



CAHROM (2018)5

Strasbourg, 31 August 2018

AD HOC COMMITTEE OF EXPERTS ON ROMA AND TRAVELLER ISSUES¹ (CAHROM)

**CAHROM THEMATIC REPORT
ON ROMA AND TRAVELLER'S ACCESS TO JUSTICE (WITH A GENDER FOCUS)**

following the CAHROM thematic visit to Helsinki, Finland, on 21-23 March 2018

Final version of the thematic report

**The conclusions, lessons learnt and good practices mentioned in this report were presented and endorsed
At the 15th CAHROM plenary meeting in Athens, Greece, on 22-25 May 2018**

¹ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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I. INTRODUCTION

1.1 Background of the thematic report

The thematic visit was organised in Helsinki, Finland, on 21-23 March 2018 at the invitation of the Finnish authorities, in particular the Ministry of Social Affairs and Health.

The thematic visit in Finland was aimed at exchanging experience and best practices in the field of access to justice, with an emphasis of gender to identify potential additional obstacles for Roma and Traveller women in accessing justice.

1.2 Context of the thematic visit and expectations from the group of experts

The CAHROM thematic visit was timely because it was scheduled towards the end of March 2018, i.e. a few weeks before the end of the joint Council of Europe/European Commission (DG JUST) programme on Roma and Traveller women's access to justice. This thematic visit was attended by JUSTROM national coordinators and CAHROM members from the five beneficiary countries of the JUSTROM programme, **Bulgaria, Greece, Ireland, Italy and Romania**, and was used to an exchange of experiences both at policy and practical levels on the implementation of this programme and the setting up of legal clinics involving lawyers, paralegals and Roma community mediators. It also help drawing recommendations for the second phase of the JUSTROM programme since the European Commission and the Council of Europe had already agreed for the continuation of this programme.

In addition, **Spain** was invited to participate and contribute since the National Federation of Gypsy Women's Associations KAMIRA developed similar legal clinics in Spain, although not identical as those under JUSTROM. KAMIRA also developed an application for mobile phones to help Spanish Gypsies (*Gitanos*) reporting online discrimination, hate crime and hate speech.

Finland, which is a longstanding supporter of the activities of the Council of Europe Roma and Travellers Team, and has also partly contributed to the implementation of the JUSTROM programme through voluntary contributions, was interested to hear more about this programme, listen to the feedback from the beneficiary countries, and share Finland's experience. Finland, which is a very digitalized country, was also interested to hear more from the Spanish application for mobile phone developed by KAMIRA.

Finally, the thematic visit was also timely as it helped spreading [Recommendation CM/Rec\(2017\)10 of the Committee of Ministers to member States on improving access to justice for Roma and Travellers in Europe](#) which had recently been adopted by the Committee of Ministers of the Council of Europe. For the purpose of this thematic visit, the Recommendation had been translated into national languages of the participating countries (see sub-chapter 1.6 below).

The European Commission (DG JUST) was invited to participate in this thematic visit as a co-partner of the JUSTROM programme but was not in a position to attend. Montenegro was also invited to participate in this thematic visit with a view to including a country from Western Balkan but the Chair of CAHROM, from Montenegro, was not available during the proposed dates.

1.3 Composition of the thematic group of experts²

Requesting/hosting country		
FINLAND	Ms Henna HUTTU	CAHROM member and rapporteur on Gender Equality, Acting Ministerial Adviser/Secretary General of the National Advisory Board on Romani Affairs, Ministry of Social Affairs and Health
Partner countries		
BULGARIA	Ms Rositsa IVANOVA	CAHROM member, Secretary and Senior Programme Officer, Secretariat of the National Council for Cooperation on Ethnic and Integration Issues, Council of Ministers of the Republic of Bulgaria
	Ms Dilyana GITEVA	JUSTROM National Coordinator in Bulgaria
GREECE	Ms Eleni KALLINIKOU	CAHROM member, Expert at the Special Secretariat on Roma Social Inclusion, Ministry of Labour, Social Insurance and Social Solidarity
	Mr Christos ILIADIS	JUSTROM National Coordinator in Greece
IRELAND	Ms Marie STANLEY	CAHROM member, Higher Executive Officer, Traveller & Roma Inclusion Unit, Department of Justice and Equality
	Ms Ali DENNEHY	JUSTROM National Coordinator in Ireland
ITALY	Mr Alessandro PISTECCHIA	CAHROM member, Roma expert, National Office for Racial Discrimination (U.N.A.R.), Department for Equal Opportunities, Presidency of the Council of Ministers of the Republic of Italy
	Ms Maja BOVA	JUSTROM National Coordinator in Italy
ROMANIA	Ms Alexandra NEMEŞ	Senior Counselor, Social Policies and Services Directorate, Ministry of Labour and Social Justice
	Mr Marian MANDACHE	JUSTROM National Coordinator in Romania
SPAIN	Ms Carmen SANTIAGOREYES (excused)	President of the National Federation of Gypsy Women's Associations KAMIRA
	Mr Rafael SANTIAGO	Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA
	Mr Luis MENDOZA	Federación Nacional de Asociaciones de Mujeres Gitanas KAMIRA
COUNCIL OF EUROPE Secretariat		
	Mr Michael GUET	Secretary of the CAHROM, Head of the I-CARE Unit, Roma and Travellers Team, Anti-Discrimination Department, DG II Democracy
	Ms Isabela MIHALACHE	JUSTROM Programme Manager, I-CARE Unit, Roma and Travellers Team, Anti-Discrimination Department, DG II Democracy

