice. Moreover, EU citizens possess a right for compensation against a Member State if they have violated their rights.

Council of Europe's rules

Unlike the EU, the Council of Europe (CoE) allows anyone (person, non-governmental organisations -NGOs or groups of individuals) to sue Member States before its Court, the European Court of Human Rights (ECHR). Thus, as written in the European Convention on Human Rights, anyone is allowed to make an appeal whenever a State, which ratified the Convention, violated one of its rights (including the ones within the Protocols). However, any application should occur only after all the remedies at national level have been used. The

decisions taken by the ECHR cannot be appealed and are binding. At national level, the rights mentioned in this Convention can also be reused before a national court. Member States should also guarantee that a victim have access to effective remedies in their countries. As anyone can make an appeal to the ECHR, NGOs can also represent individuals at the Court. It is a long exhaustive procedure to take a case to the European Court of Human Rights which can take up good few years. If the case is tried and violation occurred then the member state is responsible to compensate the expenses of that applicant.

ACTIVITY 1: HOW TO FIGHT ANTI-ROMA DISCRIMINATION

Each member state has its own legislations along with the EU convention on human rights and human rights constitutional acts which makes it very powerful and enables legal challenges against the member state which are relevant to the Roma and Gypsy travellers.

Facilitator's notes: draw on a flip chart a problem tree, write on post-it notes or on leaves; what discriminations faced by the Roma Community or draw pictures to express the stereotypes faced by participants. Initiate a discussion on people's attitudes towards the Roma community in education, health, employment etc. This tree will "grow" during the workshop, and gain branches and leaves. Keep the drawing on the flip chart and ask people to add anything they feel they missed out throughout the day.

(1 hour)

ACTIVITY 2: INEQUALITIES AND HOW TO OVERCOME THEM

Facilitator's notes: read out the post-it notes on inequalities faced by participants and ask them what can be done about it; initiate a group discussion and ask participants how they would overcome these inequalities. (Prompt them: ask about their children or themselves facing these inequalities) and draw another tree to add the solutions to the problems. Use bright colour pens to emphasise positive actions taken by the individuals to combat inequalities.

What would you like to see changed in relation to your participation in decision making, policy area and access to services? (Facilitators record on a flip chart and then at end of the activity share and recap which will build their competencies and self-esteem) give them the ownership of the tree and motivate them throughout the session.

(1 hour)

ACTIVITY 3: PENAL CODE AND EQUALITY AND HUMAN RIGHTS ACT

Facilitator's notes: initiate a group discussion on Discrimination. Discuss with the group what legislations they can use to protect them and take legal actions. Share the information below and discuss and ask if any of the participants had taken any discrimination cases forward.

The EU Penal Code and Equality Act 2010 and Human Rights Act 1998, along with constitutional law of member states which protects people against any form of discrimination, racism and xenophobia on Rights and Freedoms of Foreigners in member states where Roma and Bulgarian and other eastern European communities are bound to travel across Europe.

If a person has been discriminated or his/her rights has been violated they can report to the law authorities and take their cases through the criminal Proceeding. If an authority has discriminated against you, you can also take them to court depending on the nature of the discrimination. In some countries discrimination offence is not included in the Penal Code and the victim can take his case to the civil courts to claim compensation.

(2 hours)

ACTIVITY 4: EVALUATION AND CLOSE OF THE SESSION

Ask participants to fill in the evaluation form

Facilitator's notes: do a reflection on the activities modules and ask participants to say how they found the Human Rights Modules and the Reference Book. Do they think it was useful and did the guidelines build their confidence and self-esteem and do they feel they are in a better position to challenge violation of their rights with service providers, institutions and are they in a better position to participate in the democratic active citizenship agenda?

(30 mins)

PRE-WORKSHOP EVALUATION

On a scale of 1-5, where 1 is not aware and 5 is very aware, how aware are you of...

...violation of Roma rights?

1 2 3 4 5

...the EU Fundamental Rights Charter?

1 2 3 4 5

...the Directive on Free Movement?

1 2 3 4 5

...the Human Rights Articles?

1 2 3 4 5

What are the **three** main issues important to you? (tick 3)

- Employment Health
- Job Creation Housing
- Education Anti-racism
- Services

On a scale of 1-5, where 1 is very low and 5 is very high, how do you rate your knowledge of how to challenge any form of discrimination both direct and indirect?

1 2 3 4 5

That each section was summarised?

No

Yes

That you maintained delegates' interest throughout the workshop?

No

Yes

That there was room made for flexibility in group discussions without losing focus on the learning objectives?

No

Yes

That delegates actively engaged with the activities, and freely shared their opinions?

No

Yes

That the methods and activities used were the best way of presenting the workshop topics?

