



European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

CRI(2011)37

**ECRI GENERAL POLICY
RECOMMENDATION NO.13**

**ON
COMBATING ANTI-GYPSYISM
AND DISCRIMINATION AGAINST ROMA**

ADOPTED ON 24 JUNE 2011

Strasbourg, September 2011



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Published by the
European Commission against Racism and Intolerance (ECRI)
Council of Europe - 2011
Printed in Strasbourg

The European Commission against Racism and Intolerance (ECRI):

Having regard to the European Convention on Human Rights;

Having regard to Recommendation CM/Rec(2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe (adopted on 17 June 2009);

Having regard to Recommendation CM/Rec(2008)5 of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe (adopted on 20 February 2008);

Having regard to Recommendation Rec(2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe (adopted on 12 July 2006);

Having regard to Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe (adopted on 23 February 2005);

Having regard to Recommendation Rec(2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe (adopted on 1 December 2004);

Having regard to Recommendation Rec(2001)17 of the Committee of Ministers to member states on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe (adopted on 27 November 2001);

Bearing in mind the work of the Committee of Experts on Roma and Travellers (MG-S-ROM);

Taking the work of the European Committee of Social Rights into consideration;

Bearing in mind the work of the Advisory Committee on the Framework

Convention for the Protection of National Minorities;

Recalling ECRI's General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies, aimed at helping member states to take effective action against the discrimination which they experience;

Recalling ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education and its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing;

Stressing that in its country-by-country reports, ECRI has regularly recommended for very many years that member states take measures to combat the prejudice, discrimination, violence and social exclusion experienced by Roma and give the Roma identity a real chance of continued existence;

Stressing that over several years, the European Court of Human Rights has developed case-law concerning the discrimination Roma experience in various areas and has regarded them as a particularly disadvantaged and vulnerable minority thus requiring special attention;

Recalling that anti-Gypsyism is a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination;

Stressing that anti-Gypsyism is an especially persistent, violent, recurrent and commonplace form of racism, and convinced of the need to combat this phenomenon at every level and by every means;

Recalling that discrimination against Roma is chiefly founded on their ethnic origin and lifestyle;

Deeply concerned by the increasing acts of violence inflicted on a large number of Roma, and by the too-frequent impunity that the culprits enjoy;

Recalling that the preservation of the distinctive identity of some Roma communities, to which their members remain attached, is challenged both by economic development and by failed attempts at integration;

Noting that for many Roma citizens of the European Union, the exercise of their right to move freely is hindered by administrative obstacles, and that they are the victims of intolerance and abusive practices;

Acknowledging, however, that many member states have adopted policies aimed on the one hand at improving the situation of Roma in areas such as education, employment, housing, health and culture, and on the other hand at combating the discrimination which they experience, and thus acknowledging the existence of a political will to solve the problems which Roma face;

Considering that local and regional authorities have a particularly important role to play in combating anti-Gypsyism;

Aware moreover of the numerous initiatives taken by the Council of Europe- including those by the Commissioner for Human Rights- the United Nations, the OSCE and the European Union to improve the lot of Roma, and taking note of the outcomes measured by such initiatives;

Observing that in spite of everything, the situation of Roma in most member states remains alarming and that the signs of anti-Gypsyism are continually increasing and worsening;

Noting with concern that the political discourse in many member states tends to stigmatise Roma and to incite hatred towards them;

Anxiously realising that public opinion in many member states remains openly hostile to Roma;

Noting with concern that some media convey a negative image of Roma;

Stressing that to be effective, action to combat anti-Gypsyism requires sufficient human and financial resources;

Considering that measures to aid preservation of the Roma identity constitute one of the instruments for fighting anti-Gypsyism;

Aware that any policy intended to improve the situation of Roma requires not only a long-term investment, but also clear political will, and the involvement of the Roma themselves as well as civil society in general;

Stressing that it is indispensable for the Roma community to realise the role which it must itself perform in combating anti-Gypsyism;