² For contact details of the experts of the thematic group and the list of Finnish interlocutors, see <https://rm.coe.int/final-list-of-experts-and-participants-of-the-cahrom-thematic-visit-to/168093af78>

1.4 Programme of the thematic visit

The agenda³ included presentations and exchanges of views with several relevant national institutions and Roma women interlocutors, including:

- Ms Sarita FRIMAN, Senior Specialist, Ministry of Social Affairs and Health
- Ms Terhi PAIKKALA, Ministry of Foreign Affairs
- Ms Katriina NOUSIAINEN, Senior Officer of the Ministry of Justice
- Ms Heidi LEMPIÖ, Senior Officer of the Office of the Non-Discrimination Ombudsman
- Ms Jenita RAUTA, Researcher, Police University College on hate crime related matters
- Ms Anneli WEISTE-PAAKKANEN, Special Planner, The National Institute for Health and Wellbeing-THL
- Ms Päivi MAJANIEMI, Project Manager, Finnish Roma Association
- Ms Miranda VUOLASRANTA, President of the European Roma and Travellers Forum (ERTF) and President of IRWN-Phenjalipe, International Roma Women's Network

Ms Katriina RAINE, Programme Officer, Organisation Assistant, Naisten linja ("Women's line") and Mr Johannes HIRVASKOSKI, a Finnish lawyer of Roma ethnic background were both excused.

A debriefing session between the experts of the thematic group was organised in the morning of the third day following the meetings with the authorities.

The preparation of the thematic visit followed the guidelines developed by the CAHROM and allowed the possibility for the Council of Europe Secretariat to discuss the agenda and propose some changes.

1.5 Terminology

The term "**Roma and Travellers**" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

The term "Roma" in its generic sense, used in the present report covers Finnish Kaale, Bulgarian Roma, Greek Roma, Italian Roma and Sinti, Romanian Roma and Spanish Calé (Gitanos). The term "Travellers" refer here to Irish Travellers.

1.6 Background information and relevant texts and programmes

Background information circulated prior to this thematic visit took into consideration Council of Europe monitoring bodies' reports and other material and research available at national and international levels. The group of experts paid particular attention to various texts from the Council of Europe and the European Union⁴, as well as the Roma and Travellers-related case law of the European Court of Human Rights.

³ Final agenda: <https://rm.coe.int/final-agenda-cahrom-thematic-visit-to-finland-21-23-march-2018/168093af76>

⁴ For instance, European Commission, 2011c. "An EU Framework for National Roma Integration Strategies up to 2020", <http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52011DC0173&from=en>; and Council of Europe [Recommendation CM/Rec\(2017\)10 of the Committee of Ministers to member States on improving access to justice for Roma and Travellers in Europe](#)

II. SITUATION REGARDING ACCESS TO JUSTICE OF ROMA IN FINLAND AND SPAIN

For the sake of keeping this thematic report to a reasonable size, links to the presentations were created, see below:

2.1 FINLAND

Presentation by Ms Miranda VUOLASRANTA on the IRWN-Phenjalipe Strategy on the advancement of Romani women and girls and priorities related to access to justice <https://rm.coe.int/ertf-irwn-phenjalipe-vuolasranta/168093a0a8>

Presentation by Ms Katriina NOUSIAINEN on the legal and policy framework for Roma Issues in Finland <http://rm.coe.int/rma/dri/objectId/090000168093a0a9>

Presentation by Ms Jenita RAUTA on the hate crime monitoring system in Finland <https://rm.coe.int/fi-rauta-hate-crime-monitoring-system-in-finland/168093a0aa>

Presentation by Ms Anneli WEISTE-PAAKKANEN on the work and recent survey of the National Institute for Health and Wellbeing-THL <https://rm.coe.int/roosa-cahrom-2018-03-21/16809450d5>

Presentation by Ms Heidi LEMPIÖ, on the work and mandate of the Non-Discrimination Ombudsman <https://rm.coe.int/fi-yvv-lempio-200318-coe-cahrom/168093a0ab>

2.2 SPAIN

Representatives of the Spanish Federation of Gypsy Women, Kamira, presented a new and innovative online tool that will facilitate the processing of all types of complaints related to alleged hate crimes, i.e. the SOS KAMIRA App. for mobile phones. With this tool KAMIRA intends to make available to the general public, legal operators, information professionals, public administrations, and Roma and non-Roma entities, an instrument with which to channel complaints of hate crimes and discrimination and contribute to achieving a dignified and equal treatment of citizenship. For more information, consult KAMIRA website: <http://federacionkamira.es/presentada-la-app-sos-kamira-para-la-tramitacion-de-denuncias-de-odio/>

III. ANALYSIS OF ROMA AND TRAVELLERS' ACCESS TO JUSTICE, WOMEN IN PARTICULAR, IN THE PILOT COUNTRIES OF THE COE/EC JUSTROM PROGRAMME: BULGARIA, GREECE, IRELAND, ITALY AND ROMANIA

For the sake of keeping this thematic report to a reasonable size, links to the presentations were created, see below:

The following link to the JUSTROM Programme Manager's PowerPoint includes background information about the JUSTROM programme and the justification which led the Council of Europe to submit such a programme proposal to the European Commission, the aim and objectives of the programme, the programme activities, the target groups and beneficiaries, the expected results, a description of the legal clinics in Bulgaria, Greece, Ireland, Italy and Romania, results indicators and the plan for a JUSTROM2.