No

Yes

Keep this form for your own records.

Glossary

Amicable procedure: legal procedure to reach, without judgement, a mutual agreement following to a dispute between two parties

Application for amparo: It can be filed by all individuals or legal persons, national or foreign, as well as the Public Prosecutor and the Ombudsman, before the Constitutional Court in defense of the rights recognized in Articles 14-29 of the Constitution.

Autonomous communities: Spain consists of 17 autonomous communities, plus Ceuta and Melilla which are autonomous cities. In education, the autonomous communities have capacity to develop state regulations and adapt it to its territory in non-core aspects of the education system.

Autonomous competencies: The autonomous competencies are the aspects on which the Autonomous Community can legislate and govern. The Autonomous Community laws can not contradict the Spanish Constitution.

Be registered: Registration of a person in a census from a public authority.

Binding legislative act/text: European/international laws that States which agreed on it have to transpose in their national law as well as to apply them. In case they do not do it, bodies in charge of controlling their application can sanction them. On the principle, these texts can be used before a national court.

Biometric passport: a passport which contains detailed information about someone's body to prove who they are (e.g. fingerprints, colour of the eyes...)

Camseil des prud'hommes (Labour Court): it is a jurisdiction of first instance about the matter of labour contract between employers and employees in the private sector.

Care and custody of the children: This is the duty of cohabitation, care and attention of the minor sons and daughters.

Case law: a law based on trials decisions made by judges in the past.

Central Register of Foreigners: Citizens of the European Union, Member States of the Agreement on the European Economic Area (Iceland, Liechtenstein and Norway) and Switzerland and their families. They will be required to register with the Central Register of Foreigners, when they want to stay for more than three months in Spain.

Certificate of Registration: It is the document through which a national of a member country of the EU, certifies their legal residence in Spain (only required if they are going to reside in Spain for more than three months).

Charter of Fundamental Rights of the European Union: gives certain political, social, and economic rights to European Union (EU) citizens and residents into EU law. Since the Treaty of Lisbon, the Charter has the same legal value as a EU Treaty. The Charter does not extend the competences of the EU. The rights contained in the project INSEROM are issued of this Charter. (See Treaty of Lisbon, Hierarchy of norms, EU law)

Citizen of the European Union: a person holding the nationality of one of the European Union Member States (See Member States)

Citizen's Office: It gives to citizens the necessary administrative information that allows them access to knowledge of their rights and obligations as well as the use of public goods and services. It can be contacted via email: oiac@msssi.es, by phone 901 400 100 or by the office network sectoral (addresses: <http://www.msssi.gob.es/oficinaInformacion/home.htm>)

Competency (of the European Union): refer to the ability of the EU to take action by making laws, for example. The EU cannot take action in everything it wants and can be restricted when it has the right to act. Member States have set in the treaties the areas where it can have a power of action (e.g. custom union, environment, and internal market, area of freedom, security and justice...). According to the area, the power of the EU can be:

- Exclusive competency that-is-to-say full power - Member States gave to the EU the power to decide and therefore to make law that they will apply
- shared competency – As the action of the EU is regarded as more efficient, therefore Member States have decided to give the EU the power to act in some areas. Only if the EU does not act, Member States can act. The EU can also make law. Several areas are under shared competencies
- supportive/coordinative competency - Member States decide, the EU can only support or coordinate their action.

All European Union directives, regulations and decisions have been created because the European Union had the competencies on these areas. If the European Union does not have competencies on an area it cannot make laws: among the areas of the reference book, this is the case on topics such as housing (File 3), education (File 4), health services (File 6) and social assistance (File 8). Still regarding the reference book, the EU has shared competencies on the freedom of movement and residence (File 2) as well as on employment (File 5) since it has the power to make law in the framework of the internal market.

Concerted School: This means that is ownership and private management, but works through agreements or grant funds from the state. "They must comply with the same legislation, calendars, programs and organization that the public school and the mandatory levels have to be free. In practice, they often have monthly fees related to certain activities, complementary activities or extracurricular classes.

Contentious divorce: In case of failure to reach mutual agreement of separation or divorce, they must go to the Court to fix the measures relating to the declaration of separation or divorce, according to the requests and justifications made by each spouse.

Contributory benefit: The contributory unemployment benefit is a benefit for those who lose their job and are discharged at social security. It is a financial benefit given to those workers who can and willing to work, lose their jobs or are reduced temporarily ordinary workday.

