



NEWS REPORT

Date: 7 January 2010
Expert: Rikki Holtmaat
Title: Social benefits for Roma
Country: The Netherlands

Context

Issue at stake: Social Assistance benefits for Roma people
Ground of discrimination: race/ethnic origin
Source: Decision national equality body ETC
Field: social protection, social advantages

Legislative provisions: Article 7A General Equal Treatment Act; Wet Werk en Bijstand (Act on Labour and Social Assistance)

Content

Case/law/political development: In two recent cases (ETC Oordeel 2009/112 of 30/11/2009; ETC Oordeel 2009/113 of Idem), the Dutch Equal Treatment Commission (ETC) has given as its opinion, on complaints made by an NGO of Roma people and a Roma family, that the social assistance system of a municipal authority is not in breach with the equal treatment legislation. According to this system, Roma families with multiple problems (e.g. financial, health, educational and pedagogical problems) are placed in a special programme, which includes the acceptance of a 'family coach'. The goal of the programme is, inter alia, to improve the participation in education of Roma children and to decrease the dependency on social benefits of Roma families. According to the NGO, 10 Roma families had suffered damages since their benefits were cut, because they had refused to participate in the programme. However, the NGO could not substantiate this claim, because the families refused to identify themselves, and therefore the ETC could not check whether any such damage really had occurred.

In the second case, a family claimed that their benefits were withdrawn because of the programme, but according to the ETC in that case the cause of the refusal to grant the social assistance benefit was that the family had not supplied the authorities with all the necessary information about its income and property. The ETC rejected the claim that – considering the position and culture of Roma people – these families had a right that the rules of the Act on Labour and Social Assistance should be applied more leniently in their case. Besides, the ETC also considered that a (local) government has the authority to develop special targeted programmes for certain groups in society, as long as it stays within the limits of the equal treatment legislation, i.e. as long as this policy does not amount to racial or ethnic discrimination. In its Opinions the ETC referred to ECtHR decision of 13 Nov. 2007, D.H vs Czech Republic, no. 57325/00. The ETC concluded that special programmes that are meant to improve the position of Roma people do not constitute a breach of the equality principle. However, in this case the local government's



policies may be perceived as putting extra pressure on Roma people, instead of offering them extra assistance and guidance on a voluntary basis. Therefore, the ETC recommended to the local authorities to engage into a dialogue with the Roma community about how to implement the programme.

Decision of the ETC: No breach of the General Equal Treatment Act

Internet link source and additional information:

<http://cgb.nl/oordeel/2009-112>

<http://cgb.nl/oordeel/2009-113>