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11<sup>th</sup> Meeting of the Council of Europe Dialogue  
with Roma And Traveller<sup>1</sup> civil society

“Combating Antigypsyism”

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Conclusions and Recommendations

*Prepared by*  
*General Rapporteur Carmen Gheorghe*

## **Introduction**

The 11<sup>th</sup> meeting of the Council of Europe Dialogue with Roma and Travellers civil society focused on addressing antigypsyism and developing a common framework across Europe to identify, monitor, combat and sanction the phenomenon.

How can we define, depict and address antigypsyism in order to combat the phenomenon? The one-and-a-half-day Dialogue meeting proved that the debate around the term itself and the wider framework addressing antigypsyism is still evolving. This debate is lively, dynamic and enhanced in facilitated civic spaces that increase opportunities to create a proper framework that features marginalised voices and ensures the inclusion of minorities within the Roma and Traveller ethnic group.

The introductory presentation by Dr. Iulius Rostas provided a series of arguments concerning the necessity to use the term antigypsyism, which refers to the imaginary ‘gypsy’, evoking an inferior, unhuman, nomadic and exotic image of Roma and Travellers which has dominated most narratives about Roma people across Europe for centuries. This historical context,

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<sup>1</sup> 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.

coupled with the racialisation of Roma, and widespread and long-term enslavement in some countries, is nowadays rooted in institutional policies and practices. It is also noteworthy that regardless of numerous recommendations on how to address the phenomenon, it is still necessary to better understand how antigypsyism and racism work together and where they intersect in order to define the specific forms of historical and continuous oppression against Roma. The phenomenon of antigypsyism must also be defined in different relations, between different actors and within individual, structural, institutional and historical dimensions. This will provide a comprehensive overview of the phenomenon in different societies and offer various solutions in different contexts. Antigypsyism always has a collective dimension and is based on power relations between Gadje (i.e. non-Roma) societies and Roma and Travellers. It manifests in all areas of life from housing to culture. As stated by Dr. Rostas, antigypsyism is not a 'Roma problem' but a problem of the whole society; therefore, it requires wider recognition as well as proper legislation, long-term education for societies and access to Roma culture and art production.

To sum up, antigypsyism is a term that is still under debate due to the controversy of using the slur word 'gypsy' with a different meaning and understanding in the Balkans or eastern European countries compared with western European countries. Therefore, in some countries it may still be necessary to use the term contextually, or more neutrally as 'Romaphobia', thus showing flexibility and the inclusion of different critical voices that for many reasons continue to reject the term antigypsyism.

In the last three decades an enormous amount of work has been done at EU level by civil society and international bodies<sup>2</sup> towards the recognition of the systematic oppression against Roma and Travellers, violations of human rights, racism, discrimination and forced sterilisation. Some highlights achieved towards the full recognition of Roma and Travellers as citizens of their countries and respect for their human rights include the Framework Convention for the Protection of National Minorities in 1998, the adoption of the Declaration of the Committee of Ministers on the rise of antigypsyism and racist violence against Roma in 2012, and the European Parliament's Resolution on fighting antigypsyism in 2017.

However, in many countries, Roma and Travellers continue to be subject to racism, different kinds of attacks, hate crimes and violence. This is not new, as these problems have been prevalent for centuries and have not been addressed sufficiently in many countries. This proves

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<sup>2</sup> CoE, OSCE, European Parliament, ECRI, ERGO Network, Alliance on Antigypsyism, the Forum of European Roma Young People, the European Roma and Travellers Forum (ERTF) and the European Roma Institute for Arts and Culture (ERAC) etc.

that EU legislation, policies and recommendations alone are insufficient in addressing antigypsyism. The COVID-19 pandemic has demonstrated once again that engagement and political will at all political and administrative levels are crucial. As national contexts differ, so do discourses and priorities. Different reports show that the focus on the fight against antigypsyism is stronger in countries with robust social inclusion approaches compared to those countries that struggle with their citizens' basic needs, and that civil society organisations (CSOs) often provide necessary humanitarian and other kinds of support in the absence of state action.