Convention/Treaty: Contract between several international bodies (e.g. States by their own or the European Union). To be binding a Convention must be ratified by these bodies and not only signed. (See Ratification, Signature, UN, UNESCO)

Council of Europe (CoE): European Institution, distinct from the EU and independent from it, which works on promoting democracy and protecting the human rights and the rule of law. In comparison to the EU, where member states gave some of their sovereignty away to the EU to take decisions on common interest's topics, the CoE is strictly an intergovernmental institution where involved states are not forced to ratify all treaties neither all of their articles and they do not give it powers to decide for them. In addition, the CoE does not deal with economy while the EU is a politic and economic organisation. The CoE is composed of 47 states including the 28 EU member states and 19 non EU countries from Western Europe to Caucasia. (see European Convention on Human Rights)

Council of the European Union (Council or Council of Ministers): A European Union Institution composed of the Ministers of Member States. It has the power of deciding the creation of EU Laws, after the European Commission made a proposition. It shares this power with the European Parliament (on most of the topics). We call this procedure the co-decision since they decide together.

Court of Justice of the European Union (CJEU): is the highest court in the European Union (that-is-to-say the decisions it takes cannot be judged by any other court) in matters of European Union law. It is tasked with interpreting EU law to ensure its equal application in all EU member states. The CJEU only deals with EU law and thus is not concerned by national law (except if the national law is the application of EU law). It is not possible to appeal the decisions of national courts to the CJEU, but rather national courts ask questions of the interpretation to have on the EU law to it. However, national court has to apply all the interpretation given by the CJEU. The CJEU is also the arbitrator between the EU's institutions and can cancel their action if they act outside their powers.

Decision (of the European Union): An act, binding for its addressees and are directly applicable like the regulations due to its precise content. Decisions are created because the EU has competencies on the area(s) of the decision. (See also European Union law, competency, regulation, directive)

Dependents: “Permanent state in which are the people who, by virtue of their age, illness or disability, and linked to the lack or loss of physical, mental, intellectual or sensory impairment, require attention of another person or persons or significant help to perform basic activities of daily life or, in the case of people with intellectual disabilities or mental illness, other support for personal autonomy.”

(Article 2. Law 39/2006, of December 14 of Promotion of personal autonomy and care for people in a situation of dependency. Published in BOE no. 299, 15 december, 2006.)

Directive (of the European Union): A legislative act, which requires member states to achieve a particular result without dictating the means of achieving that result. The EU directives must be transposed in Member States' national law. Directives are created because the EU has competencies on the area(s) of the directive. Unlike regulations and decisions, the content of a directive is usually broad and can be inserted in several national laws. (See also European Union law, competency, regulation, decision)

Discrimination: Discrimination is the act whereby a person or a group is separated or given a different treatment based on certain criteria (sex, origin, religion...) that undermine equality.

Divorce by mutual consent: In mutual agreement procedures are the spouses themselves, who, with the advice and intervention of their lawyer, agreed between them the measures which, in the future, will regulate their new situation. These agreements are detailed in a document called the Settlement Agreement which will be presented to the court for approval, along with the demand for separation or divorce by mutual consent.

Equality Act 2010: this Act came into force on 1 October 2010. The Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The nine main pieces of legislation that have merged are: (a) the Equal Pay Act 1970, (b) the Sex Discrimination Act 1975, (c) the Race Relations Act 1976, (d) the Disability Discrimination Act 1995, (e) the Employment Equality (Religion or Belief) Regulations 2003, (f) the Employment Equality (Sexual Orientation) Regulations 2003, (g) the Employment Equality (Age) Regulations 2006, (h) the Equality Act 2006, Part 2, and (i) the Equality Act (Sexual Orientation) Regulations 2007.

Ethnic Minority: ethnicity is a complex and open textured concept that is irreducible to one, single classification. However, the predominant approach has been to elevate colour as the predominant facet of ethnicity, so for instance terms such as “White” and “Black” have been major headings in administrative national data gathering exercises, such as the decennial Census e.g. in 1991, 2001, and 2011. The term is used here simply to describe any group that is not in the numerical or percentage majority in all, any, or the relevant parts of the UK.

EURES (European Employment Service): the EU service to encounter a work/an employee in another member state. Every member state has an employment service.

European Commission: A European Union Institution which aims at proposing and implementing the European policies (areas where the EU has some competencies/powers on). It is the only EU Institution able to propose a law, but it does not decide of its creation. It also watches and makes recommendations to Member States to make sure that they implement the EU laws. (See Competency)

European Convention on Human Rights (ECHR): A European Treaty by the Council of Europe (CoE) based on the Universal Declaration of Human Rights and more complete than the European Union Treaties on fundamental rights. The Convention has also established the European Court of Human Rights (ECtHR) which is opened for citizens, NGOs and groups of individuals to take a case to the Court when one of the rights of the Convention has been violated by one of the States which ratified it. Before taking a case to the ECtHR, everyone needs to have recourse at the national level and to have received the decision of the highest court (this procedure is called “exhaustion of domestic remedies”). This Convention is not a European Union one but rather the Council of Europe. All EU Member States have ratified the Convention and the EU is currently under negotiation.