- **PowerPoint presentation on the JUSTROM programme by Isabela Mihalache, JUSTROM Programme Manager** <https://rm.coe.int/mihalage-general-presentation-justrom-pptx/1680939cd6>
- **Summary of JUSTROM countries' indicators:** <https://rm.coe.int/summary-countries-indicators-1/1680969c8a> and <https://rm.coe.int/summary-countries-indicators/1680969c8b>

The following presentations present the implementation of the JUSTROM programme in the respective beneficiary countries, the composition of the JUSTROM teams, the national stakeholders, activities, data and results indicators, as well as testimonials of beneficiaries.

Bulgaria

- **PowerPoint presentation by Dilyana Giteva, National JUSTROM Coordinator in Bulgaria:** <https://rm.coe.int/dilyana-justrom-bulgaria-march-2018/1680939ca3>
- **Summary table JUSTROM indicators BULGARIA:** <https://rm.coe.int/table-bulgaria-/1680969c8c> and <https://rm.coe.int/bulgaria/1680969c76> and <https://rm.coe.int/bulgaria-1/1680969c75>

Greece

- **PowerPoint presentation by Christos Iliadis, National JUSTROM Coordinator in Greece:** <https://rm.coe.int/iliadis-helsinki-greece-n-co-/1680939ca4>
- **Summary table JUSTROM indicators GREECE:** <https://rm.coe.int/greece/1680969c85> and <https://rm.coe.int/greece-1/1680969c84>

Ireland

- **PowerPoint presentation by Ali Dennehy, National JUSTROM Coordinator in Ireland:** <https://rm.coe.int/dennehy-justrom-1-ireland-kopio/1680939ca2>

Italy

- **PowerPoint presentation by Maja Bova, National JUSTROM Coordinator in Italy:** <https://rm.coe.int/bova-ppt-as-of-march-22-2018/1680939ca1> and <https://rm.coe.int/word-presentation-by-maja-bova-of-justrom-programme-in-italy-as-of-18-/1680969c6e>
- **Summary table JUSTROM indicators ITALY:** <https://rm.coe.int/italy/1680969c87> and <https://rm.coe.int/italy-1/1680969c86>

Romania

- **Example of a case of discrimination treated under JUSTROM in Calarasi, Romania, by Marian Mandache, national JUSTROM Coordinator in Romania:** <https://rm.coe.int/example-of-discrimination-case-identified-under-justrom-in-calarasi-ro/1680969c77>
- **Summary table JUSTROM indicators ROMANIA:** <https://rm.coe.int/romania/1680969c89> and <https://rm.coe.int/romania-1/1680969c88>

The governmental interlocutors from Bulgaria, Greece and Romania also provided the following information regarding the JUSTROM programme and, more generally speaking, about access to justice system in their respective country:

- **PowerPoint presentation on the national social assistance system in Romania by Alexandra Nemes, Senior Councillor, Social Services Policies Directorate, Ministry of Labour and Social Justice of Romania** <https://rm.coe.int/nemes-1-ppt-snas-13-09-2017-copy/168093afa0>
- **WORD presentation on JUSTROM in Bulgaria by Rositsa Ivanova, Secretary and Senior Programme Officer, Secretariat of the National Council for Cooperation on Ethnic and Integration Issues, Council of Ministers of the Republic of Bulgaria** <https://rm.coe.int/rositsa-ivanova-presentation-on-justrom-in-bulgaria/1680969c54>
- **Presentation by Eleni Kallinikou on Roma policy and access to justice, Expert within the Special Secretariat on Roma Social Inclusion Ministry of Labour, Social Insurance and Social Solidarity of Greece** <https://rm.coe.int/eleni-kallinikou-presentation-on-roma-policy-and-justrom-in-greece/1680969c53>
- **PowerPoint presentation on access to justice in Italy for Roma, Sinti and Caminanti by Alessandro Pistecchia, National Office for Racial Discrimination (UNAR), Presidency of the Council of Ministers** <https://rm.coe.int/pistechhio-ppt-tv-finland-2018-22-march/168093afa1>

IV. CONCLUSIONS, LESSONS LEARNED, GOOD PRACTICES IDENTIFIED AND ENVISAGED FOLLOW-UP

4.1 General conclusions and recommendations to hosting and partner countries on the topic

Whilst access to justice and non-discrimination legislation seem to be satisfactory and available in theory to all citizens, including Roma and Traveller citizens, in the hosting and partner countries of the thematic visit, in practice, there are a number of internal (e.g. high illiteracy rate) and external (administrative barriers or legal requirements that *de facto* exclude certain categories of population) obstacles that more systematically affect Roma and/or Traveller communities. The knowledge of Roma and Traveller communities about their human rights or existing legislation and institutions (equality bodies and national human rights institutions) that could help them is generally low. There is a general lack of reporting of cases of discrimination and hate crimes due to a lack of trust in institutions, in particular the police and sometimes the judiciary system.