### **A. Voices of civil society**

Civil society's consultation, participation and cooperation is an essential component in developing a framework that addresses, prevents and combats antigypsyism. Based on their activists' identities, experiences and advocacy work, civil society develops initiatives and tools to draw attention to social inequalities and counteracts racism, homophobia, discrimination and sexism. These initiatives include knowledge production and developing reports to draw attention to the lack of access to justice. They also seek remedies such as the Minority Rights Group Europe's project, which showed that the most common fields of discrimination in Serbia and Hungary are the education system, labour market, health care, and different police treatment in addition to discrimination by public authorities regarding Roma and Travellers' own cultural productions. Whether it is knowledge production or manifestation, Roma civil society's propositions for future work on antigypsyism include the following:

- Acknowledge past historical oppression by documenting and condemning different historical and ongoing forms of oppression and education of citizens through inclusive and antiracist curricula in order to provide citizens with access to accurate information;
- Continue affirmative action such as compensation for both historical and ongoing oppression;
- Ensure representation and access to culture and art, while promoting Romani languages and dialects in different areas of language use;
- Increase resources to transfer the individual and collective oral memories of different historical antigypsyist and anti-nomadic events such as the Holocaust, slavery and deportations;
- Publicly condemn anti-Roma and anti-Traveller rhetoric;
- Combat environmental racism as a particular form of antigypsyism;
- Include voices of Roma and Traveller youth, women and LGBTQI+ people in campaigns combatting antigypsyism;

- Implement coherent and inclusive policies in which Roma and Travellers are well represented and participate at all stages in policy planning, implementation, follow-up and evaluation;
- Include Roma and Travellers arts and culture in public narratives, school textbooks and curricula, and other teaching materials; and
- Increase the representation of Roma and Travellers in public positions.

Social justice is also required in all actions developed by states, as many recent reports show existing disparities and rising levels of antigypsyism in the context of the COVID-19 pandemic:

- Work with police to prevent all forms of discrimination and abuse from police, justice systems and public institutions;
- Collect data on antigypsyism with the participation of Roma civil society, especially during the ongoing pandemic and in other possible crisis situations;
- Invest in Roma women and youth programmes to increase their access to social justice;
- Involve governments to clarify their commitment against child/early and forced marriage, different forms of child abuse and neglect, forced sterilization and human trafficking;
- Increase Roma and Travellers access to justice by simplifying highly bureaucratic and costly procedures. Instead, these services should be provided in more accessible forms such as Roma and Travellers own languages. Additionally, judicial taxes should be lowered and other financial, information and service barriers for Roma and Traveller victims seeking justice;
- Condemn discriminatory decisions by courts in cases of human rights violations;
- Increase involvement of more local and regional authorities in defending human rights, especially related to Roma and Traveller access to housing, education and health care;
- Support and guide local governments to develop representation mechanisms for Roma and Travellers from different groups; and
- Involve governments in supporting Roma and Traveller youth organisations, youth empowerment, youth voices against antigypsyism, Roma and Traveller women's organisations and Roma and Traveller LGBTIQ+ representatives.

A special concern was raised regarding Roma LGBTIQ+ as they are faced with multiple inequalities, and because their lack of representation bears even higher consequences. Roma LGBTIQ+ people face not only racism and antigypsyism, but also homophobia and transphobia because of their gender and class within society and ethnic group. Both Roma and Traveller

women and LGBTIQ+ people face oppression and violence from different angles. As a result, during debates about different voices that face systemic, structural, intragroup and societal oppression, the concept of intersectionality becomes relevant as it offers a tool for inclusion and full diversity, ensuring that such voices are not silenced. Sadly, during the 11<sup>th</sup> Dialogue meeting, positions were expressed against the diversity among Roma which clearly supports the need to introduce a broader meaning of antigypsyism and acknowledgement of intersectionality as a necessary tool.