European Parliament: A European Union Institution composed of EU parliamentarian for most of them belonging to European political parties. It is the only Institution where its members are elected by EU citizens. Together with the Council of the European Union, it has the power of deciding the creation of EU laws after the European Commission made a proposition. We call this procedure the co-decision since they decide together. (See competency)

European Union Agency for Fundamental Rights (FRA): A European Union agency (not an EU Institution) which provides expertise and assistance to the EU and the member states when they implement the EU law. For that they collect and disseminate data on the situation of fundamental rights in the EU states. It can also give its opinion addressed to the Institutions or the member states on how to improve the application of fundamental rights at its own initiative or at the request of the European Parliament, European Commission or the Council of the European Union.

European Union law: Set of rules able to be applied in EU Member States. It is divided in three groups:

- The primary law is composed of EU Treaties which funds and governs the EU (e.g. Treaty on the Functioning of the European Union and Treaty on the European Union which both of them has been modified by the Treaty of Lisbon).
- The secondary legislation is composed of texts produced in compliance with EU Treaties. This includes: directives, regulations, decisions, recommendations and opinions. Only directives, regulations and decisions are compulsory for Member States to be inserted in their national law and to be implemented by them.
- The Jurisprudence is composed of the decisions (called case-law) taken by the Court of Justice of the European Union (CJEU) after a problem has been raised on the interpretation of EU law texts. Therefore, the interpretation chosen by the CJEU becomes a case-law which then becomes part of the EU jurisprudence. These interpretation help to ensure the equal application of EU law in all Member States.

Unlike the secondary legislation, primary law's texts, so EU Treaties are adopted by Member States and not EU Institutions. Besides, Member States adopt and modify them altogether so by unanimity.

Treaties (primary law), directives, regulations (Secondary legislation) and case-law (jurisprudence) can be presented before national courts to defend the rights they contain since it is compulsory for Member States to have transposed these texts in their national law as well as to apply them.

Family planning: The set of practices that can be used by a woman, a man or a couple, aimed primarily to control of the reproduction using contraceptive methods in the practice of sex.

Formal education: These plans are defined as those that allow the integration into mainstream education and, therefore, are aimed at achieving the Basic Qualification.

Free housing: Houses which are not subject to any public protection regime.

Friendly settlement: legal procedure to reach, without judgement, a mutual agreement following to a dispute between two parties

Fundamental rights: rights that belong to all human beings under the same jurisdiction (i.e. legal framework). An example of this could be those contained under the UN declaration such as: the right to freedom of movement, thought and association.

Gender Violence: That which, “as a manifestation of discrimination and emanating of the situation of inequality and power relations of men over women, is exerted on them by those who are or have been a spouse or who are or have been linked to them by similar emotional relations, even without cohabitation “and” comprise any act of physical and psychological violence, including offenses against sexual freedom, threats, coercion or arbitrary deprivation of liberty” (Article 1 of the Organic Law 1/2004 of 28 December on Integrated Protection Measures against Gender Violence. Published in BOE no. 313, 29 December, 2004.)

Gens du voyage (Travellers): in France, it is a legal category for individuals who exercise itinerant activities and of no fixed abode or residence

Gypsy / Traveller: the term ‘Gypsy / Traveller’ is used to acknowledge that Gypsy/Travellers are not a homogenous group, as whilst there are substantial commonalities (including unfortunately experiencing systematic disadvantage and discrimination) nonetheless it comprises many different groups such as Scottish Gypsy/Travellers, Irish Gypsy/Travellers, English Gypsy/Traveller, and Roma, amongst others.

Hierarchical legal system: Spanish legal system is hierarchical. As a result laws of lower jurisdiction cannot conflict laws of a higher jurisdiction. The rank, from higher to lower level goes as follows:

- Organic Laws: are those laws issued to regulate matters related to the exercise of fundamental rights and public liberties, Statutes of Autonomy, the general electoral system and others provided for in the Constitution.
- Ordinary laws: are those laws with different subject matter from those reserved to the Organic Laws contained in the Constitution.
- Decree-Law: provisional laws that the Government may issue as a result of urgent matters and that rank as laws.
- Legislative-Decree: a rule that ranks as a law issued by the Government whose function relates to the elaboration of articulated or refunded texts.
- Regulations: rules dictated by the Government which allow the constitutional bodies to control the regulated function.