Even though access to justice is not one of the main four pillars of the EU framework for Roma integration; still it is an essential policy area that is often at the grassroots of long-term solutions in improving Roma and/or Traveller living conditions. National Roma Integration Strategies should more systematically include measures related to access to justice and pay attention to the gender dimension of it.

The experts of the CAHROM thematic visit welcomed the relevant initiative of both the European Commission (DG Justice and Consumers) and the Council of Europe (Roma and Travellers Team) to establish strong partnership in addressing access to justice of Roma and Travellers, whilst paying particular attention to the situation of women, through the JUSTROM programme. Participants of the thematic group all agreed that the JUSTROM programme, implemented by the Council of Europe and funded by both the European Commission (DG Justice and Consumers) and the Council of Europe, has proven to be a useful and valuable programme with clear impact at grassroots level in the targeted communities and has even managed, in some cases, to produce policy and legal changes or have new instructions given to the judicial system (see good practices identified under chapter 4.4 below). Participants from the countries concerned indicated that JUSTROM has helped in developing synergy and co-operation between the Council of Europe and the European Commission in the policy area of justice and the fight against anti-Gypsyism and discrimination in general. The Greek CAHROM member reminded participants that the need to continue its implementation was expressly included in a recent European Parliament report: *Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism*” (rapporteur: MEP Soraya Post) adopted on 26 October 2017⁵.

Other benefits of the JUSTROM programme as identified by the participants include the activation of pro-bono practices and a society more open towards the Roma community and vice versa (confidence-building). JUSTROM has indeed contributed to improving trust of institutions (in legal professionals, the police, the municipalities involved, etc.) within Roma and Traveller communities covered by the programme.

To make the best of the abovementioned programme that was mainly addressed to women the CAHROM took the initiative to work and draft a relevant recommendation for the Committee of Ministers addressing access to justice for all Roma and Traveller populations. The result was the Council of Europe Committee of Ministers’ Recommendation CM/Rec(2017)10 on improving access to justice for Roma and Travellers in Europe adopted in October 2017. The Roma and Travellers Team of the Council of Europe translated the CM/Rec(2017)10 into Bulgarian, Finnish, Greek, Italian, Romanian and Spanish (in addition to existing English and French versions) and disseminated it to the participants of the thematic visit. CAHROM members and JUSTROM national coordinators committed themselves to widely distribute this text (*inter alia* to ministries

⁵ The importance of JUSTROM was recalled by MEP Soraya Post in Brussels during the EU Roma Week 9-13 April 2018.

of justice, ministries of interior, ministries of environment, ministries of social affairs and health, ministries of employment, bar associations, equality and national human rights institutions, municipalities and civil society).

It has been noted during the discussions that the on-going or forthcoming digitalisation process of various services, including the submitting of complaints to the police, public administration or the judiciary, in various member States (Finland, Ireland, etc.) does not sufficiently take into consideration existing obstacles within the most vulnerable categories of the population, including Roma (due to high level of illiteracy, lack of access to Internet, bad credit records, etc.).

As general recommendations, experts of the thematic group indicated the need to:

- further develop synergies between various actors and further engage local and regional authorities (including in JUSTROM pilot countries);
- further develop transnational cooperation and exchange information between JUSTROM national teams of Bulgaria, Greece, Italy and Romania, for instance on solving the lack of identity documents and trafficking of human beings-related issues;
- encourage equality bodies and national human rights institutions to focus more on Roma related-cases and collect data in line with the new ECRI General Policy Recommendation no.2– e.g. through increased contacts under JUSTROM2 or on the occasion of the 5th OPRE platform meeting (Belfast, United Kingdom, on 15-16 May 2018).

Another suggestion (supported in particular by Finland) was to consider adapting and introducing the SOS Discrimination application (APP) for mobile phones developed by KAMIRA, in Spain, in other member States, JUSTROM countries included.

4.2 Lessons learnt and specific country conclusions of the thematic group of experts regarding main obstacles in the provision of equal access to justice

4.2.1 Concerning Finland

- To extend the mandate of the Office of the Non-Discrimination Ombudsman to cover discrimination in the field of employment or to tighten the co-operation between Ombudsman and the Occupational Safety and Health Administration. Further cross-cut information with the office of the Gender Equality Ombudsman, in particular as regards Roma (Finnish Kaale and mobile EU-Roma);
- To raise awareness through the National Council of discrimination concerning the discrimination and racist attacks against Roma migrants about their rights, legal aid possibilities and existing human rights institutions, by communicating also in Romani and other languages they speak (Romanian, Bulgarian, Polish, etc.);
- To include clear benchmarks related to Roma and Human Rights education in municipal and corporate equality action plans;
- To increase the level of fines at the level of non-discrimination tribunals to make them more dissuasive;
- To pay more attention to illiteracy and limited literacy levels among Finnish Roma in order to further decrease the drop-out rate of Roma youth in compulsory and vocational education throughout the country and to promote Roma access to employment;
- To reduce delays in the treatment of cases by non-discrimination tribunals;
- To involve not only police students from the police academy but also senior police officers and security guards in non-discrimination training and train them as trainers to ensure sustainability;
- To train lawyers (particularly those providing free legal aid), prosecutors and judges by relevant institutions on discrimination (with a Roma focus);
- For the Ministry of Social Affairs and Health to pay particular attention to digitalisation and its possible negative impact on Roma and other vulnerable categories in the context of the regional administration reform and on-going reform of social and health services;