Therefore, there is a clear need to increase alliances and recognition of intersectional antigypsyism, as it has the potential to include more diverse voices and to address required systemic changes at different levels. Because many Member states have not yet developed proper legislation concerning multiple and intersectional discrimination, there is a great need to develop mechanisms and act on both approaches.

## **B. Combating antigypsyism through European mechanisms**

In order to combat racism and discrimination against Roma and Travellers, different mechanisms were developed at European level. The Framework Convention for the Protection of National Minorities (FCNM) is an international treaty protecting the rights of national minorities and has been adopted by 39 out of the 47 member states of the Council of Europe (CoE). This treaty provides different monitoring and engagements tools for civil society such as shadow or alternative reports. These complex mechanisms enable civil society to take part in monitoring processes and to follow the fulfillment of states' commitments towards minorities. Thus, their existence is necessary and critical. Regardless of the necessity and relevance of this treaty, it is left to the discretion of the member States' governments to identify the national minorities on their given territory. For example, Spain and Portugal signed the Convention but subsequently did not formally recognize the Roma minority in their national legislations. The Advisory Committee on the Framework Convention provides resolutions to member states and suggests measures for increasing the fight against antigypsyism in different states in relation to their political and public discourses. It can be used as a tool by civil society to draw attention to different actions taken or not taken by member states.

In 2020, special attention was paid by the European Commission to education, healthcare and housing, as huge parts of Roma and Traveller communities are still being educated in segregated schools, living in informal settlements and run-down or deteriorating

neighbourhoods without proper infrastructure and in communities which are therefore highly impacted by the negative effects of the COVID-19 pandemic.

Different monitoring reports developed by the European Commission Against Racism and Intolerance (ECRI) showed that Roma women face multiple types of discrimination in accessing healthcare in countries such as Croatia or being educated in segregated schools in the Czech Republic. ECRI fully supports a solid legal and institutional framework concerning antigypsyism and calls for equality bodies to fight against racism and discrimination. This could be an important step towards applying the notion of intersectionality and the subsequent tools related to acknowledging it within public institutions, as many states still have separate bodies for promoting gender equality and for fighting against racism and different forms of discrimination.

The European Court of Human Rights (ECtHR) is another mechanism which has repeatedly addressed antigypsyism and anti-nomadism in its case law, relying on the work of ECRI and other international bodies such as the work of the Commissioner for Human Rights. According to the presentation by the representative of the Registry of the ECtHR, different cases related to police abuse, forced sterilisation of Roma women, attacks on Roma settlements, anti-Roma rallies, forced evictions, and UK cases on Roma and Travellers<sup>3</sup>, among others. Issues remaining after the actual court judgments include failure to implement ECtHR judgments, delays in the execution of ECtHR judgments, refusal to frame antigypsyism and using it as a source of financial aid, or failure to capture it as a broader concept of violations of human rights. All of these further demonstrate the root causes of antigypsyism. As the important role of (pro) Roma and Traveller civil society organisations should be further emphasized across different processes combating antigypsyism, including lack of access to necessary resources resulting in a lack of power or financing. This is compounded by the fact that only a few human rights professionals know how to and have resources to access ECtHR court decisions and to litigate Roma and Traveller cases. Therefore, in order to support the use of all potential litigation mechanisms, there is a clear need to make this kind of knowledge more accessible to civil society. Furthermore, all European stakeholders need to work together and collaborate more with civil society as it struggles with more subversive forms of antigypsyism including access to funds of different public calls (as in the case example provided by the Roma youth center in Slovenia).