Hierarchy of norms: Ranking of the rules (different laws) of a State or an international body (e.g. European Union). Thus, all laws do not have the same value. Some have a higher value in comparison to other one. Some may have been created following to the creation of higher valuable laws to define a precise aspect of it. In case of conflicts between two laws, ranking allows to set on which one should be used. Within the EU law, the ranking is the following:

- First are the Treaties and the Charter of Fundamental Rights which are part of the primary law
- Second are the international agreements (e.g. the European Convention on Human Rights of the Council of Europe when the EU will ratify it)
- Third is the Secondary legislation and for which, the legislative act is ranked as following: binding acts (Directive, Regulation and Decision) and non-binding acts (e.g. resolutions, declarations, agreements... which have more a political value)
- Fourth is the jurisprudence

This ranking is not complete but is adapted to the information needed for the current project.

In any case EU law is higher on the ranking than national law. Therefore, citizens can refer to EU law whenever a Member State violates his/her rights due to a non-application or a denial of the EU law. This is why we say that "EU law prevails on national law".

Human Rights Act 1998: this Act gives further effect to certain rights and freedoms guaranteed under the European Convention on Human Rights (the Convention). The Act works in three key ways: First, it requires all legislation to be interpreted and given effect as far as possible compatibly with the Convention rights. Where it is not possible to do so, a court may quash or display subordinate legislation (such as Regulations or Orders), but only Parliament can make changes to primary legislation (such as Acts of Parliament). Second, it makes it unlawful for a public authority to act incompatibly with the Convention rights and allows for a case to be brought in a UK court or tribunal against the authority if it does so. However, a public authority will not have acted unlawfully under the Act if as the result of a provision of primary legislation (such as another Act of Parliament) it could not have acted differently. In general, a person who wants to take the UK to the European Court of Human Rights must first bring their case before our domestic courts. Third, UK courts and tribunals must take account of Convention rights in all cases that come before them. This means, for example, that they must develop the common law compatibly with the Convention rights, taking account of Strasbourg case law. The Act has quasi-constitutional status in UK law.

Human rights defender (DDD): he is an independent body, created since July 2008.

His missions are protection of children's rights, security ethics, fight against discriminations, rights of users of public services.

Individual health card: It is necessary for receiving healthcare in the country, identifies the patient in medical canter and hospitals. Facilitates the work of professionals, because it facilitates access to health information of the patient and provides the possibility to use the services of the Virtual Office of Health Ministry.

Insured: People who are entitled to health care through a national benefit system or a contribution to a private insurance fund.

In Spain, people who are entitled to health care with public funds through the National Health System.

IPREM: Indicator or reference income level used to determine the amount of certain benefits or to access certain services. Available at the following link: <http://www.iprem.es/blog/>

Job seekers: Persons enrolled in the Public Employment Service as unemployed and job seeker.

Judicial procedure: a collection of steps aiming at sorting out a subject matter through a legal judgment.

Jurisdiction: possessing the right and power to apply and interpret the law, and to rule a case.

Jurisprudential: a body related to law.

Material equality: is understood as that existing in a legal system in which, taking into account how the different social positions in which citizens find themselves can lead to legal 'inequality,' passes laws that intend to favour that part of the population in disadvantaged to make equality effective.

Member States (of the European Union): The 28 countries which are part of the European Union: Austria; Belgium; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden, United Kingdom.

Moratoriums on access to employment: Transitional period within which EU legislation permits to Member States not to allow citizens from new member states (Romania, Bulgaria and Croatia currently) to work in their territory.

For Spain, period within which the law does not permit to employ citizens of Romania in the Spanish territory. Thus, Romanian workers are required to obtain work authorization like extra-community workers. (See Transitional measures)

Municipality: is the entity in charge of administrating a locality or a group of these.

Non-contributory or assistance: Is the benefit for persons who are unemployed and have exhausted contributory benefit or not traded social security long enough to receive the contributory benefit.

Non-European Union citizen/Third country national: A citizen holding the nationality of a State which is not member of the European Union

Non-formal education: These plans are focused on training for active and responsible citizenship and also provide the basic skills development ensuring autonomy, personal enrichment and continuous retraining that modern society requires.

Non-Governmental Organizations: Also known as NGOs, are civilian entities not dependent on the government, created to provide a service that enhances or maintains the rights and quality of life of society.

Occupations difficult to fill: list of professions in which public employment services have found difficulties in meeting the demands for workers.

Ombudsman: Person responsible for resolving by recommendations the citizens claims on the functioning of public administration.

The EU Ombudsman receives complaints from individuals and legal entities resident in the EU. These complaints are based on the malfunctioning of the EU administration. It may also act on its own initiative.

For Spain, is the high commissioner appointed by Parliament to protect and defend these fundamental rights and civil liberties of citizens enshrined in the Spanish Constitution.

