Comparative study of the anti-racism policies and measures in Beneficiaries involved in the EU accession process

Reference Beneficiaries:
Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia, Georgia, Republic of Moldova, and Ukraine

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Abbreviations

biH – Bosnia and Herzegovina

CERD – Committee on the Elimination of Racial Discrimination

CSO – Civil Society Organisation

ECRI – European Commission against Racism and Intolerance

EU – European Union

GPR – General Policy Recommendation

LGBTI – Lesbian, Gay, Bisexual, Transgender, Intersex

MoU – Memorandum of Understanding

OSCE – Organisation for Security and Co-operation in Europe

Executive summary

Racism and racial discrimination remain critical areas of focus for strengthening democratic resilience, social cohesion, and the full enjoyment of human rights across Europe. For the nine Beneficiaries involved in the EU accession process that are part of this analysis – Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Georgia, the Republic of Moldova, and Ukraine – alignment with European and international anti-discrimination standards is both a legal requirement under the EU acquis and a means of fostering inclusive and participatory societies. This study examines the extent to which these Beneficiaries have developed legal, policy, and institutional frameworks to address racism and racial discrimination, noting progress achieved, identifying common features, and highlighting areas where further action could be considered.

All Beneficiaries have constitutional guarantees of non-discrimination, which are, in most cases, complemented by legislation prohibiting discrimination on the grounds of racial or ethnic origin. These frameworks are broadly consistent with Directive 2000/43/EC and other European standards. Progress is reflected in regular legislative updates, the inclusion of racial or ethnic origin among protected grounds, and the integration of anti-racism objectives into broader equality, human rights, or minority protection frameworks. Beneficiaries are continuing efforts to harmonise their laws more closely with the EU acquis, expand available remedies, strengthen victim protection, and address specific areas such as hate speech regulation or equal access to education.

Institutional responsibilities are shared among equality bodies, ombudspersons, Ministries, human rights institutions, and other public agencies in all Beneficiaries. While this broad engagement reflects cross-sector involvement, it can result in dispersed responsibilities and limited central coordination. In Albania, North Macedonia, and Serbia, equality bodies with wide mandates play a central role. Bosnia and Herzegovina and Georgia involve multiple Ministries and specialised agencies. Kosovo's Office of Good Governance coordinates anti-discrimination measures, while Montenegro combines ministerial and local-level engagement. In the Republic of Moldova, coordination includes the Agency for Interethnic Relations and other national bodies, and in Ukraine inter-ministerial cooperation is supported by partnerships with civil society and international organisations. Strengthening coordination mechanisms and clarifying institutional mandates could further enhance policy coherence across all Beneficiaries.

Equality data collection is undertaken in all Beneficiaries, primarily through national censuses and, in some cases, administrative registers, sectoral databases, and surveys. Albania, Kosovo, Montenegro, North Macedonia, and Serbia collect certain equality-related data, while Georgia has formal multi-institutional cooperation to improve hate crime statistics, and Kosovo has a cooperation agreement between the Ombudsperson Institution and the Kosovo Agency of Statistics on equality and discrimination-related data. In the Republic of Moldova, education databases and equality body registers contribute to monitoring, and in Ukraine police records provide relevant data on hate crime. While these measures represent progress, systematic and disaggregated equality data by racial or ethnic origin remains limited in most contexts, and expanding such data – while respecting data protection standards – would help to inform evidence-based policymaking.

Funding for anti-racism measures is generally integrated into broader human rights or minority protection budgets. Albania, North Macedonia, and Serbia allocate resources through national equality and inclusion strategies. Bosnia and Herzegovina and the Republic of Moldova combine state funding with donor support. Kosovo and Montenegro integrate anti-racism measures into programmes for Roma and other minority communities. Georgia includes these measures within general anti-discrimination programming, while in Ukraine, funding is constrained due to limited public finances, or may be supported through local budgets

or international assistance. Dedicated and sustainable funding streams could enable longer-term planning and more consistent implementation in all Beneficiaries.

Public awareness, education, and visibility measures are implemented across the nine Beneficiaries, with varying scope and focus. Kosovo has delivered training for educators and public officials, and integrated anti-racism topics into school curricula. Bosnia and Herzegovina has promoted awareness of minority rights, particularly in relation to Roma. Montenegro has implemented educational programmes at school and campaigns at community level to promote diversity. North Macedonia has undertaken outreach around its equality strategy, while Serbia regularly publicises anti-racism measures through its Ministry communications. The Republic of Moldova has organised activities on tolerance and remembrance, including Holocaust education, and Ukraine has carried out awareness initiatives with international and civil society partners. Expanding these activities and ensuring sustained visibility could help to increase public understanding and engagement in all Beneficiaries.

Engagement with affected communities is facilitated in different ways. Kosovo's Consultative Council for Communities and North Macedonia's Agency for the Realisation of the Rights of Communities provide formal participatory channels. Albania, Bosnia and Herzegovina, Montenegro, Serbia, Georgia, the Republic of Moldova, and Ukraine involve minority representatives mainly through consultations and cooperation with civil society organisations. Ensuring regular, structured, and inclusive participation could help align measures more closely with the experiences and needs of those most affected by racial or ethnic discrimination.

Across all Beneficiaries, progress is evident in the existence of legal protections, the integration of anti-racism objectives into national strategies, and the implementation of awareness-raising and capacity-building initiatives. At the same time, the study finds scope for further development in several areas, including strengthening coordination mechanisms, developing targeted anti-racism action plans or strategies, improving the collection and use of equality-related data, ensuring sustainable and adequate funding, enhancing the visibility of initiatives, promoting inclusive awareness-raising activities, and consolidating meaningful participation of affected communities in decision-making and policy design.

The EU accession process provides an opportunity for the Beneficiaries that are part of this study to consolidate these advances within comprehensive, well-resourced, and participatory policy frameworks. By building on achievements to date and addressing areas identified for further development, the Beneficiaries can continue to advance towards the shared goal of fostering equality, preventing and combatting racism, and promoting inclusive and cohesive societies.

1. Introduction

As part of the European Union and Council of Europe joint programme, "Horizontal Facility for the Western Balkans and Türkiye", which aims to support the Western Balkans and Türkiye in meeting European standards, the Council of Europe is currently implementing the action "Promoting Equality and Combatting Racism and Intolerance in the Western Balkans". This action focuses on supporting Beneficiaries in the region in countering racism, hate speech, and hate crime; promoting and protecting the rights of LGBTI persons; and strengthening anti-discrimination institutions, mechanisms, and coordination in line with the standards of the Council of Europe, particularly the recommendations of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe.

The project "Promoting Equality and Non-Discrimination: Towards More Resilient and Inclusive Societies" is implemented as part of the third phase of the joint European Union and Council of Europe programme, "Partnership for Good Governance". This project contributes to the better protection of the rights of disadvantaged groups and minorities through activities aimed at building and strengthening the capacities of State authorities, legal and law enforcement professionals, and civil society representatives. It focuses on harmonizing domestic legal and institutional frameworks – and their practical application – with European and international standards to combat discrimination, hate speech, and hate crime.

The activities of these projects also complement developments in the EU enlargement process, particularly with Albania, Bosnia and Herzegovina (BiH), Kosovo, Montenegro, North Macedonia, and Serbia, as well as with Ukraine, the Republic of Moldova, and Georgia as Beneficiaries having been granted candidate or potential candidate status by the European Council. Addressing racism and racial discrimination has been identified as a key priority within the broader framework of promoting equality, in compliance with EU legislation and standards, and in line with recommendations provided by international treaty and expert bodies, such as ECRI.

To this end, this study aims to provide an overview of the current state of anti-racism policies and measures in the aforementioned Beneficiaries. This information is then used to offer a comparative analysis of the situation, along with conclusions and recommendations. The overview is based on reports drafted by independent experts (see References) for each of the nine Beneficiaries between April and May of 2023. These Beneficiary-specific reports employed a mixed methodology. The experts conducted desk research, reviewing ECRI reports, EU progress reports, relevant laws and case law, annual reports from equality bodies/Ombud institutions, relevant publications from civil society organisations (CSOs), as well as surveys and research on racial discrimination. They also conducted interviews with officials (including high-ranking ones) and/or experts from Ministries, institutions, or other entities responsible for non-discrimination and anti-racism measures in their Beneficiaries, as well as with relevant CSOs or Ombudspersons. It should be noted that unequal access to potential interviewees in various Beneficiaries may have occasionally impacted the diversity of stakeholders interviewed. The experts carried out the interviews and drafted their reports based on a methodology that included guiding questions in a questionnaire (see Annex 1). This questionnaire was developed in accordance with the European Commission's publication, *Supporting the Development, Implementation, and Monitoring of National Action Plans Against Racism – Checklist and Reporting Tool*[1]. Both the responses to the questionnaires and the Beneficiary-specific reports were considered in the drafting of this study. Please note that data was not received on all sections by Beneficiaries.

1. European Commission, Justice and Consumers, Subgroup on the National Implementation of the EU Anti-racism Action Plan 2020–2025, *Supporting the Development, Implementation and Monitoring of National Action Plans against Racism: Checklist and Reporting Tool*.

Based on the information provided in the Beneficiary-specific reports and questionnaires, and following a comparative analysis of the data, recommendations have been drafted for the Council of Europe, the European Union, and relevant authorities or entities at domestic, regional, and local levels responsible for policies and measures in the Beneficiaries concerned. These recommendations offer practical and actionable suggestions intended to guide future actions, policies, or interventions aimed at effectively addressing racism and racial discrimination, in compliance with European standards. These standards include both EU legislation and policies, as well as Council of Europe recommendations.

The analysis presented in this study, including the development of conclusions and recommendations, was significantly informed by the European Commission's work on anti-racism, particularly the first-ever EU Anti-Racism Action Plan 2020-2025. This also includes documents produced by the Subgroup on the National Implementation of the Action Plan, such as the *Common Guiding Principles for National Action Plans against Racism* and the *Reporting Tool and Monitoring Checklist*. Additionally, ECRI's General Policy Recommendations No. 7: *National Legislation to Combat Racism and Racial Discrimination* and No. 2: *Equality Bodies to Combat Racism and Intolerance at National Level* were key references in shaping the analysis.

2. Overview

Responsible authorities/mechanisms at the domestic level

ALBANIA

In Albania, racial discrimination is not addressed by a specific authority. Responsibilities are rather spread across various bodies addressing issues related to discrimination and the economic integration of disadvantaged groups such as racial minorities. Key actors include the Commissioner for Protection from Discrimination playing a more central role and the Ombudsperson**.** The former oversees compliance with anti-discrimination laws to ensure that individual rights are not infringed upon due to racial or ethnic discrimination, while the latter addresses a wide range of human rights issues including those related to racial discrimination.

Furthermore, several Ministries have specific responsibilities related to anti-racism measures. The Ministry of Justice oversees the legal framework on anti-discrimination and may update laws to strengthen protection against it, while ensuring access to justice for marginalised groups and offering free legal aid services. On the other hand, the Ministries of Foreign Affairs and Internal Affairs address aspects of discrimination that may affect, among others, migrants and refugees, ensuring that Albania's policies are aligned with international human rights standards. The Commission for the Protection of Minorities, under the Ministry of Foreign Affairs, reports on the fulfilment of State obligations stemming from international law and under the conventions to which Albania has acceded.

In addition, the Ministry of Education implements education policies and reforms to ensure equal access to education for all children, including those from minority backgrounds, with measures to prevent and combat segregation and discrimination in schools. The Ministry of Health and Social Protection focuses on social integration policies that aim to improve the living conditions of marginalised groups, including racial minorities.

BOSNIA AND HERZEGOVINA

In Bosnia and Herzegovina, the Law on the Prohibition of Discrimination[2] stipulates that the Ministry for Human Rights and Refugees be mandated to collect data on instances of discrimination and report at least once a year to the Parliamentary Assembly, through the Council of Ministers, and if necessary, propose measures to prevent and combat instances of discrimination. The Institution of Human Rights (Ombudsman) is considered a central, independent institution for the protection against discrimination, in accordance with the mentioned Anti-discrimination Law. The Ministry for Human Rights and Refugees along with the Ombudsman take the lead in coordinating a wide range of activities related to anti-discrimination including the protection against racism and racial discrimination.

Moreover, consultative bodies or working groups are established within governmental or legislative bodies to address the needs of specific groups experiencing discrimination, including racial discrimination. At the domestic level, these bodies include the Roma Board (an advisory body to the Council of Ministers), the National Minorities Council (which provides advice to the Parliament), and National Minority Councils (serving as advisory panels for both entity and Brcko District parliaments). Additionally, State and entity Agencies for Equality focus on addressing discrimination against LGBTI individuals across all spheres of society as well as entity Ministries of Justice and Interior, and judicial bodies like the High Judicial and Prosecutorial Council when it comes to hate crime incidents and other criminal offences.

2. Official Gazette of Bosnia and Herzegovina, no. 59/09 and 66/16

KOSOVO

In Kosovo, by the Constitution and the legal provisions in place, several authorities and institutions are responsible for implementing anti-racism policies and measures, addressing discrimination, and promoting equality. At the central level, the Office of Good Governance[3] is responsible for advising the Prime Minister and relevant units of the Private Office, Ministries and the local level on good governance, human rights, equal opportunities and anti-discrimination issues. It is also mandated to increase adherence to local and international conventions, policies and legislation on human rights. It drafts, coordinates and monitors the implementation of policies and legislation, and leads government support mechanisms in the areas of good governance and human rights. This is the main monitoring and coordinating body for anti-racism strategies and policies. Furthermore, the Office of the Language Commissioner[4] was established to preserve, promote and protect the official languages – i.e. Albanian and Serbian – and their equal status in Kosovo and its municipalities, while ensuring language rights to the Bosnian, Turk, Gorani, Roma, Ashkali and Egyptian communities.

The Ministry for Communities and Return[5] is mandated to protect the rights of minority groups and returnees, and ensure that policies at the central and local levels contain provisions to protect community and returnees' rights. This is the main coordinating body for the Strategy for the Protection and Promotion of the Rights of Communities and their Members 2023 – 2027. Its work is facilitated by the Parliamentary Committee on Rights and Interests of Communities and Returns[6], the Consultative Council for Communities[7] (within the Office of the President) and the Office for Community Affairs[8] (under the Office of the Prime Minister).

In addition, the Technical Group for Protection against Discrimination of Roma, Ashkali and Egyptian Communities[9] is responsible for implementing the responsibilities arising from the Western Balkans Partnership Declaration on Roma Integration in the framework of the European Union enlargement process. Its competencies include collaborating with responsible institutions to address complaints about discrimination from members of the Roma, Ashkali and Egyptian communities, providing legal support to alleged victims and combatting discrimination - including institutional -, as well as carrying out public awareness activities. Moreover, the Inter-Institutional Team for Encouraging and Promoting Employment for Roma, Ashkali and Egyptian communities[10] was established as a temporary affirmative measure for the advancement of the inclusion, participation and equality of members of the Roma, Ashkali and Egyptian communities in Kosovo, as well as for reaching the employment quota as defined in the Constitution.

As an institutional mechanism, the Technical Working Group for implementation of the Framework Convention on National Minorities was established by decision of the General Secretary of the Prime Minister's Office on 10 November 2014, and amended and completed by the decision dated 11 October 2019. Since 2014, the group has been part of the institutional structure for the protection of the rights of national minorities. The Technical Working Group is responsible for coordinating, implementing and monitoring the recommendations following monitoring visits and guidance from the Committee of the Framework Convention for the Protection of National Minorities.

At the independent institutions level, the Ombudsperson Institution of Kosovo[11] is a multi-mandated body that acts as a typical Ombudsman, National Human Rights Institution, Equality Body, and the National Mechanism for the Prevention of Torture. At the local/municipal level, the Municipal Offices for Communities and Return were established with the mandate to *protect and promote the rights of communities, the equal access of all communities to public services and the creation of conditions for sustainable return of refugees, displaced persons and repatriated persons*, and the members of minority communities, including Roma, Ashkali and Egyptians,

3. Office of Good Governance, accessible at: Office for Good Governance (OGG) – Prime Minister
4. Office of the Language Commissioner, accessible at: Prime Minister – Zyra e Kryeministrit/
5. Ministry of Communities and Return, accessible at: https://mkk.rks-gov.net/us
6. Parliamentary Committee on Rights and Interests of Communities and Returns , accessible at: Committee - Kuvendi i Kosovës
7. Consultative Council for Communities, accessible at: https://ccc-rks.net/en/mandate/
8. Office for Community Affairs, accessible at: Office of Community Affairs – Prime Minister
9. The group consists of the Director of the Office for Good Governance, the Director of the organisation "Voice of Roma, Ashkali and Egyptian", the Director of the Legal Office - Office of the Prime Minister, representatives from the Office for Good Governance, Office for Community Affairs, Office of the Commissioner of Languages, Ministry of Returns and Communities, Ministry of Education, Science and Technology, Ministry of Health, Ministry of Economy and Environment, Ministry of Internal Affairs, Ministry of Local Government, Ministry of Justice, Ministry of Finance, Statistics Agency.
10. Annual Report for implementation of the Strategy for the Advancement of the rights of roma ans Ashkali communities, page 37, accessible on: https://kryeministri.rks-gov.net/wp-content/uploads/2023/03/Raporti-vjetor-Strategjia-per-avancimin-e-te-drejtave-te-komuniteteve-rom-dhe-ashkali.pdf
11. Ombudsperson Institution of Kosovo, accessible at: https://oik-rks.org/en/about-us/

who are more affected by racial discrimination. The Municipal Human Rights Units monitor compliance with human rights including in the area of anti-discrimination, while the Municipal Communities Committee's[12] core competence is to review all municipal policies and practices to recommend measures to the Municipal Assembly for Communities[13] to ensure that the rights and interests of communities are respected.

MONTENEGRO

In Montenegro, combatting racism involves a multi-faceted approach that engages various governmental bodies, civil society organisations, and other stakeholders. At the domestic level, the Ministry of Human and Minority Rights[14] is responsible for promoting and protecting human rights, including combatting racism and discrimination. They may oversee the development and implementation of policies and initiatives aimed at addressing racism and promoting equality. The Ombudsman[15] plays a crucial role in addressing complaints related to discrimination and racism. They investigate cases of alleged discrimination, advocate for victims, and promote awareness of human rights and equality principles.

The Police Directorate has a responsibility to investigate and prosecute hate crimes and racially motivated incidents. They may also engage in community outreach and training to address biases within the law enforcement system. Through the Council for Civilian Oversight of Police Work, recommendations have been adopted relating to the personnel composition of the Police with an affirmative approach to the employment of individuals from the local level, women, and minority members, especially from marginalised groups. The operational objectives of the Council for Civilian Oversight of Police Work include enhancing institutional and socio-economic efforts against all forms of discrimination faced by the Roma and Egyptian communities in areas such as political participation and community representation, housing, employment, healthcare, and social care and legal protection.

The Constitutional court[16] of Montenegro safeguards constitutional principles and human rights, including the right to equality and non-discrimination, while the State Prosecutors investigate allegations of hate crimes and racially motivated offences. The Committee on Human Rights and Freedoms of the Parliament of Montenegro focuses on minority rights and the implementation of ratified international agreements in collaboration with relevant working bodies of other parliaments and civil society organisations. Within its competence, the Committee monitors and evaluates the alignment of Montenegrin laws with the acquis of the European Union.

As regards education institutions and authorities, they may incorporate anti-racism education into their curricula and implement programmes to prevent discrimination and promote inclusion. Civil society organisations and advocacy groups dedicated to human rights and anti-racism efforts often play a significant role in raising awareness, providing support to victims, advocating for policy changes, and holding the government accountable.

NORTH MACEDONIA

In North Macedonia, at government level, the National Coordination Body for monitoring non-discrimination situations and the implementation of laws, by-laws and strategic documents in this area[17] [18] is responsible for participating in the preparation, implementation and monitoring of the National Strategy for Equality and Non-Discrimination. The Ministry of Social Policy, Demography and Youth provides coordinative and administrative support to the coordinating body.

The Ohrid Framework Agreement[19] of 2001, on the other hand, was the basis for amending the Constitution and many laws to improve the rights of the members of the Albanian community and ethnic communities in the fields of political representation, education, local self-government, public administration, culture and language. For the implementation of the Agreement's standards, a Secretariat was established initially which

12. Kosovo/OSCE, Communities committee, accessible at: https://www.osce.org/files/f/documents/e/8/546444.pdf
13. MCR, Guidelines, accessible at: https://mapl.rks-gov.net/wp-content/uploads/2017/10/ToR-DCMAC_English_FINAL_EDITS-031215.pdf
14. Ministarstvo ljudskih i manjinskih prava (www.gov.me)
15. Ombudsman
16. Ustavni Sud Crne Gore
17. Government Decision, adopted on March 27, 2018.
18. It is composed of representatives of Ministries, the Secretariat for Legislation, local self- governments, representatives of independent human rights institutions, civil society, trade unions and employers. Among them, there are representatives of civil society organisations working on the rights of Roma and other minorities, such as refugees and asylum seekers.
19. Ohrid Framework Agreement | OSCE

was transformed later into the Ministry of Political System and Relations between Communities with expanded competences in the domain of the realisation of the rights of ethnic communities.

The Agency for the Realisation of the Rights of the Members of the Communities which are less than 20% of the population in the Republic of North Macedonia was established by the Law on the promotion and protection of the rights of members of communities that constitute less than 20% of the population of the Republic of North Macedonia (2008). It is responsible for the enforcement of this law and overall supervision of the enforcement of laws that establish the rights of these communities in the areas of employment under the principle of adequate and equitable representation, language, education, culture, information in their mother tongue through electronic and printed media, and establishment of associations and foundations for cultural, educational, artistic and scientific activities, and use symbols.

In North Macedonia, the Ombudsman[20], as an independent and autonomous institution, may provide victims of discrimination with legal protection by receiving and handling individual complaints for alleged discrimination on the grounds of ethnicity, among others. Amendments to the Law on Ombudsman (2009) added a special Unit for protection from discrimination and equitable representation in its structure. The Commission for Protection against Discrimination was established in 2010, by the Law on Prevention and Protection against Discrimination[21], as an independent and autonomous body composed of seven members appointed by the domestic parliament with a five-year mandate. In comparison with the Ombudsman, the Commission is an equality body that deals with cases in both public and private sectors. Its broader and more diverse mandate equips it with possibilities to address structural discrimination in both sectors. The Commission's mandate includes issuing opinions based on submitted complaints about discrimination, working on the prevention of discrimination and collecting relevant data.

SERBIA

In Serbia, there are different institutions responsible for dealing with issues relating to racism and racial discrimination. The Commissioner for the Protection of Equality[22] is a human rights institution responsible for the implementation of measures tackling racism and racial discrimination, including any form of discrimination as defined by law - such as direct and indirect discrimination, as well as hate speech. The Commissioner also provides individual redress in cases of discrimination when individuals, civil society organisations, or other institutions submit complaints pursuant to the Law on the Prohibition of Discrimination, for example, by issuing public warnings in accordance with Article 33 of the Law. Other institutions tasked to deal with racial discrimination and racism include the State Prosecutors Office, for criminal proceedings in cases of hate crimes, the Ministry for Human and Minority Rights and Social Dialogue, for the implementation of administrative measures envisaged within the Strategy for Prevention and Protection against Discrimination 2022-2030. The Protector of Citizens also regularly monitors the implementation of the above-mentioned public policies and reports on their progress.

Additionally, in April 2023, the Government of the Republic of Serbia established the Interministerial Council for the Implementation of the Strategy for Prevention and Protection against Discrimination 2022 – 2030[23] tasked to monitor the progress in the implementation of the measures provided for in the Strategy.

GEORGIA

In Georgia, addressing issues related to racism or racial discrimination lacks a specific governmental body or focal point. However, the Public Defender of Georgia serves as the national human rights institution and acts as equality body. Mandated by Georgia's Anti-Discrimination legislation, the Public Defender's Office handles discrimination cases, including instances of racism. Through its mandate, the Public Defender investigates complaints, conducts inquiries, and monitors compliance with anti-discrimination laws[24]. While the Public Defender plays a crucial role in safeguarding human rights and promoting equality, its capacity to solely address racism and racial discrimination may be limited due to its broad mandate covering various human rights violations. Moreover, law enforcement agencies, such as the Ministry of Internal Affairs and the General Prosecutor's Office, are responsible for investigating hate crimes, including those motivated by racial hatred. However,

20. According to Article 77, para. 2 of the Constitution and the Law on the Ombudsman, article 22, this institution is responsible for, inter alia protection of the principle of nondiscrimination.
21. Article 21, Law on prevention and protection against Discrimination, 27-10-2020
22. Established by Article 1 of the Law on the Prohibition of Discrimination (Official Gazette, no. 22/2009, 52/2021).
23. Official Gazette of Republic of Serbia, no. 27/2023.
24. Law of Georgia on the Elimination of All Forms of Discrimination (2014).

within these agencies, there are no dedicated units or focal points specifically addressing racism or racial discrimination. These efforts are generally integrated within the structural units responsible for human rights protection, which may result in challenges in prioritising and effectively addressing racism-related incidents.