Recalling that Europe derives from its history a duty of remembrance, vigilance and resistance to the rise of racist, xenophobic, antisemitic and intolerant phenomena;

Recalling that the fight against racism, xenophobia, antisemitism and intolerance is an integral part of the protection and promotion of universal and indivisible human rights, standing for the rights of every human being with no distinction whatsoever;

Also observing that the persistent prejudice against Roma leads to discrimination against them in many areas of social and economic life, and that these provide considerable fuel for the process of social exclusion affecting Roma;

And,

stating that, in the present recommendation, the term "Roma" includes not only Roma but also Sinti, Kali, Ashkali, "Egyptians", Manouche and kindred population groups in Europe, together with Travellers, so as to embrace the great diversity of the groups concerned;

Recommends that the governments of member states:

1. **if they have not yet done so, ratify Protocol No. 12 to the European Convention on Human Rights, as well as the Framework Convention for the Protection of National Minorities;**
2. **employ, under a national plan, a comprehensive multidisciplinary approach to issues concerning Roma, involving their representatives in the conception, framing, implementation and evaluation of the policies that concern them;**
3. **enhance mutual trust between Roma and public authorities, in particular by training mediators from, among others, the Roma community;**
4. **combat anti-Gypsyism in the field of education, and accordingly:**
 - a. give the implementation of ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education high priority;
 - b. take measures for preventing and combating stereotypes, prejudice and discrimination experienced by Roma children in schools, by making parents of non-Roma children aware of it and by training teaching staff in particular for intercultural education;
 - c. include teaching on the Roma genocide ("Parrajimos") in school curricula;
 - d. take urgent measures, including legal and political ones, to put an end to the segregation at school which Roma children are subjected to, and integrate them into schools attended by pupils from the majority population;
 - e. abolish the too-frequent placement of Roma children in special schools, making sure that Roma pupils not afflicted with mental disorders are spared such placement and that those already placed are speedily enrolled in ordinary schools;
 - f. combat, through sanctions, the harassment inflicted on Roma pupils at school;
 - g. take all appropriate measures to combat absenteeism and dropping-out among Roma children;
 - h. carry out actions aimed at increasing Roma parents' awareness of the importance of nursery school, of preventing dropping-out, and of giving priority to their children's education;
 - i. eliminate every financial and administrative obstacle to the access of Roma children to education;
 - j. ensure that each Roma child has genuine access to nursery school;
 - k. recruit school mediators, including among Roma to ensure a liaison between the school and Roma parents;
 - l. ensure that a large number of Roma join the teaching profession to aid the school integration of Roma children;

- m. provide Roma pupils in need of it with preparatory and additional instruction in the official language(s);
- n. offer Roma pupils instruction in their mother tongue, upon the parents' request;
- o. take measures to ensure continuous schooling for children from travelling communities;
- p. facilitate access to life-long education for adult Roma desiring it;
- q. ensure that school textbooks do not convey stereotypes on Roma and do contain information on Roma language, culture and history and present the benefits brought by Roma to society;
- r. ensure that cases of discrimination against Roma in the sphere of education are prosecuted and punished;

5. combat anti-Gypsyism in employment, and accordingly:

- a. ensure that national legislation affords genuine protection against discrimination in employment and that it is indeed implemented;
- b. for that purpose, provide adequate training to civil servants;
- c. take positive measures for Roma in respect of employment, as concerns particularly recruitment and vocational training;
- d. promote Roma employment at all levels of the public sector;
- e. take measures to stamp out discrimination against Roma as regards recruitment and career development;
- f. help Roma suffering from discrimination in employment to assert their rights before appropriate civil or administrative bodies;
- g. conduct information and awareness campaigns in the private and public sectors in order to make the relevant legislation known and to improve its implementation as concerns Roma;
- h. remove any obstacles, including bureaucratic, to the exercise of traditional trades;
- i. in consultation with Roma, find alternatives to the vanished trades in which they have traditionally engaged, for instance by offering them advantageous loans to set up their own businesses and/or propose tax benefits;
- j. ensure that cases of discrimination against Roma in employment are prosecuted and punished;