Portfolio of services: A set of techniques, technologies and procedures, by which the healthcare services are provided.

Presumption: From a legal point of view, this involves consideration that certain facts are true and will be require submission of evidences against them in order to prove that the facts are not true.

Primary care social services: The primary care social services are the primary care level of basic social needs of citizens, are located in all Spanish municipalities and target the population as a whole.

Private school: not receive government subsidies and is funded by the users. Prices per student vary from one centre to another. The criteria for admission to these centres are not subject to the law, the direction of the centres who decides admission.

Prosecutor: The prosecutor, without prejudice to the functions entrusted to other organs, has the mission promoting the action of justice in the defence of law. It is also intended to defend the rights of citizens and public interests protected by law, automatically or on request of stakeholders. Finally, it ensures the independence of the courts and securing before them the satisfaction of social interest. (<http://www.fiscal.escctt>)

Protected housing: Houses that have a more affordable price than the ones in the free housing market and are intended to sectors of the population with more difficult to access housing.

Public school: It is financed from taxes of citizens and is managed by the Educational Community itself.

Ratification (of a Convention, a Treaty): By ratifying a state indicates its consent to be bound to a legislative act. A State which has ratified a legislative act commits itself to apply its content (insertion in the national law) and to respect it. In principle, an act ratified by a State can be used before the national courts. For the UN and its agencies, acceptance and approval have the same legal meaning as ratification (See UN, UNESCO).

Registration certificate: It is the administrative record indicating all the neighbours who live or ordinarily resident in that municipality. Its data are proof of residence in the township. By law every person living in Spain is obliged to register in the municipality where he resides.

Registration in Social Security: An administrative act by which the General Treasury of the Social Security recognizes the condition included in the Social Security System.

Regular Process: When the student enrolment application is submitted pursuant to the calendar proposed by the administration.

Regulation (of the European Union): a legislative act of the European Union that becomes immediately implemented as law in all member states simultaneously. Regulations are created because the EU has competencies on the area(s) of the regulation. Unlike directives, the content of a regulation is usually precise to allow its direct insertion (without any modification) in national laws. A regulation contains the objectives and the means to reach them. (See also European Union law, competency, directive, and decision)

Repatriation: to send someone back in her/his country of origin which most of the time is the country of nationality

Reversal of the burden of proof: It is not the victim who must prove that there has occurred an act of discrimination. It is up to the defendant (the alleged discriminator) who must show that there has been no breach of the principle of equal treatment.

(Law 62/2003, of 30 December, on fiscal, administrative and social order. Published in BOE no. 313 December 31, 2003.)

Schengen area: Inside this area, free movement of persons is the rule. Any individual, (whether a citizen of the European Union or of a non-member state who may require for the latter a visa to enter the area), once on the territory of a member country, can cross the borders of the other countries without any border checks. The 22 EU states signatories are Austria ; Belgium; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Slovakia; Slovenia; Spain; Sweden (Iceland; Norway; Switzerland; Liechtenstein are also signatories but non EU member states). Some EU member states are not part of the Schengen area: Ireland; Bulgaria; Croatia; Cyprus; Romania; United Kingdom.

Schengen visa: This visa allows the holder to enter a member state and freely travel to any country inside the Schengen area as long as the entire stay lasts less than three months within a six month period. Depending on your nationality, you might not need a visa. (See Visa)

Self-Employed: the economic or professional activity made by an individual regularly and directly, for profit, outside the scope of organization and direction of another person.

Signature (of a Convention, a Treaty): Mean of authentication, expressing the willingness of a state to ratify a Treaty or a Convention, but does not mean it will. However, it allows the state to proceed to ratification, acceptance or approval of this text. Unlike ratification, by only signing, a State is not bound to what it has signed on. (See Ratification, UN, UNESCO)

Special Process: When the registration procedure is done out of time because of extraordinary issues.

Special provision: People who are not entitled to receive healthcare may sign an agreement with the Spanish Social Security to enjoy the basic portfolio of services. This "costs €59.20 / month for those under 65 and €155.40 / month if they are over 65.

Statute of Autonomy: Is the Spanish basic institutional law of a community or an autonomous city, recognized by the Spanish Constitution of 1978.

Third country national / Non-European Union citizen: A citizen holding the nationality of a State which is not member of the European Union

Transitional measures (of the European Union): Measures which restricts the freedom of circulation of citizens of a country which has recently joined the European Union. The restrictions tackle employment and indirectly the right of residence of these citizens. To not disturb their national employment market with the possible arrival of workers from the new States, the other Member States can, for example, restrict the choice of employment opened to these citizens as well as putting conditions on their hiring to employers. Following EU law, the incapacity for someone to afford his/her living leads to not have the right of residence after three months on another Member State's territory. Not all Member States apply these measures. After a State has joined the EU, its citizens are compulsory under transitional measures for two years. As long as a Member State wants to put transitional measures, this length can be extended to three years and then to two years additional. In total these measures can last seven years. Being under these measures means that the country is not part of the Schengen area.