Furthermore, Georgia currently lacks an established mechanism for cooperation and coordination among relevant stakeholders to develop strategies, policies, or measures targeting racism and racial discrimination. While stakeholders may engage independently or through ad hoc collaborations, there is no structured framework for collective action or coordination. Consequently, individuals affected by racism or racial discrimination are not formally included in any mechanism or decision-making processes related to these issues.

The National Strategy for the Protection of Human Rights 2022–2030, along with its Action Plan for 2024–2026, serves as a cornerstone of Georgia's human rights policy framework. Priority III of both documents emphasises the integration of constitutional guarantees of equality into state policies and their practical implementation, ensuring the enjoyment of human rights and freedoms without discrimination. This section outlines actions to combat hate crimes and strengthen anti-discrimination measures, including legislative provisions. Furthermore, the documents specifically address the needs of various minority groups, such as ethnic and religious minorities, persons with disabilities, and others. However, they notably omit any specific reference to racism or racial discrimination.

The State Strategy for Civic Equality and Integration 2021-2030 and its Action Plan for 2021-2022 are essential instruments for civic integration[25]. However, they solely address issues related to ethnic minorities. The Strategy aims to increase the political involvement and civic participation of ethnic minorities, ensure equal social and economic conditions and opportunities, provide access to high-quality education, improve proficiency in the State language, and preserve the cultural identity of ethnic minorities. The Office of the State Minister of Georgia for Reconciliation and Civic Equality coordinates the development and implementation of the Strategy and Action Plan. However, their work does not cover issues of racism or racial discrimination.

Additionally, there is no formal consultative or advisory mechanism to support the work of bodies addressing racism and racial discrimination. Consultation and advisory support, if provided, likely occur on a sporadic or case-by-case basis rather than through structured and ongoing mechanisms. Overall, continuous engagement with advisory/consultative mechanisms is ensured only on an ad hoc and individual basis.

In summary, Georgia's approach to addressing racism and racial discrimination lacks dedicated governmental bodies or mechanisms for coordination, consultation, and advisory support. Efforts are integrated into existing institutions and processes without specific focal points or structured frameworks for addressing these issues comprehensively. While existing institutions and mechanisms play important roles, there is a need for enhanced coordination, consultation, and advisory support to effectively address racism and racial discrimination in Georgia.

THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, there is currently at governmental level neither a dedicated body nor a focal point specifically tasked with developing policies to prevent and combat racism and racial discrimination. Furthermore, no coordination mechanism exists to ensure structural cooperation between different levels of administration or governance, such as cross-governmental or inter-institutional working groups. Such mechanisms have been established only on an ad hoc basis to formulate relevant policy documents and monitor their implementation[26]. In addition, no dedicated consultative or advisory mechanism exists in this area. Nevertheless, three main bodies might be considered as having a mandate to address racial discrimination, while other consultative and advisory mechanisms have been created which could address these issues indirectly.

The Ministry of Education and Research serves as a hub within the Moldovan Government for tackling issues related to racism and racial discrimination[27]. Its Policy Service in the field of interethnic relations is specifically mandated to address racism and racial discrimination within educational institutions and has the right and

25. Office of the State Minister of Georgia for Reconciliation and Civic Equality. State Strategy for Civic Equality and Integration 2021-2030 and Action Plan for 2021-2022. Retrieved from: https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan
26. Moldova/Ministry of Education and Research Order No.168/2024 on nominal composition of the inter-institutional working group responsible for the implementation and monitoring of the Action Plan for the years 2023-2025 regarding the implementation of the Strategy for the consolidation of inter-ethnic relations for the years 2017-2027, available at: https://mecc.gov.md/sites/default/files/1.pdf
27. Moldova/Ministry of Education and Research Order No.169/2024 on Specialised Committee for Human Rights and the Elimination of All Forms of Racial Discrimination, available at: https://mecc.gov.md/sites/default/files/ordin_conventia_cadru.pdf

duty to elaborate public policies. Furthermore, the Ministry contributes to coordinating the activities of the National Council for Human Rights and the Elimination of All Forms of Racial Discrimination[28]. This Council is tasked with monitoring human rights violations while combatting discriminatory practices. The Ministry oversees education, research and innovation, youth, culture and sports, interethnic relations, as well as the use of languages spoken within the Republic of Moldova. According to the Moldovan Ombudsman, this is concerning because other fields where the Agency for Interethnic Relations (*see* below) could propose policy adjustments, or development (such as health, labour, and social affairs, etc) are not within the competence of the Ministry. In this context, the Ombudsman recommends ensuring the institutional and budgetary independence of the Agency, along with providing effective mechanisms for submitting proposals to develop, adjust, or modify public policies within its intervention domain, as well as for monitoring their implementation[29]. At the same time, it is necessary to expand the status of the Policy Service in the field of interethnic relations within the Ministry of Education and Research, which is responsible for developing policies in this area. Currently, the service has a limited structure – consisting of only three positions – which significantly hampers its ability to develop comprehensive public policies and respond effectively to the complex challenges in interethnic relations.

The Agency for Interethnic Relations [30] has the mission to ensure the implementation of State policies in the field of interethnic relations and the use of the languages spoken in the territory of the Republic of Moldova. It contributes to policymaking on the protection of national minorities, monitors the process of their integration, and also has awareness-raising competences to promote intercultural dialogue and linguistic diversity. The Agency presents and drafts the Government's response to individual and collective complaints to the UN Committee on the Elimination of Racial Discrimination, writes the periodic reports on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities and the UN Convention on the Elimination of All Forms of Discrimination, in cooperation with the Ministry of Education and Research. It does not have the competence to examine individual complaints but may collaborate with the Equality Council and the Ombudsman Office in this regard. In 2018, the Agency established a Coordination Council of Ethnocultural Organisations with the objectives, among others, of ensuring effective cooperation between ethnocultural organisations, safeguarding minority interests, promoting diversity, enhancing communication with authorities, and facilitating their involvement in developing public policies related to interethnic relations.

In addition, the Equality Council is an autonomous and independent public authority, established and acting based on Law No.121/2012 on Ensuring Equality and Law No. 298/2012 on the activity of the Equality Council. It is a collegial body tasked with preventing and combatting discrimination, promoting equality, and encouraging diversity. The Council is empowered to identify different forms of discrimination such as direct and indirect discrimination, discrimination by association, racial segregation, harassment, incitement to discrimination, and victimisation. So far, in at least four decisions of the Equality Council, incitement to discrimination, including on the grounds of colour, and/or racial discrimination was found[31]. According to the statistical data of the Equality Council, the cases of discrimination in the Republic of Moldova were most often on the grounds of ethnic origin (including racist remarks towards people of the Roma community, stigmatizing attitudes in press articles referring to language of communication and ethnic origin in a negative context).

In February 2023, the Equality Council, the Ombudsman Office, and the Agency for Interethnic Relations signed a memorandum of cooperation under the auspices of the Organisation for Security and Co-operation in Europe (OSCE) Mission to the Republic of Moldova regarding the establishment of the Group of Experts in addition to the domestic institutions in the field of protection of minorities in the Republic of Moldova[32]. The Group has an advisory role, provides authentic perspectives from minority members on human rights issues, and facilitates communication between minority communities and relevant institutions. It advocates for the rights of national minorities and strengthens the activity of the above-mentioned institutions.

28. Established by Ministerial Order No. 169 on February 19, 2024.
29. Moldova/Ombudsman Office, (2024) Alternative Report based on the United Nations Convention on the Elimination of All Forms of Racial Discrimination, available at: https://ombudsman.md/wp-content/uploads/2024/04/raport-alternativ-cerd-1.pdf
30. The Agency was set up back in 1991 and was subject to several reforms. The Government decision no. 593 of 25 June 2018 currently regulates the Agency's activity.
31. Equality Council decisions of 6 October 2014 available at: https://egalitate.md/wp-content/uploads/2016/04/dec_cauza_139_deperson_1772168.pdf ; of 16 December 2014 available at: https://egalitate.md/wp-content/uploads/2016/04/decizie_180_14_depersonalizat_2982113.pdf, of 28 May 2015 available at: https://egalitate.md/wp-content/uploads/2016/04/decizie_239_2015_depersonalozat_6318337.pdf, of 23 June 2021 https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_98_-2021_votat.pdf etc.
32. https://ombudsman.md/un-nou-mecanism-care-va-contribui-la-incluziunea-sociala-a-minoritatilor-nationale-in-republica-moldova/

UKRAINE

Ukraine does not have a specialised body or focal point dedicated exclusively to dealing with issues relating to racism and racial discrimination. However, the Human Rights Commissioner (Ombudsman) has, among other functions, the mandate to prevent any forms of discrimination and to take measures to counter them, as established in Article 10 of the Ukrainian Anti-Discrimination Law.[33] The Human Rights Commissioner is an independent institution enshrined in the Ukrainian Constitution and includes a specific Department and Representative for equal rights and freedoms, as well as the rights of national minorities, political and religious beliefs.[34]

In addition, several governmental and other public bodies work to prevent and combat discrimination within their respective mandates. For example, the State Service for Ethnic Policy and Freedom of Conscience is responsible for preventing manifestations of interethnic, interreligious and interfaith conflicts.

Legislative framework

ALBANIA

The main legal framework that regulates the fight against racial discrimination includes general provisions on discrimination, while the main legislation affecting the field of anti-racism comprises both primary laws and regulations as well as additional bylaws. As regards primary laws and regulations, they include Law no. 7768, dated 09.11.*1993 On the accession of the Republic of Albania to the International Convention on the Elimination of All Forms of Racial Discrimination*, as well as Law no. 10221 *On protection from discrimination*[35] (2010). The latter is considered a fundamental piece of Albanian legislation providing a broad definition of discrimination, covering various grounds including 'race', ethnicity, gender, and disability. It outlines the mechanisms for filing complaints, the powers of the Commissioner for Protection from Discrimination, and the legal consequences for entities found guilty of discriminatory practices. In addition, Law no.96/2017 *On protection of national minorities in the Republic of Albania*[36] aims to safeguard the rights of national minorities, providing specific protections and promoting cultural, educational, and linguistic rights. It sets out obligations for public authorities to support the preservation of minority identities and ensure equal treatment. Additional bylaws include DCM no. 400/2021[37] *On approval of the National Strategy for Gender Equality* formally adopting the strategy and ensuring government commitment to its implementation, and DCM no. 621/2021[38] *On approval of the National Strategy for Education* setting the legislative foundation for implementing the education reforms outlined in the strategy.

The abovementioned laws and bylaws establish standards in combination with certain strategies. Targeted actions and long-term goals can be identified in the framework of the Strategic Plan of the Commissioner against Discrimination 2022-2026[39], the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania 2021-2025[40], the National Strategy for Gender Equality 2021-2030. The latter, although primarily focused on gender issues, includes components that intersect with racial discrimination, particularly regarding marginalised women. In addition, the National Strategy for Education 2021-2030, the Strategy of Social Protection 2024-2030[41] outlining measures to enhance the social welfare system ensuring that protections against racial discrimination are robust and effective, as well as local action plans of several municipalities can be said to contribute to establishing standards in the combat against racism.

33. https://zakon.rada.gov.ua/laws/show/5207-17?lang=en#Text
34. Regulation as of 15 August 2022 on the Department for Equal rights and freedoms, rights of national minorities, political and religious beliefs, in Ukrainian.
35. Law No. 10221 *On protection from discrimination* (2010), available at https://www.kmd.al/wp-content/uploads/2021/05/2.pdf
36. Law No. 96/2017 "On protection of national minorities in the Republic of Albania", https://www.kmd.al/wp-content/uploads/2021/05/5.pdf
37. National Strategy for Gender Equality (2021-2030), approved by Decision of Council of Minister No. 400/2021, available at https://shendetesia.gov.al/wp-content/uploads/2022/02/WEB_Strategjia-Kombetare-AL.pdf
38. National Strategy for Education (2021-2026), approved by Decision of Council of Minister No. 621/2021, available at Pamja e dokumentit - Qendra e Botimeve Zyrtare
39. Strategic Plan of the Commissioner against Discrimination 2022-2026, available at https://rm.coe.int/strategic-plan-cpd-alb/1680a7ca9c
40. National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021-2025), available at https://www.undp.org/sites/g/files/zskgke326/files/migration/al/46eb57a0095aac6d46fe42b6cfb302f66368453e0c284a07c-0c7c9fd8d43760b.pdf
41. Strategy of Social Protection (2024-2030), available at https://qbz.gov.al/eli/vendim/2024/03/13/152/e3a93ef3-4c37-4202-8f28-dda232678318;q=VKM%20152

On a general note, enforcement mechanisms, primarily through the Commissioner for Protection from Discrimination and the Judiciary, are critical in ensuring that the existing laws can prove to be effective tools for combatting racism and discrimination.

BOSNIA AND HERZEGOVINA

Human rights are protected, and discrimination is prohibited by the Constitution of Bosnia and Herzegovina, entity and cantonal constitutions, and the Statute of the Brčko District of Bosnia and Herzegovina, as well as by the thirty international conventions and protocols ratified by Bosnia and Herzegovina to date, which are integral parts of the constitution and domestic legislation. Key legislation includes the Law on the Prohibition of Discrimination[42] and the Law on Gender Equality[43].

The Law on Prohibition of Discrimination enhances the framework for ensuring equal rights and opportunities for all and regulates the protection system against discrimination, including on the grounds of 'race'. Article 2(1) defines discrimination as *any different treatment, including any exclusion, restriction, or preference based on actual or presumed grounds towards any individual or group of individuals and those associated with them in family or other relationships based on their 'race'*, *skin colour, language, religion, ethnicity, disability, age, national or social origin, affiliation with a national minority, political or other belief, property status, membership in a union or other association, education, social status, gender, sexual orientation, gender identity, sexual characteristics, as well as any other circumstance that aims to or has the consequence of preventing or jeopardizing the recognition, enjoyment, or exercise, on an equal basis, of rights and freedoms in all areas of life*. The Law on Gender Equality prohibits discrimination based on gender and sexual orientation in several areas of life such as education, economy, employment, housing, social and health care, justice and administration, sports, culture, public life, and media.

The Criminal Code of the Federation of Bosnia and Herzegovina[44] defines hate crimes and imposes penalties for inciting national, racial, or religious hatred. Similarly, the Criminal Code of Republika Srpska[45] and the Criminal Code of the Brčko District of Bosnia and Herzegovina[46] introduce aggravating circumstances for hate-motivated criminal offences, listing grounds such as 'race', national or ethnic origin, and religion. Hate speech is sanctioned through four criminal codes in Bosnia and Herzegovina. Entity-level legislation criminalises hate speech only if it incites national, religious, and racial hatred and still needs to be aligned with the EU acquis. Failure to identify acts as hate crimes and a high burden of proof hinder the determination of intent and result in a small number of indictments and convictions.

According to BiH[47] and the Federation of BiH Criminal Code laws, whoever publicly incites or inflames national, racial or religious hatred, discord or hostility among the constituent peoples and others, who live in the respected area, shall be punished by imprisonment[48]. The High Representative in BiH amended Article 145a of the Criminal Code of BiH, prohibiting public condoning, denial, or justification of genocide, crimes against humanity, and war crimes established by final judgments. These acts, directed against groups on the grounds of race, colour, religion, origin, or ethnicity, are criminalised if they could incite violence or hatred. The amendments also criminalise public incitement to violence or hatred against such groups. Higher penalties apply if the offences involve public distribution of materials, disturb public peace, or are committed by officials or public employees. Additionally, honouring individuals convicted of such crimes or naming public places after them is now prohibited.

The Law on Asylum[49] aligns with the Law on Prohibition of Discrimination as regards discrimination on the grounds of 'race'. Article 2(e) defines a refugee as *a foreigner who, due to well-founded fear of persecution on the grounds of 'race', religion, nationality, membership in a particular social group, or political opinion, is outside the country of their nationality or habitual residence and cannot or, due to fear, does not want to avail themselves of the protection of that country*.

42. Official Gazette of Bosnia and Herzegovina, no. 59/09 and 66/16
43. Official Gazette of Bosnia and Herzegovina, no. 16/03 and 102/09
44. https://pravosudje.ba/vstvfo/B/97/article/15332
45. https://vsts.pravosudje.ba/vstvfo/S/109/article/31772
46. https://www.tuzilastvobih.gov.ba/?opcija=sadrzaj&kat=4&id=44&jezik=b
47. https://www.tuzilastvobih.gov.ba/?opcija=sadrzaj&kat=4&id=40&jezik=b
48. CC of B&H - Article 145a; CC of FB&H - Article 163; CC of BDB&H - Article 160
49. https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf

KOSOVO

The Constitution of Kosovo[50], adopted in 2008, provides that the exercise of public authority in Kosovo shall be based upon the principles of equality of all individuals before the law and with full respect for internationally recognised fundamental human rights and freedoms, as well as protection of the rights of and participation by all Communities and their members. The constitutional order of Kosovo is based on, among others, the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, social justice, and pluralism. Article 22 provides that human rights and fundamental freedoms guaranteed by the international agreements and instruments are guaranteed also by the Constitution, are directly applicable in Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions. The Constitution further states that *no one shall be discriminated against on the grounds of 'race', colour, gender, language, religion, political or other opinions, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status*.

The Constitution of Kosovo has one chapter dedicated to the Rights of Communities stipulating that 'Kosovo shall take all necessary measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity'. It also ensures equitable representation in public institutions, requires the representation of communities through several specific posts at the municipal level, enshrines the right of communities to *freely express, foster and develop their identity and community attributes,* and establishes obligations of the state to ensure *full and effective equality among members of communities*. It also foresees the establishment of a Consultative Council for Communities, consisting of, amongst others, representatives of communities, with the mandate to allow communities to comment at an early stage on legislative or policy initiatives, and to seek to have their views incorporated into relevant projects and programmes.

Regarding the rights of communities, the Constitution sets forth that in the legislative process, out of 120 seats of the Parliament, it guarantees 20 seats for political parties representing minority communities. In addition, it requires the establishment of the Parliamentary Committee on Rights and Interests of Communities and ensures that legislation covering relevant issues will be considered legislation of vital interest and any amendment of the Constitution, will require a double majority for their adoption, both a majority of the entire Assembly and a majority of the deputies holding seats guaranteed for communities.

Further to the above, the Law on Protection and Promotion of the Rights of Communities[51] and their Members in Kosovo provides that "all forms of discrimination, direct or indirect, on account of national, ethnic, cultural, linguistic or religious identity are prohibited". In 2015, the Law on Protection from Discrimination[52] was adopted and provides for prevention and combatting discrimination on the grounds of "sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status". The Law on Gender Equality[53], adopted again in 2015, stipulates that direct or indirect gender discrimination, including less favourable treatment of women on the grounds of 'race', is prohibited.

Moreover, Article 190 of the Criminal Code of Kosovo[54], adopted in 2019, specifies that *"whoever due to the national or ethnic origin, 'race', religion, [..]denies or restricts to the other the rights defined by the Constitution, Law or other provisions, other general acts or ratified international agreements, or gives privileges or favours on the basis of such a difference, shall be punished by imprisonment of up to three (3) years*."

The Law on Local Self-Government[55] sets forth the establishment of several municipal institutions for the protection of communities in Kosovo. The Municipal Assemblies of Kosovo must establish a Municipal Communities Committee with the responsibility to review municipal policies, practices and activities to ensure that the rights and interests of the communities are fully respected and issue recommendations to the Municipal Assembly. In addition, in municipalities where communities make up at least 10% of the population, a Deputy Mayor for Communities must be appointed to advise the Mayor on community issues, and a Deputy Chairperson for Communities must be appointed to form the *focal point for addressing concerns of the non-majority communities*.

50. Constitution of Kosovo, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702
51. Law on Protection and Promotion of the Rights of Communities, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2531&langid=2
52. Law on Protection from Discrimination, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=10924&langid=2
53. Law on Gender Equality, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923
54. Criminal code, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413&langid=2
55. Law on Local Self Government, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530

Concerning education, the Law on Pre-University Education[56] ensures the right of all persons to education and that access to and progression through all levels of pre-university education shall be enabled in compliance with the provisions of this Law without discrimination on any real or presumed grounds including that of "'race', colour, religion, national, ethnic or social origin". On the other hand, the Law on Early Childhood Education[57] states that one of the guiding principles of childhood education is equality and non-discrimination without distinction of any kind, such as "'race', colour, religion, national, ethnic or social origin", and others.

The non-discrimination and equality principles are enshrined in the legislative framework of Kosovo reflecting its commitment to combatting racism and discrimination, promoting equality, and protecting the rights of all individuals within its territory. However, effective implementation and enforcement of these laws are essential to ensure a meaningful impact on the lives of people residing in Kosovo.

MONTENEGRO

In Montenegro, at the level of the domestic legislative framework, it could be claimed that there is a well-developed regulatory framework for the protection of minority rights through constitutional and legislative guarantees, as well as ratified international law. Article 7 of the Constitution of Montenegro[58] contains a prohibition of incitement of hatred or *intolerance on any ground*, while Article 8 foresees a general prohibition of discrimination *on any ground*. The Constitution also guarantees minority rights through the provisions in Article 79 regarding the protection of identity and Article 80 regarding the prohibition of assimilation.

Montenegro adopted in 2014 the Law on the prohibition of discrimination[59]. However, there is an ongoing procedure for adopting a new law under the title Law on Equality Protection and Prohibition of Discrimination to contribute to the alignment of domestic legislation with the EU one in this area. The 2014 law prohibits any form of discrimination on any ground and defines mechanisms for protection against discrimination, including the procedure for complaints before the Ombudsman, as well as judicial protection through proceedings initiated by lawsuits. By Article 5, regulations and special measures aimed at creating conditions for the realisation of gender and overall equality and protection of individuals who are in an unequal position for any reason can be adopted, introduced, and implemented within their competencies and authorities by State bodies, State administration bodies, local self-government units, public enterprises, and other legal entities exercising public authority, as well as other legal and natural persons.

The Criminal Code[60] is considered a significant piece of legislation as it emphasises the importance of anti-discrimination efforts. Article 42a stipulates that the court will consider it as an aggravating circumstance if the criminal act is committed out of hatred, listing various grounds and explicitly mentioning racial hatred. The Code proscribes the violation of equality and defines it as a criminal act with 'race' explicitly mentioned as a ground while racial and other forms of discrimination as well as incitement to national, racial, and religious hatred are also considered criminal offences. Furthermore, in the case of a criminal act endangering security stricter penalties are foreseen if it is committed out of hatred, whereas as regards hooliganism at sports events or public gatherings, cases of the criminal act committed out of hatred based on racial identity affiliation are explicitly mentioned.

The Law on Minority Rights and Freedoms[61] prescribes a set of minority rights and mechanisms for their protection, particularly concerning achieving equality with other communities, preserving the national identity of minorities, and ensuring effective participation in public life. According to Article 39 (para. 2), direct or indirect discrimination on any ground is prohibited. Article 4 of the Law on Social Housing[62] stipulates that priority in exercising this right to social housing is given to members of the Roma and Egyptian communities, displaced persons, internally displaced persons from Kosovo residing in Montenegro, foreigners with permanent or temporary residence who have been recognised as displaced persons or internally displaced persons, and victims of domestic violence.