6. combat anti-Gypsyism as regards housing and the right to respect for the home, and accordingly:

- a. afford Roma access to decent housing;
- b. combat de facto or forced segregation in respect of housing;
- c. ensure that the provision of new social housing for Roma aids their integration and does not keep them segregated;
- d. ensure that Roma are not evicted without notice and without opportunity for rehousing in decent accommodation;

- e. take steps to legalise the occupation of Roma sites or dwellings built in breach of town planning regulations once the situation has been tolerated for a long period of time by the public authorities;
- f. promote coexistence and mutual understanding between persons from different cultures in neighbourhoods in which Roma and non-Roma live;
- g. combat prejudice and stereotypes concerning Roma and Travellers in respect of access to housing;
- h. combat any act of discrimination against Roma in respect of housing, particularly by ensuring that the legislation, including anti-discrimination legislation, is duly applied;
- i. take effective measures against refusal to enter Roma in the register of inhabitants when they wish to settle permanently or temporarily;
- j. ensure that spatial planning regulations do not systematically impede the traditional life of Travellers;
- k. ensure that appropriate encampment areas, whether for permanent occupation or transit, are available to Travellers in sufficient numbers on suitable and duly serviced sites;
- l. encourage consultation between all local players and Travellers about the positioning of encampment areas destined for them;
- m. ensure that acts of discrimination against Roma in respect of housing are prosecuted and punished;

7. combat anti-Gypsyism in health care, and accordingly:

- a. take measures to secure equal access to all quality health care to Roma;
- b. recruit health mediators, in particular from the Roma community to provide liaison between health personnel and managers and Roma;
- c. take positive measures to ensure that no financial or administrative hindrance impedes the access of Roma to health care and medical treatment;
- d. provide training to health workers aimed at combating stereotypes, prejudice and discrimination against Roma;
- e. ensure that acts of discrimination against Roma in the health sector are prosecuted and punished;
- f. expressly prohibit any practice of forced sterilisation of Roma women;
- g. prevent and combat any segregation in hospitals and in particular in maternity wards;

8. combat racist violence and crimes against Roma, and accordingly:

- a. pay particular attention to the implementation of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, especially Chapter III thereof on the role of the police in combating racist offences and following up racist incidents;
- b. set up a comprehensive system for recording acts of violence against Roma;

- c. take steps to encourage Roma victims of racist violence and crimes to lodge complaints, in particular by making them aware of the adequate bodies and by ensuring that if need be they receive the necessary assistance;
- d. give the police, prosecuting authorities and judges special training concerning the legislation punishing racist crimes and its implementation as concerns Roma victims;
- e. ensure that the police and the prosecuting authorities conduct the requisite investigations of racist crimes and acts of violence against Roma so that the culprits do not go unpunished;

9. combat manifestations of anti-Gypsyism likely to come from the police, and accordingly:

- a. pay particular attention to the implementation of ECRI's Recommendation No. 11 on combating racism and racial discrimination in policing;
- b. encourage Roma who are victims of misconduct by the police to lodge complaints, offering them the necessary support;
- c. ensure that investigations are conducted where there are allegations of police misconduct towards Roma, and that the perpetrators are prosecuted and punished;
- d. train the police in human rights and relevant legislation, particularly in order to improve their relations with Roma communities;
- e. raise police awareness of the problems Roma face and give them training about the problems that affect Roma, particularly violence and racist crimes, in order to better prevent and combat these phenomena;
- f. take measures to promote Roma recruitment to the police force by conducting, to that end, information campaigns in Roma communities;
- g. ensure that Roma enjoy equal opportunities for career development within the police;
- h. recruit and train adequate numbers of mediators, in particular from the Roma population in order to ensure a liaison between Roma and the police;
- i. ensure, in accordance with paragraph 10 of ECRI's General Policy Recommendation No. 11, the creation of an independent body for investigating complaints made against the police, particularly by Roma;