- To develop and pilot mobile phone applications similar to the Spanish SOS Kamira application for reporting cases of discrimination;
- To raise awareness on the restorative justice practices (such as mediation) among the general public and Roma in order to provide quicker and cheaper remedy of non-discrimination cases;
- To develop more affirmative actions (positive discrimination) since it exists in the law and consider introducing quotas such as those already existing for women, disabled persons and Sami in relevant public services and at local and regional levels;
- To address discrimination in the media, especially in the National Broadcasting company Yle and its regional broadcast units and their online broadcasting;
- For the Ministry of Justice, to invest more in non-discrimination programmes, including staffing, which are too often dependent on the EU-funding;
- Making multiple discrimination an aggravating factor and making it recognised in the Non-Discrimination Act
- To avoid the mention of names (including in digitalized applications) in the employment and housing areas to avoid discrimination based on distinctive Roma family names;
- To consider developing a non-discrimination strategy and action plan at governmental level;
- To introduce/develop cultural mediators of Roma ethnic background and to increase visibility of Roma as Finnish citizens (including advertisements, public events and messages and awareness raising campaigns);
- To ensure in all instances that the best interest of the child is considered in all child custody and separation cases;
- To prevent the removal and alienation of Roma children from their parents and family members except in extreme circumstances of serious abuse in line with the Convention on Human Rights and its Article 8 on the Right to respect family and private life;
- To ensure that the needs of Roma victims of domestic violence and their children, that may have been affected, are addressed in line with the Istanbul Convention;
- To make juries reflect the diversity of society and include minorities, including Roma;
- To consider introducing legal preliminary advice to vulnerable groups through legal aid offices to improve efficiency of the existing legal aid system;
- To disseminate the Council of Europe CM/Recommendation (2017)10 on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities.

4.2.2 Concerning Bulgaria

- To ratify the Istanbul Convention and Protocol 12 on non-discrimination;
- To disseminate the Council of Europe CM/Recommendation (2017)10 on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities;
- Regarding the equality body, to change the presentation of their annual reports with regard to case descriptions so as to facilitate research per ethnicity;
- To collect and disaggregate data based on gender and ethnicity from the legal aid centres, as well as to collect info about the motives of rejection of cases;
- Public institutions, as well as Roma mediators, should disseminate information to Roma communities (using JUSTROM approach in accessing communities) about the existence of the 11 regional legal aid centres, and assist with translation and interpretation, where necessary, so as to facilitate access to services;
- To encourage other bar councils to set up similar regional consultative councils, especially where vulnerable groups reside (e.g. Sofia and Plovdiv);
- To introduce education on anti-Gypsyism and human rights and place it in curricula for law faculties;
- To encourage reporting by Roma victims.

4.2.3 Concerning Greece

- To check the possibility of adapting the rationale of legal clinics to the Roma branches of community centres within the municipalities in Greece;
- To circulate among all Roma support centres and other relevant authorities the letter issued by the Chief Prosecutor of the Supreme Court⁶ regarding access to free legal aid of Roma without identity documents;
- To deal with the defined/identified administrative and legislative gaps;
- To check for further synergies with other currently implemented programmes in Greece;
- To sign partnership declarations with national stakeholders at the earliest possible time;
- To search for extra funding for the continuation of legal clinics in Xanthi (2 mediators);
- To further raise awareness on the JUSTROM programme;
- To disseminate the Council of Europe CM/Recommendation (2017)¹⁰ on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities;
- (For the Ministry of Health) to speed up the drafting of a circular based on the Greek Ombudsman recommendation and JUSTROM findings regarding Roma women without identity documents who give births in hospitals;
- To ask the working group on civil and municipal status issues to invite the JUSTROM team to its meetings to contribute to settling pending cases of unregistered Roma.

4.2.4 Concerning Ireland

- To ratify the Istanbul Convention;
- To disseminate the Council of Europe CM/Recommendation (2017)¹⁰ on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities;
- In order to obtain candidates for setting-up national JUSTROM team, to advertise the calls for applications for lawyers and legal professionals with both the Law Society of Ireland and activelink.ie which would then cover over hundred human rights legal professionals in Ireland (and budget the fees charged for this ad).