56. Law on Pre-University Education, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2770
57. Law on Early Childhood Education, accessible at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=79000
58. Official Gazette, no. 1/2007 and 38/2013, *Constitution of Montenegro*, available at: USTAV CRNE GORE (paragraf.me)
59. Official Gazette, no. 42/2017, Law on Prohibition of Discrimination, available at: Zakon o zabrani diskriminacije | Crna Gora | Paragraf Lex
60. Official Gazette, no. 110/2023, *Criminal Code*, available at: Krivični zakonik Crne Gore (www.gov.me)
61. Official Gazette, no. 31/17, *Law on Minority Rights and Freedoms*, available at: Zakon o manjinskim pravima i slobodama - Katalog Propisa 2022
62. Official Gazette, no. 35/2013, *Law on Social Housing*, available at: Zakon o socijalnom stanovanju - Crne Gore | Paragraf

Other laws contain anti-discrimination provisions or are relevant in terms of the implementation of other laws in the area of anti-discrimination, as well as the implementation of domestic strategies, plans, and policies aimed at combatting discrimination and racism, such as the Law on the Protector of Human Rights and Freedoms, Law on Health Care, Law on Social and Child Protection, Law on Media, Law on Electronic Media, Law on Protection from Domestic Violence, Law on Free Legal Aid**,** Law on Civil Registers, Law on Education and Upbringing, Family Law, Law on Montenegrin Citizenship, and Law on Foreigners.

Regarding international law, the Constitution of Montenegro stipulates that ratified international treaties and generally accepted rules of international law are an integral part of the internal legal order in Montenegro and have precedence over domestic legislation when they regulate matters differently from domestic legislation. In the area of anti-discrimination, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the EU Chapter of Fundamental Rights, the European Convention on Human Rights, the European Social Chapter, the Framework Convention for the Protection of National Minorities are considered of great significance among the international sources of law that apply in Montenegro.

NORTH MACEDONIA

Chapter II of the Constitution of the Republic of North Macedonia guarantees the equality of citizens and prohibits the limitation of freedoms and rights on several grounds. Article 9 has a blanket clause on equality envisaging that *citizens of the Republic of North Macedonia are equal in their freedoms and rights, regardless of sex, 'race', colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law*[63]. This provision, although constituting a sufficient legal basis for adopting additional, more detailed anti-discrimination legislation, is considered to have certain shortcomings as it lacks ethnicity as a discriminatory ground while it includes 'race' and national origin in an overall exhaustive list of grounds. This clause has also been criticised for the fact that by referring to *citizens,* protection against discrimination of foreign nationals (stateless persons and persons of foreign nationality) may be deemed absent. Despite the criticism received throughout the years, the Constitutional Court has been interpreting this clause of Article 9 rather restrictively.

The Law on Prevention and Protection against Discrimination [64] was adopted in 2020 as a result of a large number of proposals for amendments and additions to its previous version of 2010. The law includes an open list of grounds for discrimination among them 'race', skin colour, and national and ethnic affiliation. It regulates the work of the Commission for Protection against Discrimination, but it is *lex specialis* in the domain of non-discrimination and needs to be applied by all institutions. It is a material law for the work of both the Ombudsman and the courts in determining discrimination, as well as inspection services in various areas. It provides significant definitions of non-discrimination and delineates forms of discrimination as well as the areas in which protection against discrimination can be applied. This law was also an effort to harmonise North Macedonia's legislation with European one in the area of non-discrimination.

Further to the abovementioned, Article 2 of the Law on Ombudsman stipulates that *she/he undertakes actions and measures for protection on the principles of non-discrimination and adequate and fair representation of the members of the communities in the bodies of the State government, the bodies of the units of local self-government and public institutions and services.*

On the other hand, the Law on the Rights of Communities that are Less than 20% of the population of the Republic of North Macedonia sets out that *any form of direct or indirect discrimination against ethnic, linguistic, religious, racial or any other basis towards communities or the members of the communities,* and that *any activity or measure of forced assimilation of members of the communities is prohibited*.

Some other laws in the Republic of North Macedonia include provisions against discrimination. Direct or indirect discrimination on the grounds of 'race' and/or skin colour is prohibited by the Law on Social Protection (which established protection against direct and indirect discrimination) and the Law on the Rights of Children. The Law on the Protection of Patients' Rights prohibits discrimination including on the grounds of skin colour, language, social or national origin, or belonging to a national minority. The Law on Primary Education covers

63 Constitution of the Republic of North Macedonia with amendments (2019), available at: The_constitution_of_the_republic_of_north_macedonia_containing_the_valid_constitutional_provisions_in_force_as_amended_by_constitutional_amendments_i-xxxvi.pdf (vlada.mk)

64. Official Gazette No. 258/2020, Law on Prevention and Protection against Discrimination, available in Macedonian at: Закон за спречување и заштита од дискриминација.pdf (mtsp.gov.mk)

the protection against discrimination and the promotion of equality both among teachers and teaching staff, while the Law on Secondary Education includes the prohibition of discrimination based on gender, 'race', skin colour, and national and social origin. The Law on Equal Opportunities between Men and Women also provides for the prohibition of discrimination.

SERBIA

In addition to the general constitutional guarantee against discrimination enshrined in Article 21 of the Constitution of the Republic of Serbia, various pieces of legislation address the issue of combatting racism and racial discrimination in Serbia, such as the Law on the Prohibition of Discrimination[65] and the Law on the Protection of Rights and Freedoms of National Minorities[66]. Also, provisions of the Criminal Code[67] are important for understanding the legislative framework in Serbia, especially the prohibition of hate crimes and hate speech under Articles 54a and Articles 317, 344a, and 387, specifically prohibiting incitement of national, racial and religious hatred and intolerance, incitement of national, racial and religious hatred and intolerance at sports events or in public gatherings as well as racial and other types of discrimination.

GEORGIA

The legislative framework in Georgia provides fundamental provisions aimed at combatting racism and racial discrimination. Enshrined in the Constitution of Georgia, specifically Article 11, is the principle of equality before the law. It prohibits discrimination on various grounds, including 'race', skin colour, sex, origin, ethnic affiliation, language, religion, political opinions, social affiliation, and other characteristics. This constitutional provision forms the cornerstone of anti-discrimination efforts in Georgia[68].

Moreover, the Law on the Elimination of All Forms of Discrimination, enacted in 2014, serves as a comprehensive legal instrument to eradicate discrimination in all its forms[69]. This law establishes mechanisms for addressing discrimination cases in both the public and private sectors. It aims to ensure equal treatment and protection of rights for all individuals, irrespective of their backgrounds. The law defines two institutions responsible for handling discrimination cases, including racial discrimination: the Office of the Public Defender of Georgia and the courts. According to these provisions, the Public Defender of Georgia is responsible for monitoring issues related to eliminating discrimination and ensuring equality[70]. Any person who considers themselves to be a victim of discrimination may bring a case to court against the person or institution they believe has committed the discrimination and may claim moral and/or material damages[71].

Within the Criminal Code of Georgia, specific provisions address racially motivated crimes. Article 53 stipulates that committing a crime based on racial motives constitutes an aggravating circumstance[72]. In other provisions of the Criminal Code, race as a bias motive is also listed as an aggravating factor. For instance, committing a crime with a racial intolerance motive is a qualifying element of intentional killing (Article 109); intentional infliction of serious, less serious, or minor harm to health (Articles 117, 118 and 120); violence (Article 126); torture (Article 144); humiliation or inhuman treatment (Article 144); and disrespect to the deceased (Article 258). Furthermore, the Criminal Code defines specific offences in which the racial element constitutes an integral part of the act or serves as a constituent element of the crime itself. Notably, Article 142, introduced in 2003, establishes criminal liability for acts of racial discrimination. It targets conduct intended to incite national or racial resentment, hatred, or to humiliate national dignity. This provision targets acts committed with the intent to incite national or racial resentment, hatred, or to humiliate national dignity. It covers the curtailment of human rights based on grounds such as race, colour, or national or ethnic affiliation, including the unjust granting of privileges that result in significant human rights violations. In addition, Article 239 criminalizes public incitement to violent acts[73] on racial or related grounds.

65. Official Gazette of Republic of Serbia no. 22/2009 and 52/2021
66. Official Gazette of the Federal Republic of Yugoslavia, no. 11/2002, Official Gazette of Serbia and Montenegro, no. 1/2003 – Constitutional Charter and Official Gazette of the Republic of Serbia, no. 72/2009 – second law, 97/13-Constitutional Court and 47/2018.
67. Official Gazette of Republic of Serbia, nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019.
68. Constitution of Georgia (1995).
69. Law of Georgia on the Elimination of All Forms of Discrimination. (2014).
70. Article 6, Ibid.
71. Article 10, Ibid.
72. Criminal Code of Georgia. (1999).
73. Ibid.

However, the current Code of Administrative Offences does not recognise a discriminatory motive (whether racial, homophobic, or based on other statuses or characteristics) as an aggravating factor for administrative penalties. Consequently, it is impossible to identify and establish a discriminatory motive in cases classified as administrative offences. This omission hinders the collection of statistics on alleged hate-motivated offences and decreases the likelihood that illegal hate acts will be noticed.

THE REPUBLIC OF MOLDOVA

Law no. 121/2012 on ensuring equality[74], among other things, specifies the protected grounds including 'race', colour, ethnic origin, and nationality. Recent amendments revised the mechanism for prohibiting discrimination in education, significantly broadening the scope of protection compared to previous provisions including on issues related to racial segregation and including measures that educational institutions must implement to uphold the principle of non-discrimination, such as ensuring accessibility in education, developing educational materials on the topic, training teaching and administrative staff in methods and means to prevent discrimination, as well as reporting to the relevant authorities and ensuring equality in internal regulations. Misdemeanours with elements of prejudice fall under the Misdemeanour Code of the Republic of Moldova, specifically Article 70/1 (incitement to discrimination), and Article 46/3 (grounds of prejudice). Additionally, to enhance the protection for harassment victims, the Misdemeanour Code was amended with the additions of Articles 70/2 (Harassment) and 70/3 (Victimisation), which hold individuals accountable for harassment in all areas of life depending on the severity of the actions committed.

The Criminal Code of the Republic of Moldova, under Article 176/1, penalises the promotion of fascism, racism, xenophobia, and Holocaust denial. It criminalises forming or supporting organisations adhering to the ideology of fascism, publicly denying the Holocaust, and manufacturing or distributing related symbols. Additionally, promoting ideologies of a fascist, racist, or xenophobic nature or venerating those convicted of serious crimes against humanity is punishable. Article 134/18 defines such organisations as groups promoting hate-based ideologies, including racial, ethnic, or religious violence and superiority notions, covering both legal and informal entities. Fascist, racist, and xenophobic symbols are also defined, including flags, emblems, and slogans promoting these doctrines**.**

Article 346 of the Criminal Code criminalises incitement to hatred or violence through public calls, dissemination of information, or other forms of informing the public, including via mass media, drawings or images, or an electronic system, based on bias. Bias is defined by the Criminal Code as preconceived ideas based on 'race', colour, ethnicity, nationality, language, religion, or other similar grounds. The Criminal Code also punishes the promotion (propaganda) of genocide or crimes against humanity. Committing a crime motivated by prejudice is recognised as an aggravating circumstance and has been specifically incorporated into various categories of offences in the Criminal Code.

The Code of Audiovisual Media Services[75] defines hate speech[76] and expressly prohibits audiovisual programmes that are *susceptible to propagate, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hate based on intolerance or discrimination on the grounds of sex, 'race', nationality, religion, disability or sexual orientation*[77]. The Code also prohibits commercial audiovisual communications that *include and/or promote any discrimination on the grounds of sex, 'race', nationality, religion, age, disability, sexual orientation, freedom of belief, or thought*[78].

The new Electoral Code adopted in 2022[79] provides that in electoral programmes, agitation materials, agitation actions, and advertising aimed, in one way or another, at initiative groups, electoral competitors, and referendum participants *the use of materials that lead to incitement to a war of aggression, to national, racial, or religious hatred, incitement to discrimination, to territorial separatism, to public violence* is prohibited. In addition, the amendments from December 2022 to the Law on political parties provide that the establishment and activity of parties, and other political organisations of foreign States, as well as their subsidiaries and structures, are prohibited if they lead inter alia to incitement to a war of aggression, national, racial, or religious

74. Moldova/*Law no. 121/2012 on ensuring equality*, Official Gazette no.103, available at: https://www.legis.md/cautare/getResults?doc_id=141518&lang=ro
75. Moldova/*Code of Audiovisual Media Services*, Law no.174/2018, Official Gazette no.462-266, available at: https://www.legis.md/cautare/getResults?doc_id=147972&lang=ro#
76. Article 1 of the Code of Audiovisual Media Services.
77. The Code of Audiovisual Media Services, Article 11, para. (2) let. a).
78. The Code of Audiovisual Media Services, Article 63, para. (4) let. d).
79. Moldova/*Electoral Code,* Law no. 325/2022, Official Gazette no. 426-427, available at: https://www.legis.md/cautare/getResults?doc_id=136279&lang=ro#

hatred, incitement to discrimination, territorial separatism, public violence, as well as other manifestations that threaten the constitutional regime[80].

Despite positive development in terms of legislative amendments on hate speech in electoral processes, the new Electoral Code, like the previous one, as well as the legislation on political parties, do not provide for the possibility of dissolution of organisations or political parties which promote racism and the suppression of their public financing, as recommended by ECRI in its 2018 report.

UKRAINE

Provisions prohibiting manifestations of racism and xenophobia are available in the domestic legislation. The Constitution of Ukraine includes a general equality provision prohibiting privileges or restrictions based on 'race', skin colour, [...] religious, and other beliefs, ethnic [...] origin. The Law on the Principles of Prevention and Counteracting Discrimination in Ukraine[81] further defines and prohibits discrimination (*situation in which an individual and/or a group of individuals suffers from the restriction on the recognition, exercise or enjoyment of rights and freedoms in any form established in this Law*) on the grounds of *'race', skin colour, political, religious and other beliefs, sex, age, disability, ethnic or social origin, nationality[82], marital and property status, place of residence, linguistic or on other grounds that have been, are or may be actual or alleged*.

Several laws regulating key areas also prohibit discrimination on the grounds of 'race', skin colour, religion, and ethnic origin, including the Labour Code of Ukraine[83], the Law on Advertising[84], the Law on Media[85], the Law on Preventing and Combating Anti-Semitism in Ukraine[86], the Law on the National Minorities (Communities) of Ukraine[87], and on the Free Legal Aid[88]. Other laws, such as the Law on the Commissioner for Human Rights include a general statement prohibiting discrimination.

The Criminal Code of Ukraine contains specific penalty enhancement provisions, i.e. aggravated forms of specific offences, such as murder, intended grievous bodily injury, intended bodily injury of medium gravity, battery and torture, torture and threat to kill on the grounds of *racial, national, or religious intolerance*; crimes where bias is a defining element of the offence (Article 161 on the violation of citizens' equality based on their 'race', nationality or religious preferences, Article 178 on the damage of religious architecture or houses of worship), Article 179 on the illegal retention, desecration or destruction of religious sanctities and Article 180 on the preclusion of religious ceremonies. Committing a criminal offence on the grounds of racial, national, or religious hatred or enmity may be considered by the court as an aggravating factor in sentencing (Article 67 paragraph 1 (3) of the Criminal Code of Ukraine).

The Law on Media prohibits the dissemination of particular forms of hate speech in the media (including in traditional media, online media, platforms for video hosting and shared access to information): statements that incite hatred, hostility or cruelty as well as statements that incite discrimination or harassment towards individuals or groups of individuals on the grounds of ethnic or social origin, citizenship, nationality, race, religion and beliefs, age, gender, sexual orientation, gender identity, and/or disability.

Compliance of the legal framework with EU legislation

ALBANIA

Law no. 10221 of 2010 on the protection from discrimination appears to be aligned with the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The EU legal framework was also identified

80. See Article 3 alin. 5 of Law nr. 294 from 21 December 2007 on political parties.
81. Ukraine/ Law no 5207-VI On the Principles of Prevention and Counteracting Discrimination in Ukraine, available at: https://zakon.rada.gov.ua/go/5207-17
82. "Nationality" here explicitly means "citizenship" in the version of the law in Ukrainian language.
83. Ukraine/ Law no 322-VIII Code of Laws on Labor of Ukraine, available at: https://zakon.rada.gov.ua/go/322-08
84. Ukraine/ Law no 270/96-BP On Advertising, available at: https://zakon.rada.gov.ua/go/270/96-%D0%B2%D1%80
85. Ukraine/Law no 2849-IX On Media, available at: https://zakon.rada.gov.ua/go/2849-20
86. Ukraine/ Law on Preventing and Combating Anti-Semitism, available at: https://zakon.rada.gov.ua/laws/show/1770-20
87. Про національні меншини (спі... | від 13.12.2022 № 2827-IX (rada.gov.ua)
88. Про безоплатну правничу допо··· | від 02·06·2011 № 3460-VI (rada.gov.ua)

in the strategies of Albania including in targeted measures against discrimination and racism, and taken into consideration in their development.

Albania, however, still faces the dual challenge of maintaining momentum in the legislative alignment as well as enhancing the practical implementation of these laws. Continued reforms are expected as part of the EU accession process, which will likely include expanding anti-discrimination laws by further amendments of existing laws to cover new areas and emerging issues. The EU accession process is further anticipated to enhance cooperation with EU bodies and other Member States to adopt best practices and receive technical assistance in enforcing anti-discrimination laws.

BOSNIA AND HERZEGOVINA

Council Directives 2000/43/EC[89], 2000/78/EC[90], Directive 2006/54/EC[91] of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, and Council Directive 2004/113/EC[92] of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services have been integrated into the anti-discrimination legislation of Bosnia and Herzegovina.

As regards the existing list of protected grounds against discrimination in the legal system under analysis, both in anti-discrimination provisions and to some extent in criminal codes, they can be said to cover obligations deriving from EU directives, while considering at the same time Article 14 of the European Convention on Human Rights and Article 21 of the Charter of Fundamental Rights of the European Union as well as the case-law of the European Court of Human Rights and the European Court of Justice.

KOSOVO

According to the 2023 EC Report for Kosovo[93], the Law on protection from discrimination is broadly in line with European and international standards but its implementation remains limited, including due to a lack of institutional capacity. This situation affected rights related to employment, education, access to social services, and freedom of movement, among others. Kosovo's legal framework demonstrates efforts to comply with EU legislation related to anti-racism, anti-discrimination, and human rights as part of its broader European integration agenda. However, challenges remain in terms of effective implementation and enforcement of these laws, as well as addressing systemic issues related to discrimination and inequality within Kosovo's society.

MONTENEGRO

Montenegro is in the process of harmonising its legislation with the EU legislation and standards as part of its negotiation process for accession to the EU including adopting and implementing laws that reflect the EU acquis on issues related to combatting racism and discrimination. There is also an ongoing process for adopting a new amended Law on the protection of equality and prohibition of discrimination expected to be a predominant legal source in the area of anti-discrimination. According to the Ministry of European Affairs, the draft Law is fully aligned with

Council Directives 2000/43/EC, 2000/78/EC, 2004/113/EC, Directive 2006/54/EC of the European Parliament and the Council as well as Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security. The adoption of the draft Law on the Protector of Human Rights and Freedoms is also a step towards harmonisation with EU legislation.

However, not much progress is considered to have been made regarding, among others, alignment with the EU acquis in the area of social inclusion, with the situation of public finance negatively affecting reforms in tackling social issues. Chapter 3 of the Action Plan accompanying the Strategy for the Social Inclusion of

89. https://eur-lex.europa.eu/eli/dir/2000/43/oj
90. https://eur-lex.europa.eu/eli/dir/2000/78/oj
91. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054
92. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113
93. 2023 EC Report for Kosovo, accessible at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

Roma and Egyptians in Montenegro 2021-2025[94] emphasises the need to resolve the legal status of Roma and Egyptians, as well as make improvements in the areas of education, employment, housing, and healthcare. In this regard, competent authorities are taking continuous steps to implement activities from the action plan.

The Strategy for Social Inclusion of Roma and Egyptians 2021-2025 and the relevant documents have been prepared by the EU Roma Strategic Framework 2020-2030.

NORTH MACEDONIA

In North Macedonia, the preparation of the draft Law on Prevention and Protection against Discrimination (2020) was guided by EU primary law and EU anti-discrimination legislation. The process was supported by the OSCE Mission to Skopje while a working group was formed with representatives of State institutions and civil society organisations. However, amendments to the law may still be needed especially as regards strengthening the independence and efficiency of North Macedonia's equality body as well as concerning the overall State capacity to collect data, raise public awareness, and perform more effective judicial protection. In addition, the law would be expected to be further harmonised with the EU acquis in all areas of life.

SERBIA

The Serbian legal framework on anti-racism complies with the EU legislation, such as Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The latest amendments to the Law on the Prohibition of Discrimination from 2021 were adopted to also comply with these standards. Further work is still needed as to the effective implementation of the legal framework as well as raising awareness about it and the combat against racism and racial discrimination.

GEORGIA

Georgia's legal framework on anti-discrimination demonstrates compliance with EU legislation, reflecting Georgia's commitment to aligning its laws with international standards. Within the framework of the Association Agreement between the EU and Georgia, significant progress has been made in harmonising legislation with EU norms and principles. However, certain provisions within the Criminal Code of Georgia reveal deficiencies in addressing racial discrimination comprehensively. Articles 142 and 142[1], while addressing some aspects of racial discrimination, may not fully align with recommendations outlined in ECRI's General Policy Recommendations No. 7 and No. 15. For example, some of the offences only apply to acts that 'substantially violate human rights'.

THE REPUBLIC OF MOLDOVA

The current strategies and policies address a range of areas outlined in the EU Anti-racism Action Plan 2020-2025, with a particular emphasis on intercultural education, safeguarding the rights of ethnic and national minorities, and facilitating their integration into Moldovan society. The National Program on Ensuring the Observance of Human Rights for 2024-2027 includes specific actions to prevent discrimination, such as improving regulatory frameworks, building the capacity of law enforcement and the justice sector, and strengthening data collection and monitoring mechanisms. However, existing policies do not fully address all measures needed to combat racism and racial discrimination across certain areas outlined in the Action Plan, in particular as regards law enforcement, unlawful profiling by law enforcement authorities, integration and migration, hate crime, hate speech (including online), risks posed by new technologies (including AI), as well as slavery and colonialism.

In addition, engaging the private sector in the fight against racism and discrimination, the adoption of codes of conduct, and the implementation of anti-discrimination policies by companies are dimensions currently absent in the Republic of Moldova's plans or strategies. This is also true concerning the prevention against and monitoring mechanisms for racial discrimination in the development and deployment of new technologies, including artificial intelligence.

94. Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2021-2025, available at: Strategija_socijalne_inkluzije_Roma_i_Egipćana_u_CG_2021-2025_sa_AP_za_2021

UKRAINE

Overall, the domestic legislation partially meets the requirements of the EU legislation about combatting racism and xenophobia. The Constitution and specific laws establish non-discrimination and equality principles set forth in Articles 2, 10, 19, and 67(3) of the TFEU and Articles 20 and 21 of the EU Charter of Fundamental Rights. The legal framework is partially aligned with Directive 2000/43 in the area of combatting racism and xenophobia. Beyond establishment of general principles, alignment is weaker in the part related to the legal remedies, rights of victims of racist and xenophobic acts (provisions on victimisation and assistance to victims), as well as promotion of equal treatment. Ukraine's legal framework only partially corresponds to the EU law concerning the measures for judicial protection.

Furthermore, the legislation is only partially aligned with the Council Framework Decision 2008/913/JHA. There is also a gap in the definition of protected grounds wherein national origin and descent are missing in the lists of protected characteristics[95]. The key shortcomings of the domestic criminal law as per the Framework Decision could be summarised as follows: a) the CCU does not provide for criminalisation of conduct expressly mentioned in the Framework Decision, namely conduct mentioned in Article 1 (c) and (d), b) the CCU does not provide for liability of a legal person for offences concerning racism and xenophobia, as well as instigation, aiding and abetting in the commission of such offences contrary to Article 5 of the Framework Decision 2008/913/JHA, and c) investigations into or prosecution of the conduct under article 161 para 1 depends on the report or an accusation made by a victim contrary to Article 8 of the Framework Decision.

Moreover, domestic legislation is not aligned with Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive). The legislation does not provide for minimum standards or individual needs assessment, in particular, for victims of racist and xenophobic crimes.

As regards the Law on the principles of prevention and counteracting discrimination in Ukraine, it would need amendments to be made sufficient for victims of discrimination to restore their rights and get just satisfaction by: a) expanding the list of protected characteristics in line with the ECRI recommendations and other international standards. In particular, the list should explicitly refer to sexual orientation and gender identity, health condition and internally displaced person status. In general, the lists of protected characteristics across the legislation should be harmonised, b) introducing prohibition of multiple discrimination or discrimination by association, segregation, denial of reasonable accommodation and victimisation, and c) ensuring easily accessible judicial and/or administrative proceedings, including conciliation and fast-track procedures in urgent cases.