Treaty of Lisbon: Entered into force in 2009, the Treaty of Lisbon modifies two other EU Treaties: Treaty on the Functioning of the European Union and the Treaty on European Union. Among the changes brought by the Treaty of Lisbon: the Charter on Fundamental Rights of the European Union has now the same value as a Treaty on the hierarchy of norms, the EU can sign international Conventions (e.g. European Convention on Human Rights of the Council of Europe) and the competencies of the EU have been reshaped. (See Hierarchy of norms, competencies)

Treaty/Convention: Contract between several international bodies (e.g. States by their own or the European Union). To be binding a Treaty must be ratified by these bodies and not only signed. (See Ratification, Signature)

UK Parliament: the sovereign legislature of the UK. It is a bicameral Parliament comprising an Upper House (the House of Lords) and a Lower House (the House of Commons). The former House comprises members - often referred to as Peers - appointed by the Queen on recommendation from the Prime Minister and the latter House contains individuals democratically elected as Members of Parliament.

UN (United Nations): An international organization composed of most of the countries of the world. It promotes peace, security, economic development, social progress, human rights, civil rights, civil liberties, political freedoms, democracy. Conventions and Covenants made under the UN are binding legislative acts for the States which ratified it (or accepted/approved it).

UNESCO (United Nations Educational, Scientific and Cultural Organization): agency of the United Nations which contributes to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law, and human rights along with fundamental freedom. Its Conventions are binding legislative acts for the States which ratified it (or accepted/ approved it).

United Kingdom: the United Kingdom of Great Britain and Northern Ireland (the UK) is a sovereign State, comprising four nations, namely England, Northern Ireland, Scotland, and Wales. It is important to distinguish between the UK and Great Britain, with the latter comprising England, Scotland, and Wales only.

Visa: Official authorization added to a passport, permitting entry into and travel within a particular country or region. (See Schengen Visa)

Work as Employed: an employee who works for a public or private entity in which he/she has signed a contract.

Appendix: Case Studies

MODULE 1: SETTING THE CONTEXT

Imagine that you are at your uncle's house, talking with your relatives, when suddenly two police officers burst in and accuse him of committing the theft of some live animals (pigs). They arrest him and bring him to the police station. The name of the person to whom this happened is Mr X, a 49-year-old Romani man. He was beaten at the police station during the whole afternoon. On the evening of the same day, one of the owners of the pig came to the police to inform them that they just found the pig and that Mr X had nothing to do with the incident. However, he was not released because of the injuries inflicted by the police and he received no medical treatment. Mr X was found dead in police custody at two o'clock the next afternoon. Like in many other cases of police abuse, there was no effective investigation into the death of Mr X.

Discussion points

- Where were his human rights violated?
- Discuss the action of the police
- Is this right? Why did the police beat him? Do they have the right?
- What type of discrimination is this (direct, indirect, institutional)?
- Why do Romani families have to wait so long for justice?
- How would you tackle this situation if this happened to a member of your family?
- What actions would you take or like to take?
- Why are perpetrators getting away with such crimes?
- How can you influence policy and decision making (what organisations should be involved)?

Note: consider some of the points below when challenging human rights violations.

In the last decade, there have been many such deaths. The police frequently deny wrongdoing by claiming that the person concerned committed suicide or had an accident. In the case of Mr X, police said he had fallen on the ground. The victim's family waited for justice. It took thirteen years. Is this justice or impunity? (Impunity means failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of the victims' right to justice and redress.)

MODULE 4: RIGHT TO ACCESS EDUCATION

Read the case study to the participants and ask if they think this is a case of discrimination against Corina. Ask the questions below and share your answer with the group

Corina arrived in the UK with her family at age 9. The family had had some bad experiences in their home country and when Corina was enrolled in school, staff noticed that she was very nervous and shy. She often seemed exhausted in class and sometimes fell asleep. Staff learned that this was because she had nightmares and sleep problems. In year 6, Corina had a panic attack getting onto the bus for a class excursion. A doctor diagnosed Corina with post-traumatic stress, an illness that affects people who have had life-threatening experiences.

Corina's post-traumatic stress has improved over time and, at 14, she has friends and is much more outgoing. Her sleep is normal and she has not had a panic attack for 2 years. However, her teachers still tend to think of her as delicate. Corina's class is going on a bus trip to London to visit the Madam Tuscac. Her teacher is worried that Corina may panic or may not cope with the trip and decides that she should stay home and research the sites on the internet instead.