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<sup>3</sup> Buckley v. the United Kingdom; Chapman v. the United Kingdom, Coster v. the United Kingdom, Beard v. the United Kingdom, Lee v. the United Kingdom and Jane Smith v. the United Kingdom; Connors v. the United Kingdom; The Gypsy Council and Others v. the United Kingdom

Since 2015, the Youth Department of the Council of Europe has focused its attention on providing empowerment activities and human rights education for Roma and Traveller youth. It has also targeted relevant youth institutions where antigypsyism is frequently perpetuated. At institutional level, antigypsyism has been tackled through the development of manuals for teachers, teacher trainers, and pupils as well as through different campaigns and cultural activities. Over the past years, the diversity of Roma and Traveller identities has risen repeatedly as an important theme among Roma and Traveller youth, but it is not clear if gender identity and LGBTQI+ issues are also currently targeted by the programme.

### **C. EU – CoE Joint Programmes**

Tackling discrimination against Roma and Travellers by reaching the local level and marginalised groups is crucial as it directly impacts the local working environment, schooling, access to services and the representation of the most marginalised Roma. Different Council of Europe programmes designed in recent years address specific issues, such as the Congress of Local and Regional Authorities (since 1995) with new structures including the European Alliance of Cities and Regions, which 130 municipalities have joined. These programmes support local governments in discussing and addressing discrimination in practice, especially during the COVID-19 pandemic, in addition to raising municipal awareness against antigypsyism and working to remedy the lack of representation and low level of visibility of Roma and Travellers at local, regional and national levels.

The Joint Programme JUSTROM started in 2016 and aims to improve Roma and Traveller women's access to justice and to raise awareness about multiple types of discrimination against Roma leaders, communities and NGOs. In order to develop local capacities to deal with access to justice related barriers and to offer practical solutions for improving access to justice, this programme has been implemented through trainings for professionals to timely and appropriately address different cases and to build local, national and transnational synergies among relevant programmes to develop better data collection practices and new knowledge and evidence-based policies.

Addressing antigypsyism by implementing different Roma and Traveller-related programmes run by EU bodies sends a strong message that multiple forms of discrimination against Roma and Traveller women, LGBTQI+ and other groups should be addressed by building cooperation and capacities both nationally and at regional and local levels. Local authorities must defend

human rights, especially Roma and Travellers' access to housing, education and healthcare. Young Roma and Traveller voices should be more active in the processes of creating and implementing human rights-based policies.

#### **D. Policy responses at governmental level**

In many countries, Roma and Traveller communities continue to be subject to racism, attacks, hate crimes and violence. This is nothing new because these phenomena have been prevalent for centuries but have not been addressed in many countries at policy level because there is a lack of political will to address these issues and often works quite on the contrary, actually perpetuating them. Existing formal legal protection is also not effective due to structural racism which often cannot be diminished even when there is already an increased awareness among Roma and Travellers themselves about its different forms and dynamics. The racism inherent in public institutions is normalized including differential treatment and hate speech practiced by these institutions. Even well-meaning policies (such as housing or social welfare policies) often include several biases or practices leading to indirect discrimination and resulting in the exclusion of the most vulnerable Roma and Travellers. Thus, the crucial role of Roma and Traveller civil society and pro-Roma and Traveller organisations is to highlight key issues, provide information about different Roma and Traveller realities at grassroots levels and to promote an approach for combatting antigypsyism that targets both racism and social exclusion. However, it is noteworthy that civil society's activities must not replace the state's active approach to bettering Roma and Traveller's access to governmental and municipal basic services and state-run interventions.

Some important questions arose during the 11<sup>th</sup> Dialogue meeting concerning this debate, including: what will happen to Roma and Travellers who are continuously denied access to social services if there is a general agreement that NGOs lack the necessary power to influence governmental agendas? How can both perspectives — antiracist measures and social issues — be brought together and addressed at national and European levels in order to not ignore the diversity of Roma and Traveller experiences and identities? And third, how can states properly address abusive practices such as child and forced marriage without reinforcing prejudices against Roma and Travellers?

In terms of policy measures undertaken by Member states to combat antigypsyism in practice, Spain, Romania and Albania are countries which already adopted their own definitions with relevant legal provisions and sanctions. These include the prohibition of anti-Roma speech and



symbols such as flying the Swastika that apply to different groups including political parties. Particularly important achievements in Spain include the establishment of a new commission on antigypsyism as part of the implementation of a new strategy on Roma and a protocol to combat online hate. Both of these efforts can be seen as good practices for other countries.