The hate crime provisions of the Criminal Code of Ukraine should be reviewed and updated in line with international standards, including an updated list of offences related to racism and xenophobia, an expanded list of protected characteristics across aggravating circumstances provisions in the Criminal Code of Ukraine, and the mandatory application of Article 67(1)(3). Article 161 should be reformulated in order to ensure that provisions clearly define the criminal acts that fall under the scope of the article. Amendments should introduce liability for offences of incitement to discrimination and to violence; defamation; the public expression, with a racist aim, of an ideology which claims the superiority of, or which denigrates, a group of persons; the public denial, trivialisation, justification or condoning of crimes of genocide, crimes against humanity or war crimes; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities; and legal persons' liability.

As to combatting racist and xenophobic activity online, the State agency responsible for cybercrime was the Directorate on Cybercrime of the National Police, which, in 2015, was reorganised and transformed into the Cyberpolice Department. However, the law on Cybersecurity does not specify hate speech among the competences of the Department.

According to the Law on Media, the National Council on Television and Radio Broadcasting has the power to conduct inspections and impose sanctions in case of hate speech manifestations in online media and platforms for shared access/video hosting.

95. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913

Recommendations by international treaty and expert bodies

ALBANIA

ECRI's recommendations have been identified and taken into consideration for the Strategy for the Inclusion and Participation of Roma and Egyptians 2020-2025 and the Strategic Plan for the Institutional Development of the Committee for National Minorities 2023-2026.

BOSNIA AND HERZEGOVINA

The analyses of Bosnia and Herzegovina's reports to monitoring committees indicate ongoing efforts to build a legal framework, emphasising the need for further improvement and adaptation to the domestic context. The European Commission against Racism and Intolerance has underscored the urgency to address various issues, including segregation in schools, ensuring inclusive learning environments, and strengthening the institutional capacity of the Ombudsman. Reports highlight that interethnic and racial discrimination is evident, especially in the challenging context of interethnic relations and the suboptimal conditions for returnees, particularly in Republika Srpska. The absence of educational centres that unite children from diverse ethnic backgrounds impedes efforts to alleviate local tensions. Additionally, the education curriculum is problematic as it perpetuates ethnic intolerance and exacerbates racial discrimination within returnee communities[96].

Recommendations stemming from the Universal Periodic Reviews include redoubling efforts to combat hate speech, harmonizing legislation with international and domestic court rulings, addressing discrimination against vulnerable groups, and removing obstacles to the political participation of minorities. The recommendations also call for intensified efforts to combat racism and racial discrimination in alignment with international human rights standards. Key areas of focus include harmonizing legislation with court rulings, addressing widespread discrimination against vulnerable groups such as Roma people and persons with disabilities, and protecting ethnic minorities and religious minorities from physical and verbal attacks. Efforts to promote equal access to health services and remove obstacles to political participation are emphasised, along with reforms to ensure inclusive education and electoral systems that effectively represent ethnic minorities. These measures aim to advance peace, justice, and equality, particularly benefiting minorities and vulnerable groups in Bosnia and Herzegovina[97].

KOSOVO

Kosovo has given several international human rights instruments direct effect and supremacy over its domestic laws in its Constitution[98]. Furthermore, Article 53 of the Constitution of Kosovo provides that all *fundamental human rights and freedoms guaranteed by the Constitution shall be interpreted in accordance with the judicial decisions of the European Court of Human Rights*.

However, since Kosovo is still not a member of the United Nations and the Council of Europe, and not a signatory to the above Conventions, it is subject to a specific monitoring arrangement in conformity with a 2004 Agreement between the United Nations Mission in Kosovo and the Council of Europe, only concerning the Framework Convention for the Protection of National Minorities and the Convention on preventing and combatting violence against women and domestic violence, but not the rest. The Strategy for the Advancement of the Rights of the Roma and Ashkali Communities in Kosovo 2022-2026[99] which encompasses most of the

96. ECRI (2024), ECRI Report on Bosnia and Herzegovina (sixth monitoring cycle).
97. Information received from the interview with authority representative.
98. These instruments include (1) the Universal Declaration of Human Rights, (2) the European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols, (3) the International Covenant on Civil and Political Rights and its Protocols, (4) the Council of Europe Framework Convention for the Protection of National Minorities, (5) the International Convention on the Elimination of All Forms of Racial Discrimination, (6) the UN Convention on the Elimination of All Forms of Discrimination Against Women, (7) the UN Convention on the Rights of the Child, (8) the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (9) the Council of Europe Convention on preventing and combatting violence against women and domestic violence.
99. Accessible at: https://www.rcc.int/romaintegration2020/files/admin/docs/b1623eaca78e740ce79f50af0e2f9c51.pdf

policy measures about racism and racial discrimination, has mapped out and considered recommendations and other content of several international documents[100].

MONTENEGRO

The Strategy for the Social Inclusion of Roma and Egyptians in Montenegro 2021-2025, the most significant document in the field of combatting racism, has been drafted in alignment with the recommendations of various UN bodies with special focus on recommendations from the UN Committee on the Rights of the Child regarding, among other things, combatting discrimination and negative societal attitudes towards members of the Roma and Egyptian populations. The Committee's recommendations also focus on the need to improve access to education for Roma and Egyptian children, ensuring the regular civil registration of newborns, and taking active measures to combat child marriages. The Universal Periodic Review, on the other hand, has recommended combatting human trafficking, child marriages, and forced labour, as well as improving access to education, healthcare, and employment. Further to the above, the Council of Europe acquis has played an important role in the development of policies aimed at improving the status of the Roma community in Montenegro. In this regard, when drafting the Strategy, special emphasis has been given to fulfilling the obligations Montenegro has undertaken as a member of the Council of Europe, and as expressed in resolutions and recommendations addressing the position of the Roma population in society[101].

The latest ECRI Report[102] on Montenegro of 2017 contains a list of recommendations, such as in (§7) whereby ECRI recommends that the authorities bring the Criminal Code in line with its § no. 7; (§ 12) ECRI recommending that the authorities amend the anti-discrimination legislation to remedy the gaps as they have been identified in line with its GPR no. 7; (§ 33) ECRI recommending intensifying the work of the cybercrime unit and providing it with appropriate technical and human resources, as well as training, to combat hate speech on the Internet; (§ 49) ECRI recommending that the authorities offer training to judges and prosecutors on the application of Article 42a of the Criminal Code on racist and homo/transphobic motivation as an aggravating circumstance; (§ 58) ECRI recommending that the authorities set up a robust monitoring procedure for the implementation of the Roma Strategy and ensure its long-term sustainability by clearly allocating appropriate funds; (§ 83) ECRI recommending that the authorities further strengthen the capacity of the Ombudsperson to carry out its anti-discrimination mandate effectively. This should include, inter alia, freedom to appoint its own staff and sufficient funding to provide additional human resources and to promote awareness-raising, including conduct of research and field activities.

Moreover, the European Commission in its Report on Montenegro 2024[103] recognises Roma and Egyptians as one of the most vulnerable groups in society and states that they continue to be subjected to discrimination, hate speech, and hate crime. Additional efforts need to be made to ensure access to justice and enforcement of rights in administrative and judicial proceedings, in particular for vulnerable groups. According to the recommendations provided, Montenegro should a) amend and adopt legislation in line with the EU acquis,

100. These include: The Framework Convention for the Protection of National Minorities; European Charter for Regional or Minority Languages; Recommendation CM/Rec (2009)4 of the Committee of Ministers to Member States on the education of Roma and Travelers in Europe; Recommendation No. R (2000) 4 of the Committee of Ministers on the education of Roma/Gypsy children in Europe; Recommendation Rec (2006)10 of the Committee of Ministers on better access to health care for Roma and Travelers in Europe; Recommendation Rec (2005)4 of the Committee of Ministers on improving the housing conditions of Roma and Travelers in Europe; Recommendation Rec (2001)17 of the Committee of Ministers on improving the economic and employment situation of Roma/Gypsies and Travelers; Recommendation CM/Rec (2008)5 of the Committee of Ministers on policies for Roma and/or Travelers in Europe; Recommendation CM/Rec (2012)9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma; Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe; ECRI General Policy Recommendation N°13 on combating antigypsyism and discrimination against Roma; Declaration of Western Balkans Partners on Roma Integration within the European Union Enlargement Process (Poznan Declaration).
101. The following documents can be considered crucial in this regard: The Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence and the recommendations of the GREVIO body for Montenegro; Committee of Ministers Recommendation No. 5 (2008) on Public Policies for Roma and Travellers in Europe; Committee of Ministers Recommendation No. 4 (2009) on the Education of Roma and Travellers in Europe; Committee of Ministers Recommendation No. 10 (2006) on Improving Access to Health Care for Roma and Travellers in Europe; Committee of Ministers Recommendation No. 17 (2001) on Improving Economic and Employment Conditions for Roma and Travellers in Europe; Parliamentary Assembly Resolution No. 2153 (2017) on Promoting the Inclusion of Roma and Travellers; Parliamentary Assembly Resolution No. 1927 (2013) on Eliminating Discrimination Against Roma Children; Committee of Ministers Recommendation CM/Rec(2020)2 to Member States on Including the History of Roma and/or Travellers in School Curricula and Teaching Materials; Council of Europe Strategic Action Plan for Roma and Travellers Inclusion (2020 - 2025); ECRI Report and Recommendations for Montenegro; Report and Recommendations for the Implementation of the European Charter for Regional or Minority Languages.
102. ECRI report (coe.int)
103. https://enlargement.ec.europa.eu/montenegro-report-2024_en

European and international standards on domestic violence, anti-discrimination, hate crimes and hate speech, harmonisation of the 2020 Law on the same-sex partnership, and data protection, b) amend the criminal legislation in line with the EU acquis, European and international standards for the protection of fundamental rights and procedural rights, c) more efficiently protect fundamental rights, in particular for vulnerable groups, and ensure the harmonised interpretation of European Court of Human Rights case-law and European and international human rights standards throughout the justice system, including by improving inter-institutional cooperation.

Montenegro continues to maintain regular dialogue and cooperation with international human rights organisations and monitoring bodies and aims at fulfilling its obligations under international human rights instruments and legislation. However, the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is still pending, while it is also late with submission of reports to the International Covenant on Economic, Social and Cultural Rights (due in 2019), and the International Convention on the Elimination of All Forms of Racial Discrimination (due in 2021). Further improvements are needed in systematising mechanisms for reporting to the UN human rights monitoring mechanisms and following up on their recommendations as recommended during the 2018 Universal Periodic Review. During its fourth session on 8 May 2023, Montenegro received 247 recommendations, out of which it accepted 225, noted 15, and will determine its position regarding seven recommendations by October 2024. Most recommendations concern gender-based violence, hate speech and hate crime, other forms of discrimination, human trafficking, torture and ill-treatment, and threats against journalists.

NORTH MACEDONIA

In its sixth monitoring cycle in 2023, ECRI adopted the Report on North Macedonia, which the European Commission Progress Report on North Macedonia refers to calling on the State to implement its recommendations both the specific and general ones. The Strategy for Equality and Non-Discrimination (2022-2026), however, does not refer to them. ECRI, in particular, requests priority implementation of (§ 7) by which it recommends that the authorities grant the Commission on Prevention and Protection against Discrimination and the Ombudsman's office financial autonomy to utilise their budgets without having to seek approval from the Ministry of Finance. Other recommendations are focused on hate speech and hate crime, Roma and schools segregation[104].

Furthermore, North Macedonia acceded to the International Convention on the Abolition of All Forms of Racial Discrimination in 1994 by succession from Yugoslavia. In addition, reports are submitted to the United Nations Human Rights Council's Universal Periodic Review Working Group. In its 46th session in May 2024 North Macedonia was examined on its human rights record while the parts of the Report relevant to racism and racial discrimination concerned independent institutions, the Ohrid Framework Agreement, Roma people, refugees and migrants, non-discrimination/equal opportunities and hate speech.

SERBIA

In the process of review of its compliance with international standards, Serbia regularly receives a number of recommendations for the combat against discrimination generally, and racial discrimination and racism more specifically. The UN Committee on the Elimination of All Forms of Racial Discrimination, in particular, recommended that Serbia provide in its next periodic report statistical data and information on the nature and outcome of complaints related to racial discrimination submitted to the Ombudsperson[105], as well as data disaggregated by ethnicity of the victim, concerning investigations, prosecutions, convictions, sanctions and remedies for acts of racist hate speech and incitement to racial hatred[106]. Also, the Committee recommended that the Government of Serbia ensure that its laws criminalise incitement to racial hatred, whether or not it incites violence, to strengthen measures to ensure that racist hate speech is effectively identified,

104. (§57) ECRI recommends that the authorities take steps to phase out any de-facto segregation of children belonging to the country's main ethnic-/linguistic groups (Macedonians and Albanians) in multi-language schools. In particular, the authorities should ensure that all children are taught in the same buildings and that shift-systems are avoided in order to provide as much possibility for interaction as possible. (§73) ECRI recommends that the authorities i) establish a special task force aimed at ending all forms of de-facto segregation of Roma children in schools, in particular in primary schools, and ii) intensify their efforts to close the educational outcome gap between Roma and non-Roma children, inter alia by expanding the Roma education mediators programme also to secondary schools.
105. UN CERD, Committee on the Elimination of Racial Discrimination: Concluding observations on the combined second to fifth periodic reports of Serbia, UN Doc: CERD/C/SRB/CO/2-5, 3 January 2018, para. 10.
106. Ibid, para. 14.

investigated and punished, to combat manifestations of racism on the Internet, in sports events, and ensure that persons convicted of war crimes are not promoted as heroes in any part of Serbia[107]. The Committee also recommended that the State increase its efforts to enforce article 54A of the Criminal Code that regulates the issue of hate crimes[108].

Furthermore, the UN Human Rights Committee recommended that the Government of Serbia *investigate hate crimes thoroughly, ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and provide victims and their families with access to full reparations*[109], and *effectively implement and enforce existing legal and policy frameworks on combatting hate crimes and continue providing effective training to law enforcement officials, judges and prosecutors on investigating hate crimes and on the State party's guidelines for prosecuting hate crimes*. In addition to that, the Committee recommended that Serbia *take effective measures to prevent and publicly condemn hate speech, in particular hate speech by politicians and high-level officials*.

What is more, in its 5th cycle of monitoring (§ 34), the ECRI recommended that the Government of Serbia implement a series of measures aimed at combatting racism and racial discrimination, including the introduction of a prohibition of the use of hate speech by the members of the Government. Subsequently, in its conclusions on the implementation of this recommendation, the ECRI stated that *no progress has been made in this regard* [110].

GEORGIA

Georgia actively engages in the work of international treaty and expert bodies such as the Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) in its commitment to addressing racial discrimination in line with international standards.

Georgia's periodic reporting to CERD, including the submission of the 9th and 10th periodic report in 2020, reflects ongoing efforts to fulfil obligations under the Convention on the Elimination of All Forms of Racial Discrimination. The Concluding Observations published in 2022 provide valuable relevant feedback and recommendations. While the CERD appreciates the legislative amendments made during the reporting period that have enhanced the Public Defender's Office's mandate to investigate discrimination complaints, it remains concerned about the ongoing challenges the Public Defender faces in obtaining information from private individuals under Article 8 (4) of the Law on the Elimination of All Forms of Discrimination. Additionally, the Committee is concerned by the lack of recognition of racial discrimination as an aggravating factor in the Administrative Offences Code[111].

Furthermore, ECRI's fifth report on Georgia, adopted in 2023, offers insights and recommendations for addressing racial discrimination in Georgia. This report underscores the importance of continued efforts to combat racism and promote equality, highlighting areas for improvement and suggesting avenues for progress in Georgia's anti-racism initiatives. ECRI reiterates its recommendation that the Criminal Code of Georgia be amended to ban racist insults and the public dissemination or distribution of materials with racist content[112].

THE REPUBLIC OF MOLDOVA

The domestic authorities have made efforts to take into account relevant recommendations from international treaties and expert bodies. Following the adoption of the new Concluding Observations on the Republic of Moldova by the CERD Committee in its session of 18-19 April 2024, the Agency for Interethnic Relations considered the Committee's recommendations and observations adopted on 26 April 2024 including on issues related to the prevalence of hate speech and racism, both online and in real-life contexts, racial profiling, the situation of the Roma community, their participation in public life, representation in decision-making processes, as well as access to education and justice. The Agency further aims to actively promote the recommendations among public officials and civil society stakeholders as well as proceed to the required actions to effectively

107. Ibid.
108. Ibid, para 16.
109. UN Human Rights Committee, Concluding observations on the fourth periodic report of Serbia, UN Doc: CCPR/C/SRB/CO/4, 3 May 2024, para 15.
110. ECRI conclusions on the implementation of the recommendations in respect of Serbia subject to interim follow-up, adopted on 7 April 2020, published on 2 June 2020.
111. Committee on the Elimination of Racial Discrimination, combined ninth and tenth periodic reports submitted by Georgia under article 9 of the Convention. (2022). Retrieved from: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FGEO%2FCO%2F9-10&Lang=en
112. ECRI Report on Georgia, adopted on 28 March 2023, published on 22 June 2023. Retrieved from: https://rm.coe.int/sixth-report-on-georgia/1680ab9e64

implement them. For example, as the body responsible for coordinating the Specialized Commission of the National Council for Human Rights and the Elimination of All Forms of Racial Discrimination, it organized a series of meetings in 2024 involving relevant state institutions to devise measures for implementing the recommendations set out in the latest CERD Report.

However, obstacles remain in implementing recommendations made by international bodies, some of which relate to longstanding issues. For example, the current legal framework does not provide mechanisms to dissolve political parties or organisations that promote racism. Furthermore, despite the introduction of new offences in Article 1352 (propaganda of genocide and crimes against humanity) and Article 1761 (infringement of citizens' rights by propaganda of fascism, racism, xenophobia and denial of the Holocaust) of the Criminal Code, the legal framework is not yet fully aligned with European legal requirements. Notably, the Republic of Moldova should extend criminal liability to the public denial or gross trivialisation of international crimes (genocide, war crimes, and crimes against humanity) – not just the Holocaust – especially when carried out with racist or xenophobic intent. Although the Criminal Code contains offences punishing participation in organised criminal groups and associations, as well as the commission of genocide and incitement to commit genocide or crimes against humanity, none of its articles specifically include the promotion of anti-racism among their stated objectives.

UKRAINE

In developing new laws, especially in the context of negotiations for accession to the EU, State authorities and institutions in Ukraine consider Council of Europe recommendations (including the Venice Commission conclusions, for instance in the development of the Law on National Minorities (Communities) of Ukraine), and obligations under international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Framework Convention for the Protection of National Minorities. Civil society and international organisations have also conducted analyses and developed recommendations for the implementation of international standards and relevant recommendations.

The European Commission against Racism and Intolerance (ECRI) has published specific recommendations for Ukraine in its reports, the latest of which was released in 2017[113]. In its fifth monitoring cycle, ECRI recommended, among other things, amendments to the Criminal Code, the Law on the Principles for Preventing and Combatting Discrimination, and the Law on the Parliamentary Commissioner for Human Rights; the establishment of mechanisms for the collection of equality data; measures to protect the rights of Roma and their inclusion; as well as measures for the integration of migrants. ECRI requested priority implementation from Ukrainian authorities regarding two key recommendations: (1) that sexual orientation and gender identity are specifically included in relevant provisions of the Criminal Code on hate crimes; (2) that court fees are waived in cases of Roma individuals seeking to prove their identity for the purpose of obtaining personal identification documents. In 2020, ECRI concluded that these recommendations had not yet been implemented.[114] The next ECRI report on Ukraine is expected to be adopted and published in 2026.

Policy measures

ALBANIA

In Albania, the policy measures against racial discrimination are addressed predominantly to the Roma and Egyptian communities as they have been identified as the main racialised groups in Albania. Considering also their economic situation, the measures aim at creating quotas in support of these communities.

Specific policies and measures on anti-racism are foreseen in the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021-2025) and in the Social Protection Strategy 2024-2030. Other policies against racial discrimination can be found in the Strategic Plan of the Commissioner for Discrimination 2022-2026, the Strategy for Education, and the Strategy for Housing. These documents provide information regarding the Roma and Egyptian communities and measures for their inclusion through policies in education, housing, social welfare, and other areas.

113. http://rm.coe.int/fifth-report-on-ukraine/16808b5ca8
114. https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16809e8277

BOSNIA AND HERZEGOVINA

The scope of the Law on the Prohibition of Discrimination aims to protect the citizens of Bosnia and Herzegovina from discrimination in all areas of life. At the same time, there are some other policy measures in place related to racism and racial discrimination. The policy analysis Mapping Responses to Hate Speech in BiH[115], adopted by the CoM in 2023 and supported by the Council of Europe and the EU, represents one of the key elements that the Ministry for Human Rights and Refugees utilises as relevant in the field of combatting hate speech towards various groups, including on tackling racism and racial discrimination. In addition, the Special Report on Hate Speech in BiH 2021[116] points to various forms of racial discrimination against different groups by means of racist statements.

The Action Plan for the Social Inclusion of Roma and Romani Women 2021-2025[117] represents a comprehensive document with measures for the social inclusion of Roma and the combat of racial discrimination, racial profiling, and access to services. The Special Report on the State of Migration in BiH 2018[118] covers information on the treatment of migrants by institutions, highlighting potential forms of discrimination, racial profiling, and complaints for rights violations, while the Annual Report of the Ministry for Human Rights and Refugees on Discrimination Trends in BiH[119] is an obligation under the Law on Prohibition of Discrimination. The last one for 2022 provides relevant recommendations and guidelines for institutions.

The number of hate-motivated criminal offences of incitement to racial and religious hatred, discord, and intolerance is still present and increasing. To this end, the Annual Report of the Ministry for Human Rights and Refugees on the Implementation of the Revised Strategy - Annex VII of the Dayton Peace Agreement, issued every year but not publicly available, addresses issues related to the return to pre-war homes, especially for ethnic and national minorities. As stated by an interviewee from the Ministry for Human Rights and Refugees, in 2022 alone, the number of criminal offences on this basis was 182. However, this data would need to be cautiously interpreted due to the assumed high rate of underreporting. Incidents of property damage, including religious objects and cemeteries, as well as verbal and physical violence, had dominated again while after the amendments to the Criminal Code of BiH regarding the denial of genocide and the glorification of war criminals in 2021, no incident was reported to the Prosecutor's Office of BiH in 2022 received a judicial outcome. The Prosecutor's Office of BiH made decisions not to conduct or suspend investigations.

In the absence of a comprehensive strategy for anti-discrimination, some of the mentioned policies and measures address racism and racial discrimination, especially against Roma, national and ethnic minorities. Under their objectives, the Ombudsman, for instance, deals with increasing awareness and understanding of racism and racial discrimination while the Ministry of Human Rights and Refugees deals with strengthening legal frameworks and mechanisms to prevent and address racism and racial discrimination within legislative changes, reporting to the competent international treaty bodies, etc. They are also expected to enhance the protection and support for victims of racism and racial discrimination. On the other hand, CSOs and advisory bodies work on the promotion of diversity and inclusion in all sectors of society. Relevant institutions make efforts to improve partnerships and collaborations to address racism comprehensively.

According to information from the Ministry of Human Rights and Refugees, a strategic document for combatting discrimination intended for all relevant institutions in BiH is to be published by the end of 2024 (covering the period 2024-2027) envisaging action plans that all relevant institutions at all levels are to develop and implement.

KOSOVO

In Kosovo, most of the policy measures about racism and racial discrimination are part of the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026[120], which is part of the policies of the Government of Kosovo aiming at equality and at a multiethnic society. This Strategy is linked to other strategies to ensure better implementation results. Strategic documents related to the process of integrating the Roma and Ashkali communities in Kosovo society include: the Programme for the Protection and Promotion

115. https://www.mhrr.gov.ba/ljudska_prava/Mapping%20responses%20ENG_11.04.pdf
116. SI Govor mržnje 2021 BS (ombudsmen.gov.ba)
117. http://www.sluzbenilist.ba/page/akt/uRdTuoNm8EE=
118. https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019010713545979bos.pdf
119. https://www.parlament.ba/act/ActDetails?actId=1777
120. Strategy for the Advancement of the Rights of the Roma and Ashkali Communities, accessible at: https://www.rcc.int/romaintegration2020/files/admin/docs/b1623eaca78e740ce79f50af0e2f9c51.pdf

of Human Rights and Fundamental Freedoms 2021-2025[121], the Kosovo Gender Equality Programme 2020-2024[122], the National Strategy on the Rights of Persons with Disabilities in the Republic of Kosovo 2013-2023[123], and the Government strategy for cooperation with civil society 2019–2023[124].

The Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026 is in line with the EU Roma Strategic Framework for equality, inclusion and participation, and identifies five areas of action: education, employment and social protection, health, housing and discrimination. Its strategic goals are as follows: effectively increase the provision of opportunities, equal access and development in quality comprehensive education for the Roma and Ashkali communities; increasing equal access to sustainable employment, as well as reducing poverty in the Roma and Ashkali communities; improving the health of members of the Roma and Ashkali communities and increasing equal access to quality health services; increasing equal access to sustainable housing, basic services and public infrastructure for Roma and Ashkali communities; preventing and combatting discrimination, racism, hate speech, hate crimes, segregation, prejudice, stereotypes and bullying.

MONTENEGRO

Montenegro has developed and is implementing policies and measures as well as strategies and action plans aimed at combatting discrimination, promoting equality and strengthening the rights of disadvantaged groups including Roma and Egyptians. There are synergies among these documents, while each of them is handling the matter from a different perspective and involving different stakeholders.

Those documents include, amongst others, 1) Montenegro's Programme of Accession to the European Union 2024 – 2027, 2) Montenegro's Reform Agenda 2024 – 2027, 3) the Minority Policy Strategy 2024-2028, 4) the National Sustainable Development Strategy by 2030, 5) the Montenegro Economic Reform Programme 2024-2026, 6) the Strategy for Combatting Trafficking in Human Beings 2019-2024, 7) the Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025, 8) the Strategy for Realising the Rights of the Child 2019-2023, 9) the Inclusive Education Strategy 2019-2025, 10) the Youth Strategy 2023-2027, 11) National Gender Equality Strategy 2021-2025 and 12) the Declaration of Western Balkans Partners on the Integration of Roma People as part of the European Union Enlargement Process.

In relation to all these documents, measures most pertinent to the field of anti-racism would include the first legislative reforms to ensure equal rights and opportunities for all citizens, regardless of racial or ethnic origin. These reforms include anti-discrimination laws and policies that prohibit discrimination based on 'race', ethnicity, or any other characteristic. Furthermore, in the field of education, efforts are made for the provision of comprehensive, inclusive, and high-quality preschool education, as well as for the promotion of tolerance, diversity and understanding through the integration of anti-racism education into the curricula and educational initiatives.

As regards raising public awareness on racism and discrimination, campaigns are launched about the harmful effects of racism, to promote empathy and understanding, and encourage individuals to stand up against discrimination. Measures are envisaged for raising awareness about the negative consequences of forced marriages and human trafficking. Efforts are also made for social measures in different areas of life to support minority communities often disproportionately affected by racism and discrimination, including Roma and Egyptians. Moreover, Montenegro promotes interfaith and intercultural dialogue as a means of fostering understanding, respect, and cooperation among different racial, ethnic, and religious groups to build bridges between communities and promote social cohesion. Reporting mechanisms have been established to address incidents of racism and discrimination.

Finally, Article 5 of the Law on the Prohibition of Discrimination stipulates that regulations and special measures, aimed at creating conditions for achieving national, gender, and overall equality and protecting individuals who are in unequal positions for any reason, can be enacted, introduced, and implemented - within their

121. Program for the Protection and Promotion of Human Rights and Fundamental Freedoms (2021-2025), accessible at: https://kryeministri.rks-gov.net/ëp-content/uploads/2021/11/SHQIP-PROGRAMI-PER-MBROJTJEN-E-TEDREJTAVE-TE-NJERIUT-2021-2023.pdf
122. Kosovo Program for Gender Equality 2020-2024, accessible at: https://abgj.rks-gov.net/assets/cms/uploads/files/AGE%20Kosovo%20Program%20for%20Gender%20Equality%202020-2024.pdf
123. National Strategy on the Rights of Persons with Disabilities in the Republic of Kosovo 2013-2023 , accessible at: https://kryeministri.rks-gov.net/ëp-content/uploads/2019/09/PLANI-NACIONAL-P%C3%8BR-T%C3%8BDREJTAT-E-PERSONAVE-ME-AFT%C3%8BSI-T%C3%8B-KUFIZUAR-N%C3%8B-REPUBLIK%C3%8BNE-KOSOV%C3%8BS-2018-2020-002.pdf
124. Government Strategy for Cooperation with Civil Society 2019-2023, accessible at: https://kryeministri.rksgov.net/ëp-content/uploads/2019/08/Strategjia-ne-tri-gjuhe.pdf

competencies and authorities-by State bodies, bodies of State administration, bodies of local self-government units, public enterprises, and other legal entities exercising public powers, as well as other legal and natural persons. Measures under this article are applied proportionally to needs and possibilities and last until the goals established by these measures are achieved.

NORTH MACEDONIA

In North Macedonia, the Strategy for Equality and Non-Discrimination 2022-2026 states in its initial part that it is based on an analysis of the implementation of the previous Strategy and international agreements, domestic legislation and other strategic documents. The coordination of the preparation of the Strategy was carried out by the Ministry of Social Policy, Demography and Youth before the adoption of the final text by the Government. The preparatory process was based on working groups for individual sectors and supported by the OSCE Mission in Skopje. It involved representatives from Ministries, other government institutions, the expert service of the Assembly, the Commission for Prevention and Protection against Discrimination, the Ombudsman and several civil society organisations. The Strategy refers to all grounds of discrimination and is structured according to objectives related to specific areas including non-discrimination on the grounds of 'race', skin colour, ethnic origin and language.

Other strategic documents include: a) the Strategy for Inclusion of Roma 2022-2030, b) the National Action Plan on the Protection, Promotion and Fulfilment of the Human Rights of Roma Women and Girls for 2022-2024, c) the Government's programme (2020-2024) which envisages activities in achieving the concept of *equal society for all* including ensuring equality for different ethnic communities in several areas of public life, d) the Education Strategy 2018-2025 with actions to ensure equality and non-discrimination at all levels of education and to strengthen inter-ethnic relations as a strategic goal, and e) the Action Plan for Education 2018-2025 which provides for the review of textbooks with discriminatory contents including on the grounds of ethnicity.

SERBIA

Serbia did not adopt a specific strategy dealing exclusively with anti-racism. Instead, the issue of anti-racism is addressed through measures and activities envisaged in two different policy documents: a) the Strategy for Prevention and Protection against Discrimination for the Period 2022 – 2030[125] and b) the National Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the Period 2022 – 2030[126] .

The overall objective of the Strategy for Prevention and Protection against Discrimination is *equal opportunities for members of groups at risk of discrimination to enjoy all human rights and freedoms on an equal basis with others, improved effectiveness of the system of prevention and protection against discrimination in all areas and at all levels*. This Strategy also envisages four specific objectives: 1) domestic legislation harmonised with international anti-discrimination standards and practices, 2) anti-discrimination perspectives systemically introduced in the creation, implementation and monitoring of public policies, 3) improved equality and social inclusion of members of groups at higher risk of discrimination, and 4) improved prevention and protection from discrimination.

The National Strategy for Social Inclusion of Roma Men and Women envisages advancing the quality of life for Roma men and women in Serbia through respect for human and minority rights, elimination of discrimination and antigypsyism as a form of racism, and promoting social inclusion in all segments of society as its overall goal.

GEORGIA

In Georgia, efforts to combat racism are integrated within the broader anti-discrimination mechanism overseen by the Office of the Public Defender that plays a pivotal role in studying cases of racial discrimination and incorporates relevant issues into its awareness-raising activities. Furthermore, law enforcement agencies are actively engaged in addressing hate-motivated crimes even though there is a lack of a distinct, focused policy exclusively targeting anti-racism. Nevertheless, the Prosecutor's Office of Georgia has made significant strides by implementing internal policies on anti-discrimination, including anti-racism, through the specialisation of prosecutors and the development of Standard Operating Procedures and guidelines. Despite these efforts, the absence of a specific anti-racism strategy in Georgia underscores a gap in policy coordination and integration across different levels of governance. The National Strategy for the Protection of Human Rights

125. Official Gazette, no. 12/2022
126. Official Gazette, no. 27/2023

and its accompanying action plan do not include provisions specifically addressing racism, highlighting the need for enhanced alignment and collaboration to address these critical issues comprehensively.

However, Georgia's engagement with international bodies such as CERD demonstrates a willingness to contribute to anti-racial policy measures. Various governmental bodies[127], including those from the executive, judiciary, and legislative branches, cooperated in preparing Georgia's report to CERD[128], with coordination led by the Ministry of Foreign Affairs.

THE REPUBLIC OF MOLDOVA

There is currently no comprehensive strategy specifically focused on addressing racism and racial discrimination in the Republic of Moldova. Relevant policy measures and objectives are foreseen in the framework of specific documents such as the Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance (2021-2024)[129]. The Ministry of Education and Research and the Agency for Interethnic Relations are responsible for its implementation. The objectives of the action plan are studying the Holocaust in the educational system; cultivating the memory of the Holocaust; researching the phenomenon of the Holocaust and strengthening the legal and institutional framework. It provides for activities such as raising awareness through the organisation of training sessions, study visits to other Beneficiaries to look into best practices in studying and teaching topics related to the Holocaust, as well as developing guides and other educational materials for the implementation of the curriculum for the optional discipline "Holocaust: history and life lessons". The action plan also foresees organising and conducting seminars/courses for representatives of the mass media, public authorities, and civil society regarding the Holocaust and anti-Semitism.

The second document, the Implementation Programme (2023-2025) of the Strategy for Strengthening Interethnic Relations 2017-2027[130], aims at increasing the participation of minorities in public life, raising the level of linguistic skills, promoting knowledge of the Romanian language, increasing the interactions between ethnic groups, and access to information and programmes delivered in the minority languages. Key objectives of this strategy which contribute to combatting racism and racial discrimination include: increase public service employment of national minorities by at least 5% by the end of 2025; enhance effective communication between authorities and civil society, ensuring participatory and transparent decision-making processes; increase the number of information resources (studies, research, analyses, statistics) on interethnic relations by at least 5%; ensure the protection and development of national minorities' languages and promote linguistic diversity, aiming for a 5% increase in activities promoting minority languages by 2025; improve interactions among ethnic groups by increasing the number of social activities, events, and projects promoting tolerance and intercultural dialogue by at least 10%; reduce reported cases of discrimination, xenophobia, ethnic stereotypes, interethnic tensions, and segregation by at least 5% by 2025 through the involvement of all relevant stakeholders.

The third policy document is the Programme to support the Roma population of the Republic of Moldova 2022-2025[131], whose key mission is to ensure the representation and effective participation of Roma population in public life, increase economic opportunities and the level of their inclusion in the labour market, and consolidate the community mediator status. The specific objectives of the programme are related to: policy and institutional framework enhancement; effective representation and participation; ensuring the Roma population's effective participation in public life, aiming for at least 39 Roma individuals in public administration roles by 2025; social-cultural rights and integration; labour market inclusion and economic opportunities; community mediator empowerment.

In addition, on March 2024, the Government approved the National Programme on Ensuring Respect for Human Rights 2024-2027[132] which includes the specific objective of promoting intercultural dialogue and

127. Agencies involved in this collaborative effort include the Human Rights Secretariat, Ministry of Internally Displaced Persons, Labour, Health and Social Affairs, Ministry of Education, Ministry of Regional Development and Infrastructure, Ministry of Justice, Ministry of Internal Affairs, State Security Service, Office of the State Minister for Reconciliation and Civic Equality, Human Rights and Civil Integration Committee of Parliament, Office of the Supreme Court, High Council of Justice, Office of the General Prosecutor, Legal Aid Service, Central Election Commission, National Statistics Office, State Inspector Service, and State Agency for Religious Issues.
128. Committee on the Elimination of Racial Discrimination, combined ninth and tenth periodic reports submitted by Georgia under article 9 of the Convention (2022). Retrieved from: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FGEO%2FCO%2F9-10&Lang=en
129. Available at: https://www.legis.md/cautare/getResults?doc_id=124949&lang=ro.
130. Available at: https://www.legis.md/cautare/getResults?doc_id=136873&lang=ro.
131. Available at: https://www.legis.md/cautare/getResults?doc_id=133208&lang=ro.
132. Programul+Național+pentru+Asigurarea+Respectării+Drepturilor+Omului+2024-2027 (the program can be accessed at the end of the decision available at this link).

mutual respect by means of three initiatives aiming at enhancing the efforts outlined in the Implementation Programme (2023-2025) of the Strategy for Strengthening Interethnic Relations and Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance 2021-2024.

The policy documents were subjected to public consultation, adhering to domestic legislation. However, the involvement of groups most affected by racism or racial discrimination in the discussions and finalisation process was limited. Overall, despite the existence of a general framework for public consultations on draft documents prepared by public entities, such as Ministries, there is no specific mechanism in the Republic of Moldova to ensure the direct participation of communities most affected by racism and racial discrimination. Typically, these communities are poorly represented in public consultations or relevant CSOs, such as Vocea Romilor, provide legal opinions.

UKRAINE

There are no policies or measures specific to anti-racism in Ukraine. Certain measures to combat manifestations of racism can be found as objectives in domestic strategies and action plans including, inter alia, a) the development of a draft law unifying the term bias, mandatory consideration of bias motives, including bias based on 'race', skin colour, religious beliefs, sexual orientation, gender identity, disability, language, place of residence or any other characteristics when determining criminal sanctions (in the framework of the 2021-2023 Action Plan for Implementing the National Human Rights Strategy while the draft law is pending before the Parliament), b) the objective of the *development of a methodology for monitoring and responding to statements aimed at humiliating and/or inciting violence against individuals or groups of individuals due to their actual or perceived belonging to a certain nationality, religion, gender, or on other grounds (hate speech), and violence on the basis of ethnicity or 'race'* (as part of the Strategy for Promoting the Realisation of the Rights and Opportunities of Persons belonging to the Roma National Minority), c) the development of proposals for criteria for classifying information/speech that incites hatred, enmity, and cruelty towards individuals or groups of individuals belonging to ethnic, religious, or other minorities (conducted by the National Council on Television and Radio Broadcasting based on the Law on Media).

At the same time, there are some other strategic documents where anti-racism provisions are rather declarative with no specific follow-up action or liability attached to them. More specifically: a) Goal 5 of the State Migration Policy Strategy until 2025[133] is *to ensure the successful integration of foreigners and stateless persons who are in Ukraine legally into Ukrainian society. To ensure the successful integration of immigrants into Ukrainian society, it is necessary to ensure: […] carrying out educational and educational activities to create an atmosphere of tolerance and a culture of international relations in society, to combat racism and xenophobia*;, b) One of the objectives under the Strategy for the Development of Physical Culture and Sports until 2028[134] is *conducting an educational campaign aimed at combatting gender stereotypes, racism in sports, violence in sports and discrimination against persons with disabilities*;, c) The Action Plan for the implementation of the Concept of communication in the field of gender equality[135] also foresees *carrying out an educational campaign aimed at eliminating gender stereotypes, racism, violence, as well as discrimination of persons with disabilities in sports*;, d) The operational goal 3.7. in the Strategy for Human Development[136] concerns the *creation of conditions for regular physical education and sports activities of the population.[...] strengthening Ukraine's active participation in the global system of combatting such threats to sports as doping, fixed matches, racism and violence*.

Actors' involvement

ALBANIA

The fight against racism and racial discrimination in Albania involves a diverse array of actors from various sectors - including domestic authorities, CSOs, and international organisations - each contributing within their institutional mandates to the development, implementation, and/or monitoring of anti-racism strategies and policies. Key actors include the Ombudsperson and the Commissioner for the Protection from Discrimination. They work alongside local authorities and cooperate with international organisations to develop and implement

133. https://zakon.rada.gov.ua/laws/show/482-2017-%D1%80#Text
134. https://zakon.rada.gov.ua/laws/show/1089-2020-%D0%BF#Text
135. https://zakon.rada.gov.ua/laws/show/79-2023-%D1%80#Text
136. https://zakon.rada.gov.ua/laws/show/225/2021#n11

strategies and play a vital role in tailoring domestic anti-discrimination policies to the specific needs of minority communities as they are closer to the affected populations. Activities focus on enhancing legal frameworks, public policy initiatives, and ensuring equality and protection for vulnerable groups, such as the Roma community. Various governmental bodies are also directly involved in executing anti-racism policies such as the Ministries of Foreign Affairs, Health and Social Protection, Education, Interior Affairs, and Justice, as well as municipalities.

On the other hand, civil society organisations in Albania also play a crucial role in ensuring that the voices of minority communities are heard in the policymaking processes. Given that the Roma are considered the main racialised community in Albania, their key representative organisations include the Centre for Social Advocacy, the New Centre, the Egyptian and Roma Youth Movement, the Community Empowering and Organizing, and the Community Reporters Albania.

At the international level, Albania cooperates closely with the European Union in the framework of its EU accession process whereby European institutions provide guidance, support, and oversight in aligning Albania's anti-discrimination efforts with EU standards. At the same time, the Council of Europe offers expertise and support, assisting Albania to adopt best practices and recommendations in combatting racial discrimination.

BOSNIA AND HERZEGOVINA

In addition to the involvement of the competent Ministry of Human Rights and Refugees and the Ombudsman which operate under the Law on the Ombudsman for Human Rights[137] and play a central role in strategic efforts to prevent discriminatory practices across all sectors, the Law on Gender Equality in Bosnia and Herzegovina also holds significant importance. This legislation mandates the Gender Equality Agency of Bosnia and Herzegovina, along with the Gender Centres of the Governments of the Federation of Bosnia and Herzegovina and the Republika Srpska, to monitor and analyse the state of gender equality and discriminatory practices. At the level of the Brčko District, the adoption of Action Plan III for Community Cohesion 2022-2024 underscores efforts to prevent prejudice-motivated incidents. A monitoring team has been appointed to oversee the implementation of this action plan ensuring its effective execution and impact.

Statistical data agencies also collect various datasets, including census data and information from different data collection exercises covering areas such as general population demographics, education, criminal activity, social benefits, economic indicators, and sustainable development goals. However, these statistics tend to lack descriptive and qualitative data regarding potential racial profiling or discrimination in areas such as employment, education, and access to goods and services.

KOSOVO

In Kosovo, the methodology for drafting the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026 involved meetings with key domestic and international stakeholders, as well as consultations with representatives of the Roma and Ashkali communities, including the participation of children of these communities' members. During the development and finalisation of the Strategy and Action Plan for its implementation, a public consultation was held with wide participation of representatives of various institutions and CSOs[138]. The Strategy was published in Kosovo's Online Platform for Public Consultations[139] which was created to assist the Ministries and agencies of the Government of Kosovo in the public consultation process. In addition, meetings were held with representatives of municipalities and communities to analyse the current state of implementation, monitoring and municipal reporting mechanisms of the Strategy, collect data, and identify ways to enhance the coordination between municipal and central levels.

In general, according to the Strategy, the Office of Good Governance is obliged to organise sectoral meetings every three months with relevant officials from the Ministry and civil society to coordinate, review and discuss the implementation of the Strategy and its Action Plan.

137. https://www.paragraf.ba/propisi/bih/zakon-o-ombudsmenu-za-ljudska-prava-bosne-i-hercegovine.html
138. Including but not limited to the following: Office of the Prime Minister, Ministry of Local Government Administration; Ministry of Education, Science and Technology and Innovation; Ministry of Communities and Returns; Ministry of Environment, Spatial Planning and Infrastructure; Ministry of Internal Affairs; Civil Registration Agency, Department for Reintegration of Repatriated Persons and Integration of Foreigners, Kosovo Academy for Public Safety, Kosovo Institute for Public Administration; Ministry of Finance, Labor and Transfers; Ministry of Culture, Youth and Sports; Ministry of Local Government Administration; Employment Agency; Ministry of Health; Kosovo Agency of Statistics; Justice Academy, as well as a number of local and international CSOs.
139. Online Platform for Public Consultation, Draft Strategy and Action Plan for the Inclusion of Roma And Ashkali Communities in Kosovo Society- 2022-2026, https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41362

MONTENEGRO

The involvement of relevant actors was also pursued in the case of Montenegro. In particular, the Ministry of Human and Minority Rights prepared the Strategy for the Social Inclusion of Roma and Egyptians 2021-2025 with the support of the *Roma Integration* project implemented by the Regional Cooperation Council with the financial support of the European Union and the Open Society Foundation. This Strategy represents a strategic document for the implementation of which the involvement of all relevant actors is necessary[140], including government bodies, international organisations with significant influence over the development of public policy while particular focus is placed on the participation of CSOs working on the protection of the rights of Roma and Egyptians. The implementation action plans, adopted annually, define strategic objectives, measures, and activities, as well as responsibilities for all implementation bodies[141].

As regards monitoring and reporting on the implementation of the Strategy, two bodies are in charge: the Working Group for the development of the strategic document and the Commission for monitoring implementation and reporting on the implementation of the strategic document. Both bodies are composed of representatives of various institutions and organisations.

NORTH MACEDONIA

The Strategy for Equality and Non-Discrimination foresees that activities will be carried out by Ministries or other State authorities, local self-government units, trade unions, chambers of commerce, civil society organisations, the media, and international organisations. The Strategy also defines the key implementation actors under goals and activities. In general, strategic policy documents define key actors depending on the type of strategy/action plan while, in all of them, civil society organisations' participation has been foreseen for the implementation of activities.

SERBIA

The development of both the Strategy for Prevention and Protection against Discrimination 2022-2030 and the National Strategy for Social Inclusion of Roma Men and Women 2022-2030 involved multiple actors, including the Commissioner for the Protection of Equality and the Protector of Citizens. Relevant Ministries were also involved in the drafting process, either as members of the Working Groups or as participants in public consultations and consultations before the adoption of these policy documents. However, there was no direct participation of groups and communities affected by racism and racial discrimination, but the design of these policies has envisaged the participation of CSOs working with these groups. The Special Working Group for drafting the Strategy for the Prevention and Protection against Discrimination 2022-2030 involved CSOs and councils of national minorities[142] while that of the National Strategy for Social Inclusion of Roma Men and Women in 2022-2030 involved mainly organisations working with Roma.

THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, public institutions, human rights bodies (such as the Ombudsman and the Equality Council), and other key stakeholders have been mapped and involved in the development and implementation of strategies, policies, and measures aimed at addressing racism and racial discrimination. The development of the three key policy documents[143] was conducted with the aim of being inclusive, participatory and transparent. The Roma community was represented by the *Voice of the Roma* Coalition - an alliance of 37 Roma CSOs from the Republic of Moldova - during the formulation and monitoring of these policy documents. Roma, Gagauzian, Jewish representatives are among those involved in the inter-institutional working group responsible

140. More specifically, participating actors include: the Ministry of Human and Minority Rights and all other ministries, the Roma Council, CSOs, local self-government units, the Children's Council, the Ombudsman, Roma and Egyptian communities, the Statistical Office of Montenegro, the Fund for the Protection and Realisation of Minority Rights, the Centre for the Preservation and Development of Minority Cultures, Red Cross of Montenegro.
141. Ministries, Courts and Prosecutors, Police Directorate, Ombudsman, international organisations, CSOs, local self-government units, Social Work Centres, Statistical Agency, Municipality Union, Board of Schools, Centre for Education, University of Montenegro, National Employment Agency.
142. National Council of Montenegrin National Minority, Coordination of national councils of national minorities, Bulgarian-Serbian Centre *Vranje*, Centre for Democracy, Centre for Research and Social Development Ideas, GIZ, UN Human Rights Unit in Serbia, etc.
143. Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance 2021-2024, Implementation Programme (2023-2025) of the Strategy for Strengthening Interethnic Relations 2017-2027, Programme to support the Roma population of the Republic of Moldova 2022-2025.

for the implementation and monitoring of the Action Plan for the Strategy for Strengthening Interethnic Relations. There are also six CSO representatives working on related issues. According to the report, the drafting of policies concerning national minorities, minority languages and Roma inclusion, and the coordination of their implementation at the inter-ministerial level, are now the responsibility of the Ministry of Education and Research. The Agency for Interethnic Relations remains responsible for ensuring the implementation of State policies in the field of interethnic relations. However, there is also an inter-agency working group established to oversee and facilitate the implementation of the policy documents. It involves various institutions[144], convenes semi-annually, is led by the Interethnic Relations Policy Service of the Ministry of Education and Research jointly with the Agency for Interethnic Relations, and its primary function is to ensure a coordinated and monitored approach.