Is this discrimination? If so, what kind?

Answer:

This is disability discrimination. Even if Corina has now recovered from her illness, if she is treated unfavourably because she used to have an illness, or because her teachers believe she still has an illness, it is still discrimination.

The school has a duty of care towards its students. At the same time, it must not discriminate. How should the school have handled this?

MODULE 5: RIGHT TO ACCESS EMPLOYMENT

The mass-unemployment of working age Roma is most often perceived as a labour market supply-side issue and the high level of unemployment is attributed to Roma's inability to find employment because of their low levels of education; out-of-date work skills and detachment from the labour market. Also because large segments of the Romani community lost out during the economic and industrial restructuring that occurred during the transition from Communism. Undoubtedly, these factors create very real barriers that reduce employability and exclude many Roma from work but there is another dimension – discrimination – which significantly aggravates the situation and causes systemic exclusion from employment for vast numbers of working-age Roma.

Read the quote below and ask participants if they think this is true of how Roma with higher education are perceived. Initiate a discussion and ask participants to share their knowledge and experience.

(30 mins)

“Roma with higher education can only get work in Roma-specific areas; otherwise they would probably be unemployed like most Roma.”

MODULE 7: DEFENCE OF THE VULNERABLE MEMBERS OF ROMA COMMUNITY

Activity 2: Case Study on a 16 year-old Romanian Girl

Mina is a 16 year-old Romanian girl who lives with her mother, brother and sister. Her brother who is a drug addict, her sister has been trafficked in the past and is experiencing trauma as a result. She is the main person supporting her family, and has to engage in prostitution to do so, and Mina is exposed to daily risk of HIV and Hepatitis B and C infection. What money she earns from prostitution she uses to buy bread for the family and other family members don't help. Mina gets beaten up, her health is very poor and she sleeps rough in the streets. She is an illegal citizen in one of the European countries.

Discuss the above case study and ask participants the following questions under Children's Rights Charter

- How do you think Mina's rights were violated?
- Should Mina have received the health care she needed?
- Who suffers directly or indirectly in this case?
- What can you as a person do to help Mina in this case?

Activity 4: Case Study on Domestic Violence

Marcela is Romanian, she has been married twice and has two children, her husband comes home drunk every night and beats her in front of her children. Marcella comes from a very poor family, her parents gave her away to her new husband because they could not afford to keep the kids and her in the same house, there was very little income coming to the house.

Marcella lived with her husband and looked after his family, his mother and suffered vulgar, degrading abuse and beating from her husband all the time. He would hit the children on the face head and legs. Marcella was powerless, didn't know what to do and had no help from any one.

Marcela could no longer take the beating and seeing her children get beaten on a daily bases. Marcela's friend told her to contact the local child protection and gave her the agencies number. Marcela spoke to the agency and got no results instead she was told there was nothing they could do as there are no domestic violence services in their country. She begged them to do something and that she doesn't want to go home with her children and she and her children were deprived of food and the basic amenities. They eventually sent her to a church where she got shelter and felt safe with her children. The church centre provided her and the children with food and clothes and counselling. While living in the church and helping with cleaning and in the kitchen. Marcella has applied for a social house and filled application for benefits and is looking for a job. She is much happier with her children and she is away from the violent marriage.

Encourage a discussion in a large group, and ask the following questions:

- What do you think this case study tells us of a lady who intensely fought to escape from a second marriage?
- What rights are violated in the above case study of the mother and the children?
- Is it true that once domestic violence occurs it becomes recurrent, and the case study tells us that domestic violence can happen to people who have suffered abuse in their previous marriage?
- How important are services for victims of domestic violence?

“Everyone has the right to be protected from any unauthorized intrusion into her private and family life.”

(1 hour)

MODULE 8: RIGHT TO RECEIVE SOCIAL ASSISTANCE

A growing family, including young children, lives in a cramped and overcrowded social housing property. The house lacks adequate heating and ventilation systems. The house suffers from damp and condensation, and there is extensive condensation dampness causing illness. The house is often without a water supply and the drains are often blocked. The house boiler is broken and the family is often without hot water. The parents decide that they need to send the children away to live with other relatives to safeguard their health and hygiene.

Answer

This is likely to breach Article 7 (the right to respect for private and family life and/or an interference with the right to respect for the home). That is because it would be unlikely that this ‘treatment’ of the family could be objectively justified even if the housing provider had no obligation to deal with the situation under the tenancy agreement or housing legislation. Aids and adaptations Social housing providers, especially local authorities, are likely to be subject to statutory or regulatory obligations to provide certain aids to tenants.