4.2.5 Concerning Italy

- Need to develop human rights education and training, in particular for legal professionals, health care professionals, civil registry officers and immigration officers;
- Need for a targeted reintegration pathway for female Roma survivors of domestic violence (e.g. what the United Kingdom Forced Marriage Unit is doing for women victims of forced marriage);
- Need to develop access to vocational training and the labour market, and to adopt measures combating school drop-out. High illiteracy rate impacts *inter alia* on Roma's knowledge of their rights and duties and their access to justice and human rights services in general;
- Transnational co-operation in particular with Bulgaria on trafficking of human beings and with Romania (Naples-Călărași) *inter alia* on identity documents;
- Ask the National Roma Platform to invite and involve JUSTROM-Italy, the work of which could have a positive multiplier effect among its relevant participants/stakeholders;
- Need for the JUSTROM2 national team to establish and/or strengthen collaboration with stakeholders involved at the local level in projects of social inclusion and improvement of housing conditions to avoid exclusion of Roma through measures taken at the local level;
- Need to foresee a depth examination of Roma/Sinti social history in relation with justice under the forthcoming projects on Roma history planned by UNAR;
- Consider alternative measures for the lack of residence;
- Disseminate the Council of Europe CM/Recommendation (2017)¹⁰ on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities.

⁶ Reference: 11159/24.11.2017.

4.2.6 Concerning Romania

- To disseminate the Council of Europe CM/Recommendation (2017)10 on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities.
- To raise public awareness on discrimination against Roma, about their rights, including legal aid, through the National Agency for Roma and the other public institutions with responsibilities in the field;
- To implement the specific measures to ensure the social integration of Roma people by the current public policies (*the National Strategy on inclusion of the Romanian citizens belonging to the Roma minority for the period 2014 – 2020, the National Strategy on Social Inclusion and Poverty Reduction (SNISR) 2015–2020, the National Strategy for the Protection and Promotion of the Rights of the Child for the period 2014-2020, the National Strategy to reduce early school leaving in Romania, the National Strategy for Equal Opportunities between Women and Men*);
- To develop an integrated approach of the public policies on Roma to reduce the high inequality of opportunities and poverty rate;
- To ensure the effective access of Roma people in social need to qualitative social services at local level;
- To develop effective measures to prevent and combat the multiple discrimination the Roma people are confronting with;
- To develop transnational co-operation with Bulgaria and Italy on trafficking of human beings and on identity documents;
- To enforce inter-institutional co-operation between central, local, public and private stakeholders;
- To increase the visibility of the results of the JUSTROM programme within central authorities with responsibilities on Roma policies in view to disseminating the examples of good practices on Roma access to justice.

4.2.7 Concerning Spain

- To disseminate the Spanish version of the Council of Europe CM/Recommendation (2017)10 on improving access to justice for Roma and Travellers in Europe to all relevant and competent authorities.
- To further launch in Spain, and possibly adapt it to other national contexts, the Application (APP) for mobile phones, “KAMIRA SOS Discrimination”
- To consider as a mid-term objective using this online reporting tool as a legal tool recognized by the police and the justice system in the reporting of discrimination/anti-Gypsyism;

4.3 Main conclusions and lessons learnt from the CoE/EC joint programme “JUSTROM” and recommendations for JUSTROM2

See Chapter III above concerning the individual country assessment by JUSTROM national coordinators. In addition, the group of experts took note of the independent evaluation of the JUSTROM programme carried out between January and March 2018.

4.4 Lessons learnt concerning the organisation of the CAHROM thematic visit

The thematic visit was well-organised and the experts of the thematic group felt warmly welcome. The room (venue) was sometimes a bit noisy due to the fact it was close to the restaurant. It might have been preferable to use one of the very comfortable meeting rooms at the Ministry of Social Affairs and Health.

The agenda was highly relevant and focused. It had been agreed upon in advance although the names of Finnish speakers could have been confirmed slightly earlier.

Key Finnish interlocutors and institutions were invited and participated in the discussion during the first morning. They provided very relevant presentations and information which led to a successful exchange. Partner countries' experts of the thematic group regretted however that most of the Finnish participants (both institutional participants and representatives of the Roma civil society) could not be present during the two-days programme or at least even during one full day since they could not hear about the JUSTROM experience at all or contribute to the exchange of practices and lessons learnt.

Due to a late Council of Europe's suggestion to invite them as participants, two Finnish Roma lawyers could not participate in the thematic visit. It is suggested that they are kept informed by the Finnish organisers about the conclusions of this thematic visit, once the thematic report is adopted.

Most of the participants, both from the hosting and partner countries, prepared PowerPoint presentations which will be used for the drafting of the thematic report. All participants took an active part in the discussions and in the debriefing session. The Council of Europe Secretariat and other participants regretted however that the CAHROM representative from Bulgaria left without notification during the second day and did not contribute to the conclusions and debriefing part of the meeting. One participant indicated during the meeting that some of the presentations were too speedy to digest.

4.5 Good practices identified

4.5.1 In Finland

- ethnically-disaggregated data (including Roma) collected and analysed by the Office of the Non-Discrimination Ombudsman, the National Institute for Health and Wellbeing and, on yearly basis, by the Police University College on hate crime;
- forthcoming national institute of health and wellbeing THL yearly School Health Survey which will provide data *inter alia* on bullying faced by Roma;
- various surveys conducted (in district courts on Roma access to services/public places, "Rainbow Rights" covering migrants, minorities and Roma LGBTI, Romani language survey, etc.);
- good and regular cooperation between the police and the Office of the Non-Discrimination Ombudsman;
- non-discrimination training provided to police students (see above specific recommendations);
- no problems linked to usurers/loan-sharks among Finnish Roma community;
- anonymous recruitment in the field of employment in Helsinki which avoids discrimination based on family names;
- gender component more present in ROMPO2 (2nd National Roma Policy of the Finnish Government to be launched in April 2018);
- the obligation to promote equality under the Law on Non-discrimination.