During the development of policy documents, regional/local authorities are also involved through the elaboration of local action plans to support: the Roma population and their participation during local/municipal council sessions; collection and publication of information and data regarding Roma associations and their organisational profile and activities; development of collaboration between community mediators and Roma communities with representatives of the police and specialists in the fields of education, public health, social assistance, etc.; identification and marking, through the installation of commemorative plaques and/or of monuments, of places of repression/ghettos and mass execution of Jews and Roma during the Second World War.

UKRAINE

In Ukraine, various State stakeholders and civil society organisations are involved in developing and implementing policies containing anti-racism components. Key actors include the Ombudsman, the Ministries of Interior and Justice, the State Service for Ethnic Policy, international organisations and civil society organisations representing, among others, Roma, people of African descent, national minorities, religious organisations and Indigenous peoples. However, there is no mechanism for cooperation and coordination between relevant stakeholders for the development of policies/measures to deal with racism and racial discrimination. Ad hoc collaboration, mainly through interagency meetings and correspondence, exists around the development of specific laws and policies related to discrimination. A separate interagency group for the Strategy for the Implementation of the Rights and Opportunities of the People who belong to the Roma National Minority was established in 2022 and was updated in late 2023, but no further information about the work of this group is available[145]. Expert councils[146] as an advisory mechanism exist at the Ombudsman's Office, the State Service for Ethnic Policy (Public Council, Expert Council on Ethnic Policy), and the Ministry of Foreign Affairs (Human Rights, Gender Equality and Diversity Council). They meet regularly and people impacted by racism are directly included into the composition of some of expert councils together with representatives of community organisations, civil society and international partners.

While there is no comprehensive anti-racism strategy or policy in Ukraine, some of the measures dealing with discrimination in general or with a focus on a particular group require action at local level. Local authorities must implement measures and report to the State Service on Ethnic Policy under the State Target National and Cultural Programme 'Unity in Diversity' for the period up to 2034[147]). The Strategy for Promoting the Realisation of the Rights and Opportunities of Persons belonging to the Roma National Minority[148] includes measures that involve local authorities in the promotion of the rights of Roma. The purpose of the Strategy is to enable the realisation of the rights and opportunities of persons belonging to the Roma minority, taking into account the challenges posed by difficult life circumstances and the aspirations for full self-realisation in the cultural, social, economic and political life of society. On 22 December 2023, the Government also approved the Action Plan for 2024-2025 to implement the above Strategy. The Action Plan outlines practical steps to address the socio-economic challenges faced by the Roma community and aims to improve access

144. Including the State Chancellery, the Ministry of Finance, the Ministry of Culture, the Ministry of Health, the Ministry of Labor and Social Protection, the Ministry of Internal Affairs, the National Bureau of Statistics, the National Agency for Employment, the Audiovisual Council, the Equality Council, the Ombudsman's Office, the *Voice of the Roma* Coalition, as well as international organisations like Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ Moldova), Organization for Security and Co-operation in Europe (OSCE), European Delegation, and Office of the United Nations High Commissioner for Human Right (OHCHR).
145. Про утворення Міжвідомчої робочо... | від 19.04.2022 № 468 (rada.gov.ua)
146. Expert Council on the Observance of Equal Rights and Prevention of Discrimination, Expert Council on National Minorities and Indigenous Peoples, Expert Council on Prevention of Domestic Violence and Human Trafficking.
147. Approved by the Cabinet of Ministers of Ukraine on 26 September 2023, No. 850-р, available at: https://zakon.rada.gov.ua/laws/show/850-2023-%D1%80#Text
148. Approved by the Order of the Cabinet of Ministers of Ukraine No. 866-р of 28 July 2021, available at: https://zakon.rada.gov.ua/laws/show/866-2021-%D1%80#Text

to education, healthcare, employment and living conditions, thereby reinforcing Ukraine's commitment to promotion, social engagement and equality for all ethnic and racial groups.

Scope of measures

ALBANIA

In Albania, the specific targets set out in the strategies/policies concern: equal access to justice and civil services for Roma and Egyptians, by providing accessible legal aid services for these communities and in general for victims of racial discrimination; improvement of housing conditions for members of the Roma and Egyptian minorities as well as the legalisation of all informal settlements; reducing the gap in the quality of health between Roma and Egyptians and the rest of the population; increase equal access to quality and inclusive education for Roma and Egyptians at all education levels; creating equal opportunities for quality and sustainable employment for Roma and Egyptians; and improving and increasing the access of Roma and Egyptian women to social protection programmes.

KOSOVO

The scope of measures in the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026 in Kosovo, aligned with the EU Roma Strategic Framework for equality, inclusion and participation, focuses on education, employment, healthcare, housing and combatting discrimination. By implementing measures across these areas, Kosovo aims to work towards creating a more inclusive and equitable society for all its citizens, regardless of their ethnic or racial background.

In the area of Education, the Strategy foresees raising awareness of communities and all relevant actors on the importance of community education as well as implementing affirmative actions to increase enrolment levels and equal access to education. It also includes measures to promote the history and culture of the Roma and Ashkali communities. In employment and social protection, measures involve: monitoring certain employment rates of the Roma and Ashkali community at the central and municipal level; registration of members of the Roma and Ashkali communities as active jobseekers and specialised vocational training programmes to improve their access to and participation in the labour market; raising awareness of employers in the private sector, as well as providing them with relevant incentives. In healthcare, measures are envisaged, among others, about equipping all members of the Roma and Ashkali communities with personal documents to enable their access to public healthcare services, and raising awareness of public health staff to ensure equal treatment for these communities and services of equal quality. In the area of housing, measures foresee: undertaking a feasibility study in different municipalities to identify needs and opportunities and define concrete steps to provide sustainable housing solutions for these communities by also actively engaging the communities themselves in this process; raising awareness about equal treatment of the Roma and Ashkali.

As to discrimination per se, the Strategy notes that the development and implementation of comprehensive policies at all stages and levels of programmes and projects will in some way systematically influence combatting racism and discrimination against the Roma and Ashkali communities. It is expected that the drafting and adoption of a legal proposal for equality, participation, inclusion and the fight against discrimination and racism will increase the quality of life of the Roma and Ashkali communities. Further to this, it is anticipated that awareness raising of these communities about the importance and the means of reporting cases of racism and discrimination will increase the number of reported cases and thus the competent institutions will be able to take disciplinary measures against perpetrators of discrimination and improve accountability. In the same manner, the Strategy mentions that awareness raising of public officials about racism and discrimination against the Roma and Ashkali communities would influence the levels of tolerance and contribute to the inclusion of these communities into society and the economy. This is further envisaged by promoting the history and culture of the Roma and Ashkali communities in education and civil service / public administration.

MONTENEGRO

In Montenegro, envisaged measures are designed to achieve strategic and operational goals. The Strategy, in particular, aims at improving the socio-economic and legal status of Roma and Egyptians in Montenegro, by promoting inclusion and eliminating all forms of discrimination, antigypsyism, and poverty. Achieving this strategic goal is based on seven principles, among which: the social inclusion of Roma and Egyptians; the fight

against discrimination, antigypsyism, segregation, and family violence; improving the current level of education, health care, and social protection of Roma and Egyptians; and active participation and involvement of Roma and Egyptian civil society in the process of implementing and monitoring the implementation of the strategic document. The Strategy also sets ten operational goals, among which: enhancing institutional and socio-economic efforts against all forms of discrimination and antigypsyism faced by the Roma and Egyptian communities; reducing the level of poverty, social exclusion, and the existing socio-economic gap between the Roma and Egyptian populations and the majority population; increasing the level of political participation and representation of these communities in public policies; ensuring housing and improving access to quality education, employment and healthcare for all members of these communities.

NORTH MACEDONIA

In North Macedonia, the Strategy for Equality and Non-Discrimination (2022-2026) defines education, health, culture, access to goods and services, local self-government, transport and communications, housing and social activities as areas with specific policies. Additional areas include intersectoral cooperation, access to justice, media and information, police, cross-border cooperation and civil society reform. The activities planned are related to the reform of the legal framework in the individual areas, trainings, public awareness, data collection, creation of a database and data sharing, coordination activities as well as activities specific to each area depending on the strategic objectives.

Foreseen activities concerning members of ethnic communities, asylum seekers and racial profiling focus on: fair representation of Roma and members of other minority ethnic communities in employment; sensitising employees in secondary and primary education to non-discrimination; anti-discrimination training for students in primary and secondary schools, with special emphasis on multi-ethnic societies; sensitisation of police officers to non-discrimination and awareness raising on racial profiling; preventing hate speech and violence based on ethnicity; organising participatory forums with members of ethnic communities; raising public awareness of the members of the communities under 20% for exercising the right to regular and elective courses in their mother tongue; organizing cultural events for members of ethnic communities; raising public awareness on discrimination against asylum seekers; and strengthening the competence of border officials to counter racial profiling.

SERBIA

In Serbia, even though the key policy documents were developed at central level, both the Strategy for Prevention and Protection against Discrimination 2022-2030 and b) the National Strategy for Social Inclusion of Roma Men and Women 2022-2030 envisaged that the actions be carried out by provincial (Autonomous Province of Vojvodina) and local authorities.

REPUBLIC OF MOLDOVA

The Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance (2021-2024) encompasses a range of measures, including the integration of Holocaust studies into the educational system, the promotion of Holocaust remembrance, the advancement of research on the Holocaust, and the strengthening of legal and institutional frameworks to address intolerance.

Similarly, the Implementation Programme (2023-2025) of the Strategy for Strengthening Interethnic Relations (2017-2027) aims to increase minority participation in public life, improve linguistic skills, promote knowledge of the Romanian language, foster greater interaction between ethnic groups, and enhance access to information and programmes available in minority languages.

Finally, the Programme to Support the Roma Population of the Republic of Moldova (2022-2025) is dedicated to ensuring the representation and effective participation of the Roma community in public life, expanding economic opportunities, promoting their inclusion in the labor market, and strengthening the role of community mediators, among other objectives.

UKRAINE

While declaratory provisions prohibiting racial discrimination in areas outlined in the EU anti-racism action plan exist in the areas of education, employment, health, housing, social protection, law enforcement, and hate crimes, there is no comprehensive anti-racism strategy or related plan of action for their implementation, thus limiting the application of such provisions.

Addressing structural racism and intersecting inequalities

ALBANIA

As mentioned in the report, the general perception in Albania is that there is no structural racism. In effect, the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians 2021-2025 does not foresee measures against it. Policies rather focus on the various aspects of intersectional discrimination through the collection of data and measures focusing on the characteristics of the community, gender, age, economic status, etc.

BOSNIA AND HERZEGOVINA

Interviewees in Bosnia and Herzegovina consider structural racism a systemic problem embedded in societal structures, institutions, policies, and practices that perpetuate racial inequalities and disparities. Structural racism is reported to manifest in various ways, including unequal access to resources and opportunities, differential treatment by institutions, systemic biases in decision-making processes, and the persistence of harmful stereotypes. Long-standing racial discrimination in education against marginalised groups such as ethnic minorities, Roma, migrant children, and returnees is already prevalent and deeply entrenched. Despite the presence of legislative and strategic documents prohibiting discriminatory acts on any grounds, there is still a lack of political will to dismantle structural discrimination.

An intersectional approach in Bosnia and Herzegovina acknowledges that individuals may face multiple forms of discrimination or disadvantage based on intersecting factors such as 'race', gender, ethnicity, religion, socio-economic status, disability, sexual orientation, and others. While some initiatives have begun incorporating intersectionality into their measures, others may not do so as explicitly. However, given the complex social dynamics and diversity within Bosnia and Herzegovina, there is a growing recognition of the importance of considering intersectionality in efforts to combat racism and racial discrimination. This recognition is reflected in the Law on the Prohibition of Discrimination and various reports, indicating a positive trend towards addressing intersecting inequalities and promoting social justice.

KOSOVO

In Kosovo, the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026 has foreseen measures and policies that address structural racism, one of them being the development of the National Platform for Protection from Discrimination for Roma, Ashkali and Egyptian communities [149] to facilitate and accelerate the prevention of and fight against discrimination. The platform operates with a mission to receive and address cases of direct, indirect, and multiple discrimination as well as other forms of discrimination against Roma, Ashkali, and Egyptian communities, and facilitate reporting cases of discrimination. The platform also plays an important role in raising awareness of relevant legislation and institutional mechanisms for protection against discrimination[150].

MONTENEGRO

While Montenegro is known for its diversity, disparities and discrimination are reported to persist. The current Strategy, legal and policy frameworks overly focus on individual forms of racial discrimination, overlooking the structural, institutional and historical dimensions of racism. Structural racism as such is not expressly

149. National Platform for Protection from Discrimination for Roma, Ashkali and Egyptian communities, accessible at: https://raportodiskriminimin.org/
150. OGG, Report on the Implementation of the Law on Protection from Discrimination, pg. 20, accessible at: https://api.raportodiskriminimin.org/uploads/documents_publications/a43738e3-844d-477c-b136-f6fc57bcbdc7.pdf

mentioned or dealt with, although it often manifests in subtle yet pervasive ways, such as unequal access to employment opportunities, educational resources, healthcare services, and political representation based on ethnic background. Although Montenegro has made progress in promoting equality and diversity since its independence, structural barriers continue to hinder the full participation and advancement of marginalised groups, particularly ethnic minorities, in various aspects of society. Intersecting inequalities compound the challenges faced by these groups. Individuals who belong to multiple marginalised groups, such as Roma and Egyptians facing discrimination based on gender, socioeconomic status, or other grounds, experience several barriers to social, economic, and political inclusion. For example, Roma women in Montenegro may face intersecting inequalities due to their ethnicity, gender, and socioeconomic status, leading to limited access to education, employment, and healthcare. The existing Strategy addresses intersectional discrimination, especially regarding women, children, and persons with disabilities. However, there is room for improvement and more effective dealing with these matters in the Strategy.

Addressing structural racism and intersecting inequalities in Montenegro requires concerted efforts at multiple levels. This includes implementing anti-discrimination legislation and policies that promote equality and inclusion, fostering intercultural dialogue and understanding among diverse communities, and providing targeted support and resources to marginalised groups to address their specific needs and challenges. Additionally, raising awareness about the realities of structural racism and intersecting inequalities would be crucial to building empathy, and solidarity, and promoting collective action towards a more just and equitable society.

NORTH MACEDONIA

In North Macedonia, the Law on Prevention and Protection against Discrimination defines multiple, intersectional, repeated, and continued discrimination[151] whereby intersectional discrimination is *any discrimination against two or more discriminatory grounds that are simultaneously and inextricably linked*[152]. Racial profiling is identified as a common type of racial discrimination, and therefore the Law stipulates that *discrimination by perception is any distinction, exclusion or restriction of one person due to assumed belonging to a certain group on any discriminatory basis*[153]. The first part of the Strategy for Equality and Non-Discrimination emphasises that intersectional discrimination should be considered in all planned activities.

SERBIA

According to the Strategy for Prevention and Protection against Discrimination 2022-2030 *anti-discrimination perspectives should be systemically introduced in the creation, implementation, and monitoring of public policies, which should result in tackling structural racism, among other manifestations of structural discrimination (against persons with disabilities, Roma, LGBTI+ population, etc.)*. An intersectional approach is suggested in both the above-mentioned Strategy and the National Strategy for Social Inclusion of Roma Men and Women 2022-2030, mostly in sections describing the main issues related to non-discrimination and the situation of Roma people in Serbia. However, this approach is not fully implemented, and it seems that structural racism and intersecting inequalities are rather used to describe a situation, but do not define policy decisions.

THE REPUBLIC OF MOLDOVA

The current trio of policy documents[154] doesn't effectively tackle manifestations of structural racism. Only certain specific objectives in them, like reporting instances of discrimination, xenophobia, ethnic stereotypes, interethnic tensions, and segregation, ensuring the effective representation and participation of marginalised groups, and studying and commemorating the Holocaust, may potentially address such manifestations. Policy documents still lack an intersectional approach, neglecting grounds such as religion, gender, and age. A close examination of existing policies also reveals an incomplete response to certain manifestations of racism such as anti-Black, anti-Muslim, and anti-Asian which are entirely missing, the reason being that significant populations of these groups do not currently reside in the Republic of Moldova[155].

151. Article 13
152. Article 2
153. Ibid
154. Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance 2021-2024, Implementation Programme (2023-2025) of the Strategy for Strengthening Interethnic Relations 2017-2027, Programme to support the Roma population of the Republic of Moldova 2022-2025.
155. Interview of 24 April 2024 conducted with management of the Agency for Interethnic Relations.

UKRAINE

Current strategies and measures do not explicitly tackle manifestations of structural racism or include an intersectional approach.

Equality and other data collection

ALBANIA

In Albania, the development and implementation of strategies are supported by data obtained at the regional level. The authorities, however, collect general data and only some disaggregated data in the fields of education, housing, and health. Existing sources provide data on: a) population, b) school drop-outs, and c) the number of students for quotas, free schoolbooks, and tackling segregation. In general, there is insecurity in data reflecting realities in different areas and it is eventually researchers, CSOs, and international organisations that collect them.

BOSNIA AND HERZEGOVINA

The Ombudsman for Human Rights and the Ministry of Human Rights and Refugees in Bosnia and Herzegovina are key in promoting equality and collecting data on vulnerable groups, particularly persons with disabilities, returnees, the Roma population, and LGBTI individuals. Most discrimination cases referred to the Ombudsman pertain to ethnicity and religion, often affecting returnees in areas such as employment and the restitution of pre-war property. Cases involving LGBTI individuals are also addressed, with approximately two-thirds of the Ombudsman's recommendations being fully or partially implemented.

In 2020, the Ministry of Human Rights and Refugees collected baseline indicators on the status of Roma families in employment, healthcare, housing, education, and discrimination, underscoring the need for targeted initiatives to enhance equality and social inclusion for Roma communities. Additionally, the Ministry has established a baseline and server for recording discrimination cases and prepares an annual report on discriminatory practices affecting vulnerable groups.

However, improved cooperation among stakeholders is necessary to enhance data collection efforts and ensure more relevant reporting in this area.

KOSOVO

In Kosovo, the needs assessment carried out to support the development of the Strategy and its measures was based on multiple sources of data and key indicators related to socio-economic status, access to education, healthcare, employment, housing, and experiences of discrimination. This data[156] provided the baseline understanding of the current situation and helped prioritise areas for intervention. On 17 January 2020, a Memorandum of Understanding was signed between the Ombudsperson Institution and the Kosovo Agency of Statistics to establish institutional cooperation in the field of official statistics to support the implementation and measurement of human rights and the 2030 Agenda for Sustainable Development, taking into account relevant publications and guidance[157] of the Office of the United Nations High Commissioner for Human Rights. The scope of the Memorandum includes the *collection, analysis, sharing and publication of data, as relevant to the identified indicators, disaggregated by protected grounds of discrimination prohibited by the Constitution and laws of the Republic of Kosovo and international human rights law, as appropriate*.

MONTENEGRO

As mentioned in the report, data collection in Montenegro usually concerns public policymaking and the development, implementation, and evaluation of relevant strategies. Data related to the Roma and Egyptian

156. Census data from Kosovo Agency for Statistics (KAS); Household and housing (KAS); Data on the enrollment of children/students of the Roma and Ashkali communities in pre-university education; KAS statistical data related to Roma and Ashkali Communities in Kosovo; Multiple Indicator Survey 2013-2014 (MISC); Data related to education within these communities (MESTI); Data on drop out of school children (MESTI); Unemployment data (KAS); Data from Ministry of Public Administration related to employment of members of the Roma and Ashkali Communities in public institutions (central and local level); Data with regard to provision of social assistance (MFLT); Kosovo Labour Force Survey (LFS) of the Agency for Statistics (KAS).
157. Human Rights Indicators: A Guide to Measurement and Implementation and A Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Development Agenda, OHCHR

populations are reported as often being unreliable due to various factors while several improvements in data collection are further needed altogether. The Strategy was developed based on existing data, specifically on the 2011 Population Census and the 2017 estimate of the Roma population by the Council of Europe. At the same time, both the Strategy and Action Plan also refer to surveys conducted, and data provided by various institutions within their respective mandates. The latest population census was conducted in November/December 2023 and the results were published in October 2024. Data was collected on demographic variables such as age, ethnic origin, gender, education, employment, and housing. Data disaggregated by racial or ethnic origin have now been made available[158]. The population census is primarily aimed at providing comprehensive data on the demography of Montenegro. However, its indirect aim is to provide data relevant to policy planning and decision-making across different government levels and in business, academia, and civil society. To make up for missing and other pertinent statistical data, the Strategy envisages a further survey among Roma and Egyptians in collaboration with the Statistical Office of Montenegro to gather disaggregated data. Additionally, the Regional Methodology for Mapping Roma Housing, prepared by the Regional Cooperation Council, emphasises housing data collection.

Concerning anti-discrimination, the Law on Prohibition of Discrimination stipulates the obligation of courts, State prosecutors, administrative bodies responsible for police affairs, and inspection bodies to keep special records of submitted complaints regarding cases of discrimination[159]. Under the Regulation on the modalities of record-keeping of reported discrimination cases, aggregated data is submitted in the form of annual reports to the Ombudsperson's Institution by January 31 of each year. Despite the Regulation having been adopted in 2014, not all the above-mentioned institutions respect this duty.

In the framework of the Strategy for Social Inclusion of Roma and Egyptians 2021-2025, participating institutions are to provide adequate data collection for the preparation of annual and final reports, as well as for measuring the level of achieved performance and identifying challenges that may arise during the implementation of planned activities. Data necessary for report compilation is to be collected throughout the entire year and to be quarterly submitted to the Ministry of Human and Minority Rights in its capacity as the coordinating body of the Working Group responsible for consolidating data relevant to report preparation.

NORTH MACEDONIA

The Law on Prevention and Protection from Discrimination gives the Commission for Prevention and Protection from Discrimination jurisdiction in the area of data collection stipulating that it *collects and publishes statistical and other data and forms databases in relation to discrimination*[160]. However, in practice, the Commission is reported not to fulfil this competence as it collects statistics only in relation to received and resolved complaints, categorised by types of discrimination. It neither collects statistical data on individual areas nor does it create a central database that can provide an overview of recorded discrimination or provide a perspective on the issue of structural discrimination.

All censuses in North Macedonia, including the census of 2021, allowed measurement of ethnicity, which provides an opportunity to make certain cross-references between ethnicity and other variables such as income, education, and marital status, and therefore acquire information about the situation of ethnic communities. However, standards are missing for institutions to properly collect data disaggregated by ethnicity/language/citizenship, process and share them, among others, with the State Statistics Office. Civil society organisations do not have access to official data and there is no protocol for sharing statistics of reported discrimination among trade unions. The Strategy for Equality and Non-Discrimination (2022- 2026) foresees in several places the collection of statistics, for example on trained persons, reported cases of hate crime, etc.

SERBIA

In Serbia, there are no comprehensive data collection exercises conducted by the authorities other than Censuses and surveys of international organisations. In effect, there is a lack of equality data, and the quality of the existing ones would need further improvements[161]. Data collection to measure the effectiveness of the fight against racism and racial discrimination is not done systematically, while data disaggregation by racial and/

158. Statistical Office of Montenegro - MONSTAT
159. WebPropisi CRNA GORA (podaci.net)
160. Article 21
161. UN CERD, Committee on the Elimination of Racial Discrimination: Concluding observations on the combined second to fifth periodic reports of Serbia, UN Doc: CERD/C/SRB/CO/2-5, 3 January 2018.

or ethnic origin is not systemically regulated, and such data is collected only to a limited extent by a minority of public authorities. The only exception is the regular annual survey conducted by the Commissioner for the Protection of Equality on the perception of discrimination in Serbia. Article 47 of the Constitution prescribing that no person shall be obliged to declare their national affiliation is oftentimes understood as a justification for the lack of data collection in this regard. For years now, there has been a long list of recommendations received by the UN Treaty bodies on the topic, but their implementation is also lacking. Yet, both the Strategy for Prevention and Protection against Discrimination 2022-2030 and the National Strategy for Social Inclusion of Roma Men and Women 2022 – 2030 foresee the collection and use of equality data by racial and ethnic origin.

