

**Recommendation CM/Rec(2012)9
of the Committee of Ministers to member States
on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma¹**

*(Adopted by the Committee of Ministers on 12 September 2012
at the 1149th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members, and that this aim may be pursued, in particular, through common action in the field of human rights and social cohesion, which form core values and objectives of the Council of Europe;

Recognising that Roma have faced, for more than five centuries, widespread and enduring discrimination, rejection and marginalisation across Europe and in all areas of life;

Aware that discrimination and social exclusion can be overcome most effectively by comprehensive, coherent and proactive policies targeting both the Roma and the majority, which ensure integration and participation of Roma in the societies in which they live and respect for their identity, and recognising that mediation can be a useful tool for improving Roma inclusion;

Considering that all human rights are universal, indivisible, interdependent and interrelated and that economic and social rights are human rights, and should be supported by concrete community and governmental efforts to ensure they are equally accessible to members of the most deprived and disadvantaged groups and communities;

Recalling its previous recommendations² which advocated the use of Roma mediators to improve communication and relations between Roma and public institutions, which in turn can help overcome barriers to social inclusion and effective access of human rights, as well as improve access of Roma to public services;

Bearing in mind the Strasbourg Declaration on Roma, adopted at the High-Level Meeting of Council of Europe member States on 20 October 2010, which refers to mediation in the context of education, employment and healthcare and expresses the agreement of member States to set up a European Training Programme for Roma mediators;

Noting that recourse by municipalities and regions to Roma mediators is among the measures called for in Resolution 333 (2011) of the Congress of Local and Regional Authorities on "The situation of Roma in Europe: a challenge for local and regional authorities", and in the Final Declaration of the Summit of Mayors on Roma, organised by the Congress on 22 September 2011;

Drawing on the positive experience of the ROMED programme "Intercultural mediation for Roma communities", implemented from 2011 as a joint action of the Council of Europe and the European Union, which provides important lessons on how to achieve effective intercultural mediation between Roma communities and public institutions;

Welcoming the co-operation between the Council of Europe and the European Union in promoting effective mediation with Roma communities and encouraged by the fact that such mediation, even if different names

¹ The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.

² See Recommendations CM/Rec(2009)4 on the education of Roma and Travellers in Europe, CM/Rec(2008)5 on policies for Roma and/or Travellers in Europe, Rec(2006)10 on better access to health care for Roma and Travellers in Europe and Rec(2000)4 on the education of Roma/Gypsy children in Europe.

are used,³ is practised more and more widely in member States and increasingly explicitly supported in national strategies and action plans for Roma inclusion;

Convinced of the important benefits resulting from employment of persons with a Roma background to act as mediators between Roma communities and public institutions, notably in terms of improved school attendance and access to quality education, improved access to healthcare and other public services, along with better communication between members of Roma communities and public institutions;

Stressing the importance of respecting gender equality when having recourse to mediators and noting that the gender of mediators may be relevant to the effectiveness of their work in some situations;

Noting that experience has shown the importance of ensuring that mediation produces the desired results without unwanted negative side-effects;

Considering, therefore, that it is useful and timely, given the growing recourse by member States to mediation with Roma communities and based on the experience gained with it, to promote a common understanding of some basic principles that can help make such mediation effective and maximise its impact,

Recommends that the governments of member States, with due regard for their constitutional systems and, where appropriate, to their respective national, regional and local circumstances:

1. develop and maintain an effective system of quality mediation with Roma communities based on the following principles:

a. *human rights*: the full enjoyment of human rights of members of Roma communities without any form of discrimination is an essential principle underpinning and governing such mediation; this implies that mediation should aim at empowerment of Roma to exercise their rights and increased capacity of public institutions to guarantee these rights in practice, not at rendering or keeping Roma or public institutions dependent on mediation;

b. *systematic consultation, participatory planning and evaluation* allowing the members of Roma communities to express their needs and concerns, and to be actively involved in finding the most appropriate solutions to the problems facing their local community in co-operation with representatives of the public institutions;

c. *intercultural sensitivity, non-violent communication and conflict mediation*, based on good knowledge of the “cultural codes” of the community and of the relevant institutions;

d. *impartiality*: the mediator should work, and be able to work, in a balanced way with both the public institution and members of Roma communities to help overcome cultural and status differences and focus on improving communication and co-operation and on stimulating both parties to take responsibilities and engage with each other; legitimate interests of both parties should be recognised;

2. recognise the importance of professional self-regulation by mediators themselves such as the European Code of Ethics for mediators⁴ published by the Council of Europe and the European Union, for setting out a clear understanding of the mediators' role and responsibilities and encourage public authorities at all levels to respect them, including in employment contracts for mediators, in particular by refraining from interfering with the responsibilities of mediators or requesting them to undertake actions that are not within their responsibilities;

3. ensure or, in situations where the State has no direct responsibility, encourage that:

- official recognition to the professional status of mediators is given, taking measures, where necessary, to render the employment of mediators more stable, and ensure fair remuneration and adequate working conditions;

- certification or accreditation of initial and in-service training programmes for Roma mediators is provided on the basis of the principles set out in paragraph 1 of this recommendation;

³The terminology used for persons carrying out mediation (whether as their sole task or as one task among others) varies from one country to another: mediators, facilitators, assistants, social workers, community facilitators, community mediators, pedagogical assistants, etc.

⁴ <http://www.coe-romed.org/sites/default/files/code%20ethicEN.pdf>.

- the professional expertise gained by mediators is recognised so as to enhance their career perspectives;

- opportunities for networking and regular peer support among Roma mediators are provided and that the participation of various professionals working with them (trainers, supervisors, etc.) is stimulated;

4. promote a favourable environment at local level for the work of mediators, notably by increasing the capacity of local and regional authorities to develop and implement effective policies for Roma integration, where appropriate, in close co-operation with other member States, the Council of Europe, and other international organisations active in this field, including the European Union and the OSCE.