4.5.2 In Bulgaria

- Roma employees in the National Commission on the Protection against Discrimination (NCPD) reflects diversity among its staff (including people of Roma ethnic background);
- the National Commission for the Protection against Discrimination (NCPD) has a quasi-judicial nature and may impose relatively high fines in cases of discrimination ;
- very good partnership between municipalities (Plovdiv and Veliko Tärnovo) and JUSTROM national teams;

- revision of legal aid legislation by the parliament in 2017 which provides that regional consultations centres can be established by bar councils: as a result 11 bar councils decided to establish 11 regional legal aid centres which provide preliminary legal advice, having in mind that these amendments had a positive impact on access to free legal aid to vulnerable groups, including Roma;
- the revisions of legislation has also aligned the threshold for eligibility to access free legal aid with the minimum income;
- established national telephone for legal aid.

4.5.3 In Greece

- mapping and classification of settlements and its relevance for JUSTROM legal clinics, as each one of the JUSTROM legal clinics is classified in the three different classification types;
- newly established legislation on open-air trade, in order to better deal with certain issues that appeared to be pending⁷;
- newly introduced law on transitory relocation (in the sense of social housing)⁸ and implementation of the Joint Ministerial Decision⁹ to deal with the housing issue and the unaffordability to pay the rent or the loan;
- establishment of a working group on civil and municipal status issues¹⁰;
- instruction of the Chief Prosecutor of the Supreme Court concerning access to free legal aid;
- extension of the JUSTROM programme to Xanthi (3rd legal clinic) in 2017 thanks to additional funding received from the Greek Ministry of Foreign Affairs.

In addition to the abovementioned initiatives undertaken by state authorities, it is worth mentioning some of the positive achievements of the JUSTROM programme in Greece, i.e.:

- letter of the Public Prosecutor of the Supreme Court regarding access to free legal aid of Roma without identity documents;
- activation of pro-bono practice¹¹;
- cases of jurisprudence within the judiciary system;
- interventions of competent authorities in concrete cases (e.g. the Greek Ombudsman and the Ombudsman of the Child);
- Sound co-operation of the JUSTROM national team with state authorities (in particular the Special Secretariat on Roma Social Inclusion), the National Commission of Human Rights, and civil society;
- Synergy initiated between the JUSTROM programme and the KEMEA programme for police training on the occasion of a non-discrimination training organised for the Greek police;
- Contribution of the JUSTROM national team to Parliament hearings and stories in the Press regarding Roma rights and Roma women access to justice.

4.5.4 In Ireland

- A national coverage of free legal advice possibilities thanks to local branches of the Free Legal Advice Centres (FLAC);

⁷ Law 4497/2017 - OG 171/A/13.11.2017.

⁸ Article 159, Law 4483/2017-OG 107/A/31.07.2017.

⁹ RO64/07.02.2018 (OG 412/B/12.02.2018).

¹⁰ Joint Ministerial Decision 43420/19.12.2017 (OG 4603/B/28.12.2017).

¹¹ Law 3226/2004.

- The Free Legal Advice Centre (FLAC) - which was one of the main partners of JUSTROM in Ireland - started implementing a legal advice and advocacy programme targeting Roma in Dublin funded by the Irish Department of Justice, ensuring *de facto* sustainability of some of the goals of JUSTROM programme.

4.5.5 In Italy

- new campaign against racism launched by UNAR;
- Solidarity Fund for the legal assistance of the victims of discriminations (200,000€) which allows the victims to access the legal system, anticipating legal fees and is a response to under-reporting cases of discrimination due to financial burden;
- good cooperation between UNAR and OSCAD (Observatory for the protection against discriminatory acts);
- recognition of collective discrimination (e.g. against a municipal ordinance);
- dissemination of CAHROM thematic report on access to identity documents held in Italy;
- NetKard training material for lawyers, media, police officers and NGOs available in Italian;
- EU Roma national platform proposal by Italy (with a focus on Roma youth and the role of local and regional authorities);
- first national survey by UNAR and the National Association of Italian municipalities on the settlements under the National Strategy for the Inclusion of Roma, Sinti and Travellers published in June 2015 covering 29,435 settlements;
- enhanced co-operation with UNHCR (Rome based office) to be extended and enhanced under JUSTROM2 (UNHCR-Rome based office provided the location for the Rome legal clinic under JUSTROM1);
- enhanced co-operation with municipalities concerned by JUSTROM (in this context, JUSTROM's adhesion in 2017 to the Bar Council of Naples' Observatory on Poverty should be underlined as a positive example);
- dissemination of legal information, including in particular about citizenship acquisition procedures by youngsters under the so-called Kyenge Decree (Decree-Law No. 69/2013) (in this context, JUSTROM specifically focused on this activity in the Italian municipalities concerned by the programme);
- relevant Training of Trainers for legal professionals and training of teachers of the prison circuit, organised by the Council of Europe and Italian partners and Italy-JUSTROM national coordinator in Rome in December 2017;
- detection of cases of child prostitution, trafficking of human beings and domestic violence among Roma communities;
- facilitation of access *inter alia* to residence;
- positive developments from municipalities (Rome, Naples, Venice, Milan, Cagliari, Genova, Messina and Bari) to overcome the so-called settlement policy (towards alternative accommodation/housing) through local action plans;
- synergies and networking, including for instance with local representatives from schools, public attorney's offices, health-care facilities and boy scouts groups - the latter having contacted JUSTROM team to contribute to spreading information about the JUSTROM Programme among migrants without identity documents.