GEORGIA

In 2020, a significant step was taken in Georgia with the signing of a four-way cooperation memorandum supported by the Council of Europe. This memorandum involved key institutions such as the General Prosecutor's Office, the Supreme Court, the Ministry of Internal Affairs, and the National Statistical Service of Georgia. The primary objective of this collaboration is to produce comprehensive statistics and issue a unified report on crimes motivated by discrimination and intolerance[162]. Data is published annually and is made accessible to all interested parties. Notably, the data includes disaggregation by 'race' and ethnic origin, providing valuable insights into the prevalence and nature of discriminatory practices. Additionally, the Public Defender of Georgia plays an active role in assessing data availability and regularly provides recommendations for improvement in its reports, further contributing to the enhancement of data quality and relevance. In October 2023, the aforementioned memorandum was revised and signed by the above-mentioned parties listed above, along with the Special Investigation Service, the mandate of which had been expanded to cover crimes motivated by intolerance motive.[163] The 2023 memorandum also outlines additional responsibilities for the parties to collect and publish more comprehensive statistical data on hate crimes. According to the 2023 memorandum, all statistical data is disaggregated by bias motive, including race.

However, despite these efforts, it is important to acknowledge that in the absence of a targeted policy specifically addressing racism in Georgia, existing data sources on racial or ethnic origin are not explicitly mapped out for informing policy development. Nevertheless, the available data presents an opportunity for potential utilisation in this regard, underscoring the importance of continued efforts to collect, analyse, and utilise data to inform anti-racism policies and measures.

THE REPUBLIC OF MOLDOVA

Although policy documents in the Republic of Moldova mention enhancing the data collection and analysis system as one of their priority actions, they do not specifically outline measures for the collection and utilisation of equality data disaggregated by racial or ethnic origin. The latter are currently partially collected by specific authorities. According to an interviewee on this topic, the Ministry of Education and Research uses the Management Information System in Education to have directors of educational institutions collect data to monitor various educational aspects and respond to specific needs of the educational community. For example, the Interethnic Relations Policy Service has established a mechanism to monitor the progress of Roma children's school attendance. The Equality Council maintains an Electronic Register of Filed Complaints capable of generating detailed data based on 'race', colour, ethnic origin, as well as the specific type of discrimination identified[164]. Considering the Equality Council data, most often decisions concern discrimination by ethnic origin (among the issues identified were racist remarks towards people of the Roma community, stigmatizing press articles referring to the language of communication, and the ethnic origin of people in a negative context). The Agency for Interethnic Relations cannot generally collect disaggregated data and rather relies on other institutions for such information, strictly for internal use, without compiling or disclosing it to the public. The Public Services Agency and the State Register of the Population maintain statistical data regarding persons with a place of residence and citizenship in the Republic of Moldova[165].

162. Unified Hate Crime Data Analysis: 2021-2022. Retrieved from: https://www.geostat.ge/en/modules/categories/680/hate-crimes-statistics
163. The Special Investigation Service (SIS) transferred its mandate to the General Prosecutor's Office of Georgia as of 1 July 2025, following the adoption by the Parliament on 24 June 2025 of a legislative package envisaging the absorption of the SIS into the Prosecutor's Office.
164. https://egalitate.md/decisions-opinions/
165. https://www.asp.gov.md/ro/date-deschise/date-statistice/rsp-cet

According to the National Bureau of Statistics, the 2024 population and housing census (April-July 2024) marks a departure from past practices as it will be regulated by a permanent normative framework[166]. Unlike previous censuses where new regulations were drafted each time, this framework is to provide consistency and stability. Innovative data collection methods have been introduced, including the use of personal interviews aided by mobile electronic devices. Administrative data from public and private databases will complement traditional census methods. To address previous challenges, such as the insufficient participation in the 2014 census, the National Bureau of Statistics conducted awareness-raising activities. These efforts were focused on informing national minority associations about the census procedures and the importance of participation, particularly among individuals self-identifying as belonging to national minorities. The census questionnaire included questions about 'ethnicity', 'mother tongue', and 'main language of communication'. Also, respondents would have the possibility to list multiple ethnic or linguistic affiliations. Census interviewers were trained to avoid past incidents and persons belonging to national minorities, including Roma community mediators, were temporarily recruited as census interviewers. Furthermore, the census questionnaire was developed in both Romanian and Russian, with translations provided in Bulgarian, Gagauz, Romani, and Ukrainian. This inclusive approach aims to facilitate participation and ensure that all segments of the population are accurately represented in the census data. It is expected that this census will yield more comprehensive and transparent data, facilitating the formulation of targeted public policies to effectively address the specific needs of ethnic groups.

Overall, the existing infrastructure for data collection in the Republic of Moldova, such as the Management Information System in Education and the Electronic Register of Filed Complaints maintained by the Equality Council, demonstrates efforts to monitor and address issues related to racial or ethnic discrimination. However, these efforts are hindered by incomplete data collection and utilisation measures outlined in policy documents, leaving significant room for improvement. Further to this, the examination of current policies reveals the pressing need to comprehensively map out data sources, improve data collection methodologies, and utilise disaggregated data in the process of drafting and implementation of strategies, policies, and measures aimed at combatting racism and racial discrimination.

UKRAINE

In Ukraine, there have been several studies supported by the Council of Europe to identify gaps in data collection on hate crime, hate speech, and discrimination[167], while separate reports include relevant recommendations. The State authorities are aware of the lack of data; however, no appropriate needs assessment has been conducted to support the development of strategies or policies. The Ombudsman collects data on the appeals it receives, which is disaggregated by protected grounds, in particular on the grounds of race, skin colour, and ethnic (national) origin[168]. The National Police, on the other hand, collects data on offences related to intolerance and discrimination disaggregated by racial/ethnic origin[169]. Due to the overall lack of disaggregated equality data and the low quality of existing ones combined with the lack of digitalisation, their use is limited. The Ombudsman and State authorities use the available data from complaints to inform approaches in the development of anti-discrimination policies. The National Human Rights Strategy (currently in the process of revision) includes activities for implementing a comprehensive system of data collection on violations of legislation on discrimination, but no action plan points are attached to these objectives.

Funding for anti-racism

ALBANIA

In Albania, the Strategy for the inclusion of Roma and Egyptian women foresees the amount of 38,332,708 EUR from the State budget for the years 2021-2026. Financial resources are allocated to activities and authorities receive funds accordingly. Ensuring long-term funding that is not dependent on political cycles or changes in government priorities remains a challenge.

166. https://statistica.gov.md/en/population-and-housing-census-2024-9940.html
167. https://rm.coe.int/final-data-collection-report-ukraine-en/16809fac70
168. Procedure for processing complaints in the Office of the Ukrainian Parliament Commissioner for Human Rights, available at the Commissioner's website
169. Form 1-H of the National Police of Ukraine, categories of disaggregation by protected characteristics: ethnic origin, race, nationality, political, religious, and other views, disability, SOGI, and antisemitism.

BOSNIA AND HERZEGOVINA

There is currently no dedicated funding specifically aimed at combatting racial discrimination and racism in Bosnia and Herzegovina. According to information provided by interviewees, the department focused on anti-discrimination efforts in the Ombudsman lacks designated funds for this purpose. Similarly, the Ministry of Human Rights and Refugees has no allocated funds for implementing measures outlined in anti-discrimination strategies. However, limited funds - primarily coming from donors and partially from the State budget - are available for other initiatives, such as the Action Plan for the Social Inclusion of Roma and Romani Women 2021-2025 and the implementation of Annex VII of the Dayton Peace Agreement for sustainable return and housing. Insufficient funding not only affects human rights institutions but also consultative bodies within legislative and executive authorities, including relevant ministries such as Justice and Interior.

KOSOVO

In Kosovo, the Action Plan for the Implementation of the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities (2022–2026) has a total implementation cost of €23,064,623 over three years. The majority of the budget (approximately 95%) is allocated to expenditures related to capacity-building, as well as regulation of monitoring and reporting systems to enhance community involvement.

The Action Plan foresees that the Office of the Prime Minister and line ministries will allocate budgets to support the activities outlined in the plan. These activities, identified by the Office for Good governance, Office of the Prime Minister and line ministries, are assigned to specific responsible and supporting institutions for implementation. If certain activities are designated for implementation by municipalities, line ministries are expected to allocate the necessary budgets.

Municipalities, in turn, are responsible for ensuring that line ministries request adequate funding for activities associated with the Central Level Strategy and Action Plan. Additionally, municipalities must allocate budgets for the implementation of their respective Local Action Plans.

MONTENEGRO

In Montenegro, defining the budgetary framework for the implementation of the strategic policies must be done by the Guidelines for Responsible Budgeting towards Roma. These guidelines are an output of the Intergovernmental Working Group on Responsible Budgeting towards Roma. Relevant institutions should be able to adequately promote Roma integration during the preparation and adoption of policy proposals and concrete policy measures, whether they relate to general socio-economic policies or targeted Roma integration policies, to reduce the socio-economic gap and ensure equality for Roma. Concerning funding for anti-racism, the Fund for the Protection and Realisation of Minority Rights was established by the Parliament of Montenegro to support activities for the minority communities and their members, with funds provided from the State budget and other sources. With the initiative of the Ministry of Human and Minority Rights and the ROMACTED Programme of the Council of Europe, and with the support of the Office for Roma Integration of the Regional Cooperation Council in Podgorica, budgeting responsive to Roma and Egyptians at the local level was also adopted.

NORTH MACEDONIA

The Strategy for Equality and Non-Discrimination (2022- 2026) in North Macedonia foresees that the measures will be financed from the State budget and from donations, based on the operational annual programmes prepared by the Ministries. The Commission for Prevention and Protection from Discrimination and the Ombudsman have their budgets approved separately by the Parliament and provide funds for enhancing public awareness and training, among other things, on preventing racial discrimination.

SERBIA

In Serbia, the budget for the implementation of policy documents dealing with racism and racial discrimination is earmarked in Action Plans adopted for the implementation of relevant measures. In the National Strategy for Social Inclusion of Roma Men and Women, budget is allocated for the implementation of specific measures, while the funds for the implementation of the Strategy for Prevention and Protection against Discrimination are provided from different sources, i.e. State, provincial and local budgets, donor funds, and through programmes

and projects implemented in the framework of the strategy and its action plan. Also, it should be noted that a substantial number of activities in the field of human rights in the Republic of Serbia, including the fight against antigypsyism and racism in general, are funded on a project basis, i.e., by international development organisations and intergovernmental organisations.

THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, the actions and activities detailed in the three strategic documents are funded primarily from the budgets of the authorities tasked with implementing actions and from external contributions, including funds from international institutions and the donor community. Nonetheless, these financial resources cannot be considered sufficient given the scope of the challenges. The Moldovan Ombudsman, in particular, drew attention to the fact that the Roma continue to face persistent challenges and needs that have proven difficult to address over time, and that for the measures outlined in the Programme to support the Roma population of the Republic of Moldova 2022-2025 to be effectively implemented, robust allocation of sufficient financial resources would be required, among other things[170].

Another important issue is related to the lack of additional human and financial resources in all bodies tasked with specific activities for combatting racism and racial discrimination[171], which hinders their capacity to fulfil their mandates effectively. According to an interviewee working in its management, this is also the case for the Agency for Interethnic Relations. The 2024 budget of the Agency amounts to an equivalent of approximately 282,960 EUR of which around 257,560 EUR is allocated to implementing policies related to national minorities and some 25,400 EUR is earmarked to support cultural activities. With ethnic and national minorities making up approximately 25% of the Republic of Moldova's population, this budget has been reported as extremely insufficient, rendering the Agency incapable of adequately addressing the multitude of institutional challenges. As a result, it is usually seeking support from the international community. In collaboration with the Council of Europe, the Agency has outlined its priorities and identified Beneficiaries and target groups based on its policy documents.

Consequently, a more substantial investment in resources and funding would be required to achieve the goals outlined in strategic policy documents and ensure meaningful progress.

UKRAINE

Funding is a highly complex issue in Ukraine due to the significant shortage of public finances, particularly as a result of the war of aggression waged by the Russian Federation against Ukraine. While the text of strategies refers to the allocation of budgets from the State budget, the action points are often described as "not requiring additional funding" or funded from other sources (local budgets, international technical assistance, etc.).

Visibility/communication/awareness-raising

ALBANIA

In Albania, the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians (2021-2025) was prepared by the Ministry of Health and Social Protection in coordination and internal consultation with other responsible Ministries and stakeholders. It was also published for public consultation on the relevant official website, but no further information has been provided since then. The mechanism that ensures the participation of the affected communities and their representatives in public consultations is set out in the relevant Law 146/2014[172]. There is little to no participation in the online registry for public consultation altogether. As to enhancing visibility, challenges include ensuring sufficient resources for communication and outreach efforts, while regarding capacity-building activities there is no specific data available but the authorities report organizing such activities, especially in education.

170. Alternative Report based on the UN Convention on the Elimination of All Forms of Racial Discrimination submitted by the Ombudsman, 2024, see page 16, available at: https://ombudsman.md/wp-content/uploads/2024/04/raport-alternativ-cerd-1.pdf
171. ECRI (2024), ECRI Report on Republic of Moldova (sixth monitoring cycle), § 10, available at: https://rm.coe.int/sixth-report-on-the-republic-of-moldova/1680b2097e
172

BOSNIA AND HERZEGOVINA

In Bosnia and Herzegovina, visibility activities focused on preventing racism and racial discrimination are virtually non-existent, both within the National Human Rights Institution and other relevant institutions or structures. Interviews with stakeholders in various institutions revealed that very few public awareness campaigns have been initiated on this topic. Some have been conducted with the support of international organisations such as the Council of Europe, the EU, UN agencies, and the OSCE Mission to BiH, focused on disadvantages groups.

All interviewed stakeholders mentioned that they engage in information dissemination efforts. They distribute brochures, leaflets, factsheets, and reports that highlight key aspects of policies and measures to combat racism and racial discrimination. These materials provide also guidance on how impacted individuals can get involved or seek support. However, the focus of these efforts tends to be mainly on issues concerning the Roma population, national minorities, general discrimination, and free legal aid.

KOSOVO

Public awareness campaigns in Kosovo were launched to raise awareness about racism, its impact on individuals and communities, and the importance of combatting it. These campaigns utilise various communication channels, including television, radio, social media, and outdoor advertising, to reach a wide audience. Training programmes and capacity-building initiatives have been implemented to empower individuals and organisations to address racism and discrimination effectively focusing on topics such as cultural competency, unconscious bias, and conflict resolution. In education, initiatives include the integration of anti-racism education into school curricula at all levels to ensure that young people are equipped with the knowledge and skills to recognise and challenge racism. Educational materials and training programmes have also been developed for educators to facilitate discussions on racism and promote tolerance and respect for diversity in the classroom. While these initiatives represent important steps forward, continued efforts and collaboration across sectors are needed to advance anti-racism measures, address systemic racism, and promote equality and inclusion in Kosovo.

MONTENEGRO

On 8 April 2024, on International Romani Day, the Second Session of the Roma Parliament was held in the Parliament of Montenegro organised by the Committee for Human Rights and Freedoms, in collaboration with the Ministry of Human and Minority Rights and the Ombudsman, under the patronage of the President of the Parliament. Many relevant stakeholders had the opportunity to address issues regarding Roma and Egyptians in Montenegro, while the session was broadcasted on public television.

Several campaigns have been organised, such as a campaign in Romani aimed at informing parents about the enrolment of children from Roma and Egyptian communities in kindergartens, primary and secondary schools, and universities, and public campaigns against forced/arranged/child marriages, domestic violence, and begging. Educational programmes have also been developed and implemented in schools, universities, workplaces, and communities to raise awareness about racism, its impact, and ways to combat it including topics such as cultural sensitivity, diversity appreciation, and unconscious bias. Public awareness campaigns were launched on TV, radio, social media, and in print about the importance of anti-racism and to promote inclusivity and diversity. Forums, workshops, and community dialogues were organised to bring together people from diverse backgrounds to discuss racism, share experiences, and foster empathy and understanding. Cultural events, festivals, and celebrations were set up to promote cultural exchange and understanding among different ethnic groups. Collaborations with civil society organisations, CSOs, and grassroots movements working on human rights and social justice have been sought to amplify efforts and reach a wider audience.

According to information provided by interviewees on this topic, while relevant stakeholders in Montenegro seem to be aware of the importance of visibility, communication and awareness-raising, the effectiveness of the actions taken is sometimes not as expected, which could potentially lead to the conclusion that the Montenegrin society is still not ready to accept changes related to anti-racism and equality more broadly. Nevertheless, it appears that efforts will continue.

NORTH MACEDONIA

In North Macedonia, the Strategy for Equality and Non-Discrimination (2022- 2026) was publicly promoted before representatives of civil society organisations and there was a public announcement after its adoption

by the Government. The Strategy includes activities related to the training of teachers, public officials, medical workers, representatives of municipalities and civil society organisations related to issues of discrimination, including on the grounds of 'race', skin colour, and ethnicity. The Commission for Prevention and Protection against Discrimination and the Ombudsman conduct several events and public campaigns in cooperation with the Mission of OSCE to Skopje, the Council of Europe, the United Nations and civil society organisations, as well as in the framework of projects financed by the European Union. Measures are also planned to raise public awareness on non-discrimination and prevention of hate speech and hate crime.

SERBIA

In Serbia, the Ministry of Human and Minority Rights and Social Dialogue regularly shares information about specific measures aimed at tackling racism and racial discrimination, especially through press releases in the news section of the website of the Ministry, and public events[173]. The Commissioner for the Protection of Equality also regularly shares information relevant to their work, specifically measures aimed at tackling racial discrimination, through its annual and other publications (including implemented activities, protection practices , initiatives for adopting or amending regulations, recommended measures, etc.).

THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, authorities conduct advocacy, communication, and dissemination activities related to measures addressing racism and racial discrimination. These activities aim to increase awareness and understanding of the policies and initiatives designed to tackle these issues, reaching both the general public and targeted groups. Typically, the Government, the Ministry of Education and Research, the Agency for Interethnic Relations and other State institutions formally announce and share the approval of political documents in the press. Additionally, the outcomes of specific activities outlined in the Action Plans, as well as their impact within the meetings of the responsible inter-institutional working group, are provided to the public[174].

Furthermore, the Agency for Interethnic Relations developed its Communication Plan for 2023 in order to better promote its mission and strengthen the activities' results[175]. In terms of anti-racism and non-discrimination campaigns or events, the Agency collaborates annually with various public institutions, CSOs, and representatives from the Jewish community to observe Holocaust Remembrance Week under the banner #WeRemember [176] [177]. This significant week includes events that aim to raise awareness, particularly among young people, about the importance of fostering interethnic tolerance with activities aiming to prevent and combat racism, anti-Semitism, and other forms of intolerance, emphasising the need for unity and understanding in a diverse society. In addition, in 2024, the Interethnic Relations Policy Service of the Ministry of Education and Research contributed to organising the Roma Week for the first time in schools across the Republic of Moldova. The Ministry requested that all educational institutions organise educational activities dedicated to Roma Week and also organised a roundtable to mark the European Roma Holocaust Remembrance Day.

Capacity-building activities have been organised based on the three key policy documents, namely on: a) Training and Involvement of Community Mediators and Representatives of Romani CSOs, whereby individuals are trained to act as reviewers in the Local Public Administration to develop the competencies of community mediators in the Republic of Moldova[178], b) Training and Information for Public Officials, to prepare them to handle cases of discrimination and incitement to interethnic hatred among the Romani population, c) Training Romani Communities and CSOs, with a focus on identifying, documenting, and reporting cases of discrimination against Romani individuals, and d) Training for Teachers in General Education Institutions, on intercultural tolerance, Romani history, culture, and traditions, as well as combatting ethnic prejudices.

173. See, for instance, Ministry of Human and Minority Rights and Social Dialogue website: https://minljmpdd.gov.rs/aktuelnosti-vesti.php
174. For example: https://mecc.gov.md/ro/content/asigurarea-accesului-la-educatie-populatiei-de-etnie-roma-pe-agenda-mec
https://www.bri.gov.md/ro/Masa-rotunda-mediatori-comunitari
https://www.bri.gov.md/ro/content/recens%C4%83m%C3%A2ntul-popula%C8%9Biei-%C8%99i-locuin%C8%9Belor-2024-%C8%99i-comunit%C4%83%C8%9Bile-etnoculturale-din-republica
175. https://ari.gov.md/sites/default/files/document/attachments/Planul%20de%20comunicare%20pentru%20anul%202023.pdf
176. https://www.bri.gov.md/ro/content/%C3%AEn-republica-moldova-se-desf%C4%83%C8%99oar%C4%83-s%C4%83pt%C4%83m%C3%A2na-memoriei-dedicat%C4%83-comemor%C4%83rii-victimelor
177. https://www.bri.gov.md/ro/content/holocaust-comemorarea-%C8%99i-studierea-acestuia
178 https://www.bri.gov.md/ro/content/atelier-de-instruire-pentru-mediatori-comunitari; https://www.bri.gov.md/ro/content/instruirea-mediatorilor-comunitari-prioritate-%C3%AEn-activitatea-agen%C8%9Biei-rela%C8%9Bii-interetnice; https://www.bri.gov.md/ro/content/dezvoltarea-abilit%C4%83%C8%9Bilor-mediatorului-comunitar-%C3%AEn-republica-moldova

Some of these capacity-building programmes have been implemented by the Agency with the support of international organisations such as the Council of Europe and the OSCE.

UKRAINE

Awareness-raising initiatives related to non-discrimination have been conducted in collaboration with international organisations and civil society partners. Future campaigns are envisaged under the State Target National and Cultural Programme 'Unity in Diversity' for the period up to 2034, and the Roma integration strategy (The Strategy for Promoting the Realisation of the Rights and Opportunities of Persons Belonging to the Roma National Minority). Publicity and communication activities are conducted through posts on web resources and social media of relevant institutions and certain media outlets. In the area of capacity-building, the Ombudsman's Office regularly prepares information materials for local authorities on the prevention of discrimination, primarily on the grounds of disability, gender, etc. The State Ethnic Policy Service, in cooperation with international partners, has conducted 4 training activities for local authorities (experts of relevant departments).

Implementation oversight/progress reporting

ALBANIA

In Albania, the oversight of anti-racism measures is managed through several institutions, with the Commissioner for Protection from Discrimination playing a central role. The Commissioner works closely with the Ombudsperson to ensure the enforcement of anti-discrimination laws, with a particular focus on the Roma and Egyptian communities.

According to the 2023 report from the Commissioner for Protection from Discrimination, there has been an increase in case handling and investigations. The Commissioner has maintained consistent efforts in addressing a broad range of discrimination cases, including issues related to education, employment, and access to public services. The report highlights actions taken against hate speech, particularly those targeting vulnerable groups such as the Roma and Egyptian communities and the LGBTI+ population. Some cases involve structural discrimination and hate speech in the media, which have been addressed through legal proceedings[179].

While progress has been made - especially in improving education for Roma children -international reports note significant gaps. For instance, the implementation of action plans to combat racism has faced challenges due to underfunding and incomplete execution. This has adversely affected areas such as vocational training, healthcare, adequate housing[180], internet access, and efforts to tackle the root causes of discrimination and the de facto segregation of Roma and Egyptian children within the education system[181].

Moreover, bodies like ECRI have urged Albania to increase resources for its anti-discrimination authorities and to take stronger action on recommendations related to hate speech[182]. ECRI continues to play an active role in examining the situation concerning manifestations of racism, intolerance and related discrimination as part of its monitoring work.

BOSNIA AND HERZEGOVINA

In Bosnia and Herzegovina, interviewees provided very few specifics regarding monitoring and evaluation activities within policies. However, it is anticipated that the BiH strategic document on anti-discrimination will incorporate such measures. At present, the Ombudsman conducts regular monitoring, evaluation, and reporting on all forms of discrimination based on individual complaints. An evaluation report is being prepared based on recommendations related to discrimination cases issued in the last three years. Responsible institutions and Ministries are tasked with preparing annual reports on the strategy implementation, particularly when action plans with concrete benchmarks are involved. The Ministry of Human Rights and Refugees also submits reports to international treaty bodies on the measures implemented. However, a significant challenge identified by the abovementioned entities is the lack of comprehensive data and annual assessments covering all

179. https://www.kmd.al/wp-content/uploads/2024/03/Raporti-i-KMD-2023.pdf
180. ECRI welcomes Albania's significant progress, but some issues give rise to concern - Council of Europe Office in Tirana (coe.int)
181. UN Committee on the Elimination of Racial Discrimination publishes findings on Albania, Mexico, Qatar, Moldova and San Marino | OHCHR
182. ECRI Sixth report on Albania (adopted on 7 April 2020 / published on 2 June 2020)

groups potentially affected by racial discrimination or other discriminatory practices. While some efforts have been made to address aspects of racial discrimination against LGBTI groups and migrants, progress remains incremental.