The work of civil society at grassroots level conveys concrete actions against human trafficking, forced marriages and violence against Roma women, topics which often are not part of the policy response. Examples from Bosnia and Herzegovina, Greece, and Serbia stress the need for a wider angle of understanding the concept, characteristics, and prevalence of antigypsyism and antigypsyist acts which encompass also the negative representation of Roma and Travellers within media and oppressive societal systems that perpetuate discrimination against minority groups, in addition to the root causes of racism against Roma. This means that there is also a continuous need to address the existing power relations between women and men, the protection of children's rights and fighting negative phenomena threatening them, such as child/early/forced marriage and respecting the diversity of Roma and Travellers identities. Finding a sensitive balance between these issues without being selective about them requires proper policies. The lack of absolutely necessary data collection, reporting and monitoring and collecting progress reporting and evaluation from states on how they tackle antigypsyism all need to be put on the national and EU agendas.

A solution which was preponderantly mentioned by some participants during the 11<sup>th</sup> Dialogue meeting was intersectionality and the necessity to pay closer attention to intersectional discrimination. There is a clear need for better policy responses which are neither selective nor create hierarchies between different identities among Roma and Travellers, which is a very diverse ethnic group both in terms of kinship, sexual orientation, gender, religion, disability, class etc. and to understand these parts of identity as interconnected and to address them properly. Many EU member states still do not address intersectionality within their policies and some even have laws which make addressing it difficult. Thus, as there is a well-developed EU framework along with different national policies, these two should be better integrated, coordinated and intersectional. Another solution is to include both perspectives within the governments' work to increase investments and support to NGOs in terms of financing and co-operation to monitor and report on the governments' work.

## **E. Recommendations**

The following recommendations sum up a comprehensive image of the issues discussed and which need to be addressed, but does not exclude other issues which must be examined in the Conclusions.

### **To the Council of Europe**

1. The Council of Europe should address intersectionality adequately, including intersectional antigypsyism, as a provision able to encompass not just diversity but also inequality and power relations among Roma and Travellers fueled by multiple vulnerabilities. Roma and Traveller women and LGBTQI+ people experience discrimination that is rooted in their sex/gender/ethnicity and this intersects with other experiences determining more inequalities, therefore they should be addressed by the states and EU bodies.
2. The Council of Europe should advise member States on improving policy measures in different areas related to Roma and Traveller lives. Many member States already have an abundance of mainstream strategies focused on different issues relevant to Roma and Travellers, such as gender equality, ethnicity and disability, but they seldom create synergies between these strategies, documents and policies and those directed specifically at promoting Roma and Traveller inclusion. This coordination should be highlighted in order to properly address different systems of inequalities. As a result, these institutional bodies may create hierarchies and priorities based on discrimination criteria which counteracts with the complexity of Roma and Travellers as an ethnic group with a historical background. A mechanism of co-operation and intersectionality should be included in all strategies to act on both social inclusion and human rights dimensions.
3. The Council of Europe should draw attention to national governments' measures concerning antigypsyism and the necessity to acknowledge the phenomenon as a specific form of racism against Roma with deeply rooted causes in past historical oppression, as a way to condemn it and to ensure that all citizens have access to this knowledge through comprehensive school curricula. National governments have a responsibility to educate and re-educate their population and to nationally recognize Roma and Traveller's persecution and combat it through inclusion of Roma arts and culture.
4. The Council of Europe should draw more attention to different highly bureaucratic state processes regarding Roma and Traveller's access to justice. It is often these very

policies that exclude the most vulnerable groups from seeking justice compounded by high taxes, different fees and language barriers when such crucial services are unavailable in the Romani language. The Council of Europe should explicitly condemn discriminatory decisions by the courts in cases of human rights violations.