4.5.6 In Romania

- very advanced legal framework on non-discrimination;
- the fact that the National Council against Discrimination (NCD) has a quasi-judicial nature;
- the fact that it is mandatory for Courts to request opinions from the National Council against Discrimination
- tax exemption for discrimination cases;
- relatively high fines (up to 20,000€) in cases of discrimination (applied already in discrimination cases against Roma);
- multiple discrimination is an aggravating factor and is recognised in the Non-Discrimination Act;
- NGOs can launch a case of collective discrimination (e.g. evictions) without having the signature of the plaintiffs.

- ethnic/minority quotas;
- strong and very active (Roma) school and health mediators;
- 3,000 Roma pupils taught about Roma history and Romani language;
- new draft legislation transposing EU Directive 29 from 2012 on rights and protection of victims of crime (involving a social worker, a legal adviser and a psychologist);
- new pilot project “Community Integrated Services” composed of one social worker, one nurse and one school councillor / social mediator implemented by the Ministry of Labour and Social Justice, the Ministry of Health and the Ministry of Education.

4.5.7 In Spain

- training of legal professionals and various police forces;
- regular meetings with Roma associations;
- analysis of discrimination cases;
- a specific protocol to divide cases between cases involving violence or not;
- free legal aid on hate crimes;
- E-garante screenshot (capture of the news as evidence) recognised as a proof (introduced upon prosecutors’ instruction);
- recommendations related to the treatment of Roma in the media;
- application (APP) for mobile phones, KAMIRA SOS Discrimination: an online reporting tool which may potentially be used as a legal tool for victims and witnesses to report discrimination.

4.6. Immediate and mid-term follow-up

4.6.1 Immediate follow-up ensured after the thematic visit

- Hosting authorities circulated the e-mail addresses of Finnish participants to the CAHROM group of experts and Council of Europe Secretariat for further bilateral contacts;
- The Council of Europe Secretariat sent information about the 5th OPRE meeting in Belfast on 15-16 May 2018 and invited Ms Heidi Lempiö, Senior Officer of the Office of the Non-Discrimination Ombudsman to attend the OPRE meeting (Ms Lempiö replied positively; Finland will therefore participate for the first time in an OPRE meeting);
- The Irish Department of Justice informed the Council of Europe Secretariat about its willingness to participate and relevance in keeping Ireland in JUSTROM2;
- Finland (decision of the Ministry of Social Affairs and Health supported by the Ministry of Foreign Affairs) proposed that part of the 2018 Finnish voluntary contribution to the Roma and Travellers Team budget is used for the development, support and distribution of digital innovations benefiting Roma people, such as the KAMIRA mobile app and its translation into other languages;
- Romania JUSTROM national coordinator provided Ms Anneli Weiste-Paakkanen, Special Planner from the National Institute for Health and Wellbeing-THL, relevant Roma research methodology conducted by Harvard University in Serbia (on how to include Roma throughout Roma-related research)¹²;
- The Council of Europe Secretariat provided Ms Katriina Nousiainen, Senior Officer of the Ministry of Justice, and Ms Jenita Rauta, Researcher at the Police University College, relevant hate crime related information about Council of Europe training for the police and legal professionals and existing training material, the toolkit for the police and the HELP Roma module, as well as factsheets on Roma and Travellers-related case law of the European Court of

¹² <https://fxb.harvard.edu/research/adolescent-empowerment/roma-program/rights-and-participation/>

Human Rights so as to possibly include specific Roma modules in future training provided to legal professionals and police officers in Finland.

4.6.2 Mid-term expected follow-up

- Forthcoming ratification of the Istanbul Convention by Greece¹³;
- Forthcoming projects on Roma history planned by UNAR that – following this thematic visit - might include a depth examination of Roma/Sinti social history in relation with justice;
- Forthcoming Finnish National Institute of Health and Wellbeing THL yearly School Health Survey which will provide data *inter alia* on bullying faced by Roma;
- Launching event in Spain of the Application (APP) for mobile phones, “KAMIRA SOS Discrimination”: a online reporting tool with the mid-term objective to have it potentially used as a legal tool for victims and witnesses to report discrimination;
- Finland could envisage “Access of Roma and Traveller women to justice” as the main topic of the 7th International Roma Women’s Conference to be hosted in Helsinki in March or April 2019 under the Finnish chairmanship of the Council of Europe’s Committee of Ministers – provided IRWN-Phenjalipe members and Finnish Roma women support this proposal. The topic of access to justice could be declined in sub-topics such as housing/accommodation and family protection (including issues such as child/forced marriages, domestic violence or children’s removal from families due to poverty, lack of identity documents or alleged violence);
- The Council of Europe Secretariat will involve Finnish Roma LGBTI in its activities on Roma LGBTI.

¹³ Greece already passed Law 4531/2018 -OG 62/A/05.04.2018.