10. combat anti-Gypsyism expressed in the media while acknowledging the principle of their editorial independence, and accordingly:

- a. ensure that the legislation is indeed applied to those media that incite discrimination, hatred or violence against Roma;
- b. encourage the media not to mention the ethnic origin of a person named in articles or reports when it is not essential for a good understanding of events;
- c. encourage the media to adopt a code of conduct for preventing, inter alia, any presentation of information that conveys prejudice or might incite discrimination, hatred or violence against Roma;

- d. encourage the media to refrain from broadcasting any information likely to fuel discrimination and intolerance towards Roma;
 - e. support all initiatives taken to impress the dangers of anti-Gypsyism upon media professionals and their organisations;
 - f. encourage the professional bodies of the media to offer journalists specific training on questions relating to Roma and anti-Gypsyism;
 - g. promote the participation of Roma in the media sector in general by taking steps for journalists and presenters from among Roma communities to be recruited and trained;
- 11. combat anti-Gypsyism as regards access to places open to the public, and accordingly:**
- a. ensure that the anti-discrimination legislation is applied to the owners or persons in charge of a place open to the public who deny entry to Roma;
 - b. take measures to encourage private security firms to raise their personnel's awareness and to train them in order to avoid any discriminatory attitude and behaviour towards Roma;
- 12. combat anti-Gypsyism as regards access to public services, and accordingly:**
- a. ensure that Roma have access to social welfare allowances on the same terms as the rest of the population, and that the legislation against discrimination is applied if necessary;
 - b. ensure that Roma communities concentrated in certain neighbourhoods or villages are not disadvantaged in respect of public services such as water supply, sanitation, electricity, refuse removal, transport, access to the road system and road maintenance;
 - c. offer civil servants training in the prevention of racism and discrimination against Roma and in the relevant legislation;
 - d. encourage Roma to lodge complaints where they consider themselves victims of discrimination on the part of civil servants;
 - e. prosecute and punish civil servants committing discrimination against Roma;
 - f. ensure that Roma enjoy the same type and quality of services as the rest of the population;
- 13. combat anti-Gypsyism in access to goods and services, in particular in the banking and insurance sectors;**
- 14. in order to better measure the problems with the aim of combating them more effectively and to adapt policies to be undertaken, collect statistical data on Roma, in particular in the fields of education, employment, housing and health, by ensuring respect for the principles of confidentiality, voluntary self-identification and informed consent;**
- 15. to condemn all public discourse which publicly incites direct or indirect discrimination, hatred or violence against Roma;**

16. **to encourage a monitoring system of expressions of anti-Gypsyism on the Internet and ensure effective prosecution, by following the principles set out by the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, and their implementation;**
17. **in general, in order to combat anti-Gypsyism and discrimination against Roma, ensure:**
 - a. that the name used officially for the various Roma communities is the name by which the community in question wishes to be known;
 - b. the promotion and protection of Roma culture, fostering the rest of the population's better knowledge of Roma communities as well as the advancement of intercultural dialogue;
 - c. the advancement of Roma women and of their rights, and combat the multiple discrimination which they may face ;
 - d. that all Roma children are registered at birth;
 - e. that all Roma are issued identity documents;
 - f. that legislation concerning citizenship is not discriminatory towards Roma;
 - g. citizenship for Roma to obviate all cases of statelessness;
 - h. that the legislation, and its implementation, on the freedom of movement of persons are not discriminatory towards Roma;
 - i. adequate political representation enabling Roma to have their voices heard;
 - j. access for Roma to legal aid so that they may assert their rights in all eventualities;
 - k. the promotion of sport in so far as it promotes respect for diversity and facilitates the integration of Roma.