5. The Council of Europe should improve dialogue mechanisms between Roma and ensure a level of representation of Roma and Traveller women, youth, and LGBTQI+ representatives. In addition, the Council of Europe and other international organizations and member states should make call announcements for different events and applied selection procedures clearer. These events and programmes should be more accessible, especially for marginalised groups within the Roma and Traveller communities by setting clear codes of conduct and rules against homophobia and sexist discourse.
6. The Council of Europe should increase joint efforts, support and guidance provided to regional governments/authorities and local municipalities in order to increase the representation of Roma and Traveller women and LGBTQI+ people in different structures.
7. The Council of Europe should improve and make the existing civil society monitoring tools more accessible to provide support for creating alternative shadow reports complementing those made by the state officials, such as the ones promoted by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM).
8. The Council of Europe should ensure that in all of its programmes designed for Roma and Travellers, an intersectional perspective and balance between social inclusion measures and a human rights-based approach is respected and fully integrated. There is also a need for governments to mirror the same approach at national levels.
9. The Council of Europe should recommend that member states address the issue of Roma and Traveller practices associated with child/early/forced marriage. Member States should take action against these phenomena, as most of them still do not have specialised units and services designed for this purpose. Furthermore, the incoherencies regarding the relevant legislation should be addressed. This should be done by engaging Roma and Traveller women's organisations, feminists and Roma and Traveller men to ensure enhanced dignity and respect for victims without reinforcing prejudices against Roma and Traveller communities.
10. The Council of Europe should require member States to elaborate progress reports on how they are tackling antigypsyism, especially during pandemics and other crisis

situations. These reports also ensure law enforcement by providing useful data, cases instrumentalized and actions design to redress crisis situations.

11. The Council of Europe should recommend that member states increase co-operation and partnerships with civil society organizations especially in the context of the COVID-19 pandemic which has greatly affected Roma and Traveller communities both at national and local levels.

### **To national governments**

12. Governments must take measures of law enforcement particularly related to issues concerning institutional racism, retribution for Roma and Travellers for historical oppression such as Porajmos (Roma Holocaust), police brutality and human rights violations of which the states were condemned by the European Court for Human Rights.
13. Governments must make clear commitments and adopt proper legislation to combat forced marriages, child abuse, force sterilization and human trafficking.
14. Governments must increase access for Roma and Traveller population to Roma and Traveller culture, Arts, Romani language and history by providing funds and infrastructure (such as Roma theatre) as well as Roma representation in these spheres.
15. Governments must increase cooperation and consultation with civil society on stringent issues (such as police brutalities and injustices) in order to ensure Roma and Traveller's access to justice systems, especially in the context of the COVID-19 pandemic.
16. Governments who do not have clear legal framework on intersectionality must cooperate with equality and antidiscrimination bodies to adopt necessary legal and institutional frameworks on intersectionality and to include legal sanctions on anti-roma/romaphobia /antigypsism.

### **To Roma and Traveller civil society organisations**

17. Roma and Traveller civil society organisations should ensure representation and equal participation for Roma and Traveller women, youth and LGBT+ in projects, campaigns and initiatives. Roma and Travellers are such a diverse population throughout Europe with specific interests, experiences and intersected identities that this diversity needs to be more visible, acknowledged and celebrated in Europe's societies.
18. Roma and Traveller civil society organisations should support the work of governments through making data and grassroots case-based recommendations and provide more reports for national governments, local administration and EU-bodies. These should

include an equal representation of all Roma groups (women, youth, LGBT+ etc.) particularly in issues related to access to health care, housing and justice.

19. Roma and Traveller civil society organisations should ensure that the information provided to governments and local authorities reflect realities from the grassroots, reveal diversity of experiences and include different groups and identities. The information provided needs to be co-produced ethically with Roma and Travellers, with high standards of mutual respect and without excluding groups.

Roma and Traveller civil society organisations should monitor the work of governments at local and national levels and use existing reporting mechanisms at EU-level to increase visibility, access and support for Roma and Traveller NGOs.