KOSOVO

In Kosovo, monitoring and assessing the achievement of objectives and the effectiveness of relevant activities are an integral part of the Strategy for Inclusion of Roma and Ashkali Communities 2022-2026 and a key component of the process of its implementation. The Office of Good Governance in cooperation with relevant institutions and other stakeholders is mandated with the monitoring process. Each year, the relevant mechanisms should prepare an annual report assessing activities, reporting on performance indicators and achievement of objectives, and identifying challenges and difficulties encountered during the implementation process. The responsible Officer for Coordination, Monitoring and Reporting on the Implementation of the Strategy, within Ministries and municipalities, cooperates with the Office of Good Governance for the process. Given that the implementation of the strategic objectives at the municipal level is a key element in the Strategy, the Municipal Action Committees coordinator acts as the competent official in the municipality for the implementation, monitoring and reporting of this Strategy and the accompanying local action plan, while the Municipal Committee for Communities is the body responsible for monitoring and reviewing the implementation of this Strategy and local action plan.

MONTENEGRO

Regarding the process of drafting, monitoring, and reporting on the implementation of the Strategy for the Social Inclusion of Roma and Egyptians 2021-2025 in Montenegro, the Working Group[183] for the development of the strategic document and the Commission for monitoring and reporting provide annual reports, and are responsible for the final report on its implementation.

The Ministry of Human and Minority Rights is the institution responsible for coordinating the work of the Working Group, for collecting and consolidating data relevant to the report's preparation as well as overseeing the work of the operational team. Stakeholders involved in the implementation of the Strategy also have to report on their activities to ensure adequate data collection for the preparation of annual and final reports, as well as for measuring the level of performance achieved and identifying challenges. Upon review and approval of the report, the Commission forwards it to the General Secretariat of the Government of Montenegro for review. Upon receipt of a positive opinion from the General Secretariat, it is sent to the Government of Montenegro for adaptation. To ensure transparency in the implementation process of the Strategy, the reports are to be published on the website of the Ministry of Human and Minority Rights.

The evaluation of the strategic document will be conducted ex-post and by external experts due to its complexity and scope, as well as to ensure a higher level of objectivity. It is planned that this process will commence in the first half of 2025 and be completed by October of the same year, to timely provide the evaluation findings.

NORTH MACEDONIA

In North Macedonia, the annual reports of the Ombudsman and the Commission for Prevention and Protection against Discrimination contain information on racial discrimination and are the basis for the preparation of policies and measures, together with the results of the research conducted by these entities related to the rights of the Roma and other ethnic communities. The central coordinating body drafts annual reports on the implementation of the operational programmes prepared by Ministries and other government bodies, and submits them to the Government.

For the measures foreseen in the Strategy and in its accompanying Action Plan, there are indicators for measuring the results achieved. The central coordination body and the government, based on the annual reports, conduct the monitoring and evaluation of the implementation of the measures. The previous strategies for

183. The working group is composed of representatives from: the Ministry of Human and Minority Rights (Directorate for Roma and Egyptian Inclusion); Romani Council; Montenegro Municipalities Association; Children's Council; Ombudsman for Human Rights and Freedoms; Ministry of Health; Ministry of Education, Science, Culture, and Sports; Ministry of Finance and Social Welfare; Statistical Office of Montenegro - MONSTAT; Ministry of Economic Development; Fund for Protection and Realisation of Minority Rights; Centre for Preservation and Development of Minority Cultures; Ministry of Ecology, Spatial Planning, and Urbanism; Red Cross of Montenegro; Ministry of Public Administration, Digital Society, and Media; Ministry of Internal Affairs; International Organisations; Civil society Organisations.

equality and non-discrimination included final evaluations that were considered when preparing the new Strategy. Since the Strategy provides for the collection of data on different grounds of discrimination, reports are prepared for this purpose as well. The Commission for Prevention and Protection against Discrimination and the Ombudsman also prepare annual reports on the state of play as regards discrimination.

SERBIA

In Serbia, both the Strategy for the Prevention and Protection against Discrimination 2022-2030 and the National Strategy for Social Inclusion of Roma Men and Women 2022-2030 envisage monitoring and reporting on the progress made in their implementation. To this end, the Government established two distinct interministerial and multi-stakeholder bodies: the Council for the Implementation of the Strategy for Prevention and Protection against Discrimination[184] and the Coordination Body for Improving the Status and Social Inclusion of Roma and Monitoring the Implementation of the Strategy. Both are also expected to propose new measures and/or approaches for the implementation of the public policy goals. However, both bodies are temporary working bodies of the Government, and frequent changes in the composition of the Government have led to a lack of continuity in their work.

Evaluation activities are envisaged to be based on equality data, ex-post analysis, other research evidence from stakeholders responsible for the implementation of specific measures within the Strategies. The use of human rights-based indicators has not been foreseen for the monitoring of the Strategies.

THE REPUBLIC OF MOLDOVA

The three key strategic policy documents in the Republic of Moldova set clear objectives and require reporting on the progress of their development and implementation. The Ministry of Education and Research is entrusted with coordinating and overseeing their implementation. All participating institutions are required to submit an annual report to the Ministry on 1st February of the ensuing year and it will thereafter prepare a final evaluation report for each strategic policy implementation and present it to the Government by 1st March.

The findings and conclusions of the evaluation of the 2017-2020 Action Plan for the implementation of the Strategy for Strengthening Interethnic Relations 2017-2027 (conducted with the assistance of development partners) identified some areas lacking progress, but also positive outcomes[185]. The relevant report highlighted the importance of a) enhancing various capacities of stakeholders for the effective implementation of the second phase of the Strategy, b) formulating progress indicators that would allow estimating the impact of qualitative changes, as well as proper estimation of costs and other resources, and c) the development of effective mechanisms for coordinating with sectoral policies at regional and local levels. As to the positive outcomes, the evaluation concluded that the 2017-2020 Action Plan contributed to the creation of partnerships and positive synergies among all types of stakeholders involved (public authorities, non-State actors, CSOs, and development partners). It also helped lay the foundation for producing important benchmark studies and collecting significant data and evidence, which allows for a better understanding of the on-ground situation for evidence-based policymaking. According to the Ministry of Education and Research, access to mother tongue education for ethnic minorities increased, which improved their representation in public and private institutions. The Ministry[186] also mentioned significant progress in strengthening intercultural education and fostering mutual understanding and respect among different ethnic communities, including by developing educational programmes on Ukrainian, Gagauz, Bulgarian and Roma language and culture.

According to the authorities, monitoring and evaluation will constitute a continuous process while statistical and administrative data will be collected both by using the resources of the central public administration authorities (including local ones) responsible for sectoral policy, as well as through surveys carried out by specialised institutions[187]. Human rights-based indicators are going to be used for future monitoring activities, but were not sufficiently used until now.

184. Government of the Republic of Serbia, Decision on the Establishment of the Council for the Implementation of the Strategy for Prevention and Protection against Discrimination for the Period 2022 – 2030, Decision no. 05 no. 02-2937/2023, 6 April 2023, Official Gazette of Republic of Serbia no. 27/2023.
185. https://mecc.gov.md/sites/default/files/raportul_final_de_evaluare_a_pa_2017-2020_ro.pdf
186. Ibid
187. See p.43 of the Evaluation of the Programme https://mec.gov.md/sites/default/files/plan-cadru_2025-2026.pdf - link to be copied in browser for access to the Programme.

UKRAINE

Strategies and action plans in Ukraine include reporting requirements and, as a rule, reporting is done based on information provided by implementing entities to the coordinating bodies responsible for the monitoring process. Monitoring is based on indicators - largely process-based - listed in the action plans. Results are analysed and used to prepare action plans for the next period. For instance, the Ministry of Interior noted the positive impact of field visits foreseen in the Strategy for Promoting the Realisation of the Rights and Opportunities of Persons belonging to the Roma National Minority. The reports on the implementation of the National Human Rights Strategy activities related to the training of law enforcement officials indicate the integration of hate crime investigation in the curricula and revision of such programmes[188]. The Ombudsman's Office[189] reported on a Memorandum on cooperation with the National Council on TV and Radio Broadcasting, whereby the Secretariat joined the process of developing hate speech criteria according to a recent Law on Media. However, the degree to which evaluations may take place is unclear given that monitoring is based on information primarily provided by entities responsible for each strategy or action plan. The Ombudsman in Ukraine conducts monitoring of discrimination.

Challenges encountered

ALBANIA

Albania faces both institutional and economic challenges in the development and implementation of anti-racism policies and measures. These challenges are primarily linked to the absence of a dedicated coordinating structure, lack of coordination between institutions, inadequate data collection, and insufficient staffing. The fragmented distribution of responsibilities across various government agencies may result in inconsistent approaches, redundant efforts, or gaps in policy execution. Additionally, the insufficient institutional capacity – given that many authorities responsible for enforcing anti-racism laws or implementing relevant programmes lack the necessary resources – hinders effective action and may diminish the overall impact of anti-racism initiatives. For example, officials who are responsible for multiple tasks simultaneously also manage duties related to the implementation of action plans, which limits their capacity to focus. According to the report, this situation significantly reduces the effectiveness and coordination of public authorities. Furthermore, there are concerns that limited funding and budget constraints may restrict the scope of programs and jeopardize the sustainability of anti-racism efforts.

BOSNIA AND HERZEGOVINA

In Bosnia and Herzegovina, effective collaboration among monitoring mechanisms, judicial institutions, the National Human Rights Institution, and internal oversight units is essential for gathering relevant data, addressing systemic racism and racial discrimination, and better identifying and responding to discriminatory practices. However, persistent ethnic divisions and political polarisation hinder the implementation of cohesive anti-discrimination policies across Bosnia and Herzegovina.

Limited public awareness and education on anti-discrimination laws contribute to the normalisation of discriminatory practices. Additionally, inadequate training and resources for law enforcement and judiciary personnel further obstruct the effective enforcement of anti-racism measures. The Bosnia and Herzegovina's complex administrative structure exacerbates these challenges, often resulting in inconsistencies in policy implementation and monitoring.

To ensure full respect for the right to non-discrimination and anti-racism, adequate and timely institutional responses, along with stronger support mechanisms, remain crucial.

KOSOVO

In Kosovo, there is limited awareness and understanding among members of the Roma, Ashkali, and Egyptian communities regarding what constitutes racial discrimination, as well as the rights and protections available to them. This lack of awareness results in underreporting of incidents and hinders effective efforts to combat discrimination. Moreover, despite the existence of anti-discrimination laws, enforcement mechanisms appear

188. 2023 рік (minjust.gov.ua)
189. Щорічна_доповідь_Уповноваженого_за_2023_рік.pdf (ombudsman.gov.ua)

to be weak or inconsistent. This can lead to impunity for perpetrators of discrimination and undermine trust in the justice system among the affected communities. One example of this is that the Government, rather than encouraging these communities to file complaints with the Ombudsperson Institution or equality body, has instead created a National Platform for Protection from Discrimination specifically for the Roma, Ashkali, and Egyptian communities to submit complaints. However, as these platforms are not mandated to handle complaints, they are simply forwarded to the Ombudsperson/equality body, which adds to the confusion surrounding the procedures for complainants from the affected communities.

Additionally, municipalities and civil society organisations tasked with addressing racial discrimination often face resource constraints, including limited funding, staff shortages, and insufficient training. These challenges may hinder the implementation of anti-discrimination measures and reduce their effectiveness. Deep-seated stereotypes and persistent prejudices against Roma, Ashkali, and Egyptian communities in society, if left unaddressed, could perpetuate discriminatory behaviours and contribute to their continued social exclusion and marginalisation.

MONTENEGRO

Challenges in combatting racism and racial discrimination in Montenegro are multifaceted and can largely be attributed to a general lack of political will and deeply entrenched prejudices, sometimes even among representatives of relevant institutions and stakeholders. The Law on the Election of Councillors and Deputies has yet to be amended to define the threshold for political representation from the Roma and Egyptian communities – the only minority groups not represented – in the central and local parliaments. The European Commission has also highlighted this exclusion. On 9 May 2024, during International Romani Day, the President of the Parliament announced the start of a dialogue on this issue following the results of the 2023 census.

One of the key issues reported remains the unfavourable position of the Roma and Egyptian populations due to insufficient progress in their social inclusion, protection, and the promotion of their rights. This exacerbates the stigmatisation and discrimination they face, as well as their levels of poverty. Despite numerous educational initiatives and seminars aimed at combatting antigypsyism and discrimination against Roma and Egyptians, progress has been very slow and is scarcely visible. It is suggested that a specific law to combat racism and racial discrimination against the Roma and Egyptian populations in Montenegro could effectively contribute to protecting their rights and enhancing their social inclusion. At the same time, there is a lack of awareness regarding the importance of education at all levels among members of the Roma and Egyptian communities. In this context, one of the challenges facing relevant institutions is creating programmes to address the insufficient knowledge of the official language, particularly among primary school students in grades 1-3. Additionally, providing transportation for preschool-aged children from these communities would be necessary to increase enrolment in kindergartens. Child/forced/arranged marriages, domestic violence, and begging are still prevalent issues that require further efforts by relevant institutions to address them, in collaboration with various stakeholders, including CSOs.

The resolution of civil status and personal document issues is planned to be fully completed by the end of 2025. Despite significant progress in this area, there are still individuals without regulated civil status and personal documents, which renders them stateless and calls for further intensified efforts to resolve this issue, in collaboration with both domestic and international organisations. Healthcare provision is also linked to the regulation of civil status and possession of personal documents. In particular, pregnant women have proven to be the most disadvantaged in this regard. The lack of programmes for housing socially disadvantaged families remains another major challenge, while a large number of unsafe and unauthorised settlements continue to house citizens from the Roma and Egyptian communities.

NORTH MACEDONIA

In North Macedonia, the National Coordination Body does not hold frequent meetings and lacks permanent administrative support. It is reported not to have an effective oversight plan in place for the implementation of strategic measures, and there is no guaranteed budget for their financing. There is a need to harmonise the Strategy for Equality and Non-Discrimination (2022-2026) with the Strategy for the Inclusion of Roma (2022-2030), with the former including more measures targeting asylum seekers, migrants, and minorities. Separate action plans for the various grounds of discrimination could potentially be more effective in addressing the relevant issues.

SERBIA

The main challenges encountered so far in Serbia are related to the lack of consultations and the non-participation of groups at risk of discrimination, as well as multiply discriminated groups, in the design of the Strategy for the Prevention and Protection against Discrimination (2022-2030) and the National Strategy for the Social Inclusion of Roma Men and Women (2022-2030). The non-compliance of 'sectoral legislation' (covering areas such as housing, social protection, healthcare, employment, education, etc.) with the general anti-discrimination legal framework remains also an important challenge[190].

THE REPUBLIC OF MOLDOVA

Several key challenges related to insufficient human and financial resources have been reported in the development and implementation of public policies aimed at combating racism and racial discrimination in the Republic of Moldova. These challenges affect many public institutions tasked with their implementation. Resource constraints hinder their ability to effectively execute their mandates and impede relevant progress. Structural constraints within the Agency for Interethnic Relations, combined with the lack of an independent budget, pose significant challenges to its efficacy in this domain. Strengthening the Agency in these areas is therefore considered essential to enhance its capacity to address racial discrimination issues effectively.

Furthermore, developing comprehensive frameworks and tools for systematic data collection, ensuring consistency and accuracy across all levels of public administration, and providing capacity-building for personnel and researchers in data collection and analysis are also necessary. Addressing these challenges requires a multifaceted approach, including the strategic allocation of resources and structural reforms within relevant agencies. Domestic authorities should continue building strong partnerships with international organisations such as the Council of Europe and the European Union, which can offer valuable resources, expertise, and support in implementing anti-racism measures.

UKRAINE

The development and implementation of anti-racism policies face significant challenges, many of which are exacerbated by Russia's ongoing war of aggression against Ukraine, which amplifies existing inequalities and creates new ones. The war has led to severe resource constraints and diverted attention and funding away from social issues like racism and discrimination. In areas occupied by Russian forces, access is nearly impossible, making it difficult to respond to and record instances of ethnic and religious intolerance. There is also a lack of comprehensive equality data, which weakens the development of informed and effective policies. The most recent census data on racial and ethnic origin is outdated, and current data collection methods do not adequately capture the necessary details. This data gap hinders policymakers' ability to understand the scope and nature of discrimination and design appropriate interventions.

State authorities lack personnel dedicated to combatting racism and discrimination, while the existing workforce is overstretched with multiple pressing issues, leaving little capacity for focused anti-racism efforts. In the absence of specific commitments, State officials often do not prioritise general strategies or plans related to anti-racism. Additionally, there is a low level of awareness about racism and racial discrimination among State officials, which leads to insufficient recognition of the issue's importance and inadequate implementation of existing policies. Training and awareness programmes are essential but currently insufficient to address this gap comprehensively. Moreover, the issue of racism requires a comprehensive response that includes not only law enforcement agencies, but also education, healthcare, social security and other government agencies. However, in Ukraine, there is often a lack of integration between different sectors, which significantly reduces the effectiveness of anti-racism measures.

190. See, for instance, A 11 – Initiative for Economic and Social Rights, "Pregled „sektorskih propisa" koji onemogućavaju ili otežavaju ostvarivanje ekonomskih i socijalnih prava najugroženijih građana i građanki u Republici Srbiji", 25 February 2021, online, available at: https://www.a11initiative.org/wp-content/uploads/2025/04/PREGLED-PROPISA_ZA-MINLJMPDD_final.docx

Plans for domestic action plans against racism

ALBANIA

Developing a comprehensive action plan against racism would be a strategic approach for Albania to systematise and enhance its efforts to combat racism and promote equality. Challenges in developing such a plan would include ensuring comprehensive coverage of all types of racism and discrimination, without overlooking any affected group. It would also be necessary to secure adequate resources, both financial and human, and to ensure inter-ministerial collaboration and coordination among various Ministries and agencies for the plan to be implemented effectively.

BOSNIA AND HERZEGOVINA

In Bosnia and Herzegovina, there is currently no specific strategy for combatting racism. However, based on internal information obtained during an interview with the Ministry of Human Rights and Refugees, a working group is in the process of being established to prepare a comprehensive anti-discrimination strategy for 2024-2027, or possibly for a longer duration. This strategy will include obligations for entities and local governments to develop action plans addressing discrimination.

KOSOVO

There is no information regarding Kosovo's plans to develop and implement an action plan against racism. The Strategy for the Advancement of the Rights of the Roma and Ashkali Communities, along with its Action Plan (2022-2024) for the implementation of strategic objectives, appear to encompass Kosovo's provisions against racial discrimination.

MONTENEGRO

There is limited information available regarding Montenegro's plans for further steps in combatting racism. However, while it cannot be said to constitute a priority political and social issue in Montenegro, formal support has been provided by relevant institutions and stakeholders. It can be inferred that combatting discrimination remains an ongoing effort that Montenegro will continue. At the same time, Montenegro is dedicated to its EU accession negotiations, and therefore, all necessary steps are expected to be taken to meet European standards regarding the protection and strengthening of human rights, including the fight against racism, although it is uncertain how quickly and effectively results will be achieved. The evaluation of the ongoing Strategy, anticipated in late 2025, will provide some evidence as to how the implemented activities have contributed to improving the rights and status of the Roma and Egyptian communities in Montenegro and will serve as the basis for potentially creating a new strategic document. The work on drafting the new strategic document for the social inclusion of Roma and Egyptian communities for the period 2026-2030 is planned to commence in 2025[191].

NORTH MACEDONIA

North Macedonia emphasises the importance of preparing separate action plans for different grounds of discrimination, including racial discrimination.

THE REPUBLIC OF MOLDOVA

To date, according to the Ministry of Education and Research, the Republic of Moldova has specific plans to develop a new Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance for 2026-2028. However, as part of the relevant EU accession negotiations, the process of aligning its legislation with the European Union acquis is ongoing, including in the area of anti-racism. This may require the development of a strategic document specifically targeting racism and racial discrimination.

191. https://www.gov.me/clanak/koordinaciono-tijelo-nastavlja-rad-na-unapredenju-polozaja-roma-i-egipcana-u-crnoj-gori

UKRAINE

There are currently no plans for a dedicated action plan against racism in Ukraine. While various existing strategies incorporate elements of anti-discrimination, a comprehensive and focused action plan addressing racism in all its forms is lacking. This results in fragmented efforts to combat racism, and the absence of a coordinated approach diminishes the potential for significant impact. The need for such a plan has been emphasised recently in the context of the EU accession negotiations process.

Main gaps

ALBANIA

In Albania, current policies may not offer equal protection to all ethnic or racial groups, particularly those that are less visible or numerically smaller within Albania. This uneven protection can make some groups more vulnerable to discrimination and exclusion. The strategies in place do not account for the collection and use of equality data, leading to a significant gap in comprehensive, disaggregated data by racial or ethnic origin. Without reliable data, it is difficult to assess the scale of discrimination, tailor interventions effectively, and measure progress. Additionally, there is no data on the monitoring and evaluation of activities aimed at combatting racism and racial discrimination, nor on their outcomes. Although the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians (2021-2025) includes several indicators, the approach to monitoring is reported to be somewhat unrealistic. Many of the bodies responsible for combatting racism, such as the Commissioner for Protection from Discrimination, may lack resources, including personnel, funding, and training, to carry out their duties effectively. This limitation hinders the scope and sustainability of anti-racism efforts.

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina's institutions face significant challenges and gaps in effectively preventing racism. According to interview feedback, there is a fundamental lack of understanding of racial discrimination and racism among relevant institutions, which hinders their ability to recognise and address discriminatory practices. Inadequate funding also poses serious obstacles, limiting resources for implementing anti-racism measures and initiatives. Furthermore, the absence of comprehensive data on racial discrimination complicates efforts to assess the scope of the problem and develop targeted interventions. There is also a lack of effective coordination among relevant stakeholders, including governmental bodies, civil society organisations, and community groups, which impedes collective action and collaboration in combatting racism. Addressing these gaps will require concerted efforts to raise awareness about racism and racial discrimination.

KOSOVO

Focused attention and concerted efforts will be required in Kosovo to address significant challenges and gaps in combatting racism. Building the institutional capacity needed in this respect includes strengthening the functioning of the Office of Good Governance, which has an extended mandate concerning the coordination and monitoring of policies but is limited by human and financial resources. Regarding intersectional discrimination, although individuals may experience discrimination based on multiple intersecting factors, such as 'race', gender, ethnicity, religion, or disability, the concept is not defined in the Law on Protection from Discrimination. Furthermore, public awareness and understanding of racism appear to be lacking. Educational initiatives and awareness campaigns are needed to challenge stereotypes and hate speech, promote understanding, and foster empathy among the population.

MONTENEGRO

Although there is formal support from institutions and stakeholders, combating racism does not appear to be a top priority on Montenegro's political and social agenda. This lack of prioritisation is evident in the challenges associated with existing strategies and policies, particularly in their effective implementation. These challenges include, among other issues, insufficient allocation of resources, inadequate training of personnel, and bureaucratic obstacles.

Furthermore, public awareness and engagement on the importance of addressing racism and promoting inclusivity remain limited among the general population. In some cases, active resistance to equality has also been reported. At the same time, there is a lack of readily accessible information regarding Montenegro's specific plans and strategies for combating racism. Greater transparency in initiatives and progress reports is essential to ensure accountability and effective policymaking.

Systematic data collection should also become an integral part of these efforts. Additionally, adopting an intersectional approach to addressing racism would be critical to ensuring the needs and experiences of specific disadvantaged groups are not overlooked. A failure to implement such an approach could result in neglecting these groups' unique challenges.

NORTH MACEDONIA

In the domestic legislation, there appears to be an overlap in responsibilities between the Secretariat for the Implementation of the Ohrid Framework Agreement and the Agency for the Realisation of the Rights of Members of Communities regarding issues affecting communities that constitute less than 20% of the population. More broadly, there is a pressing need for a clear definition of tasks and improved coordination among the responsible and implementing stakeholders. This is particularly important for the Commission for the Prevention and Protection against Discrimination, the Agency, and the Ministry of Political System and Inter-Ethnic Relations. Their collaboration is essential in areas such as further developing the legal framework, conducting joint research, and raising public awareness about ethnic discrimination.

Additionally, it is necessary to clarify which institution government bodies, such as Ministries and agencies, should report to regarding the implementation of measures for 'small communities'. In this context, the role of the Agency warrants further consideration, as it is perceived by these communities as a more visible and representative institution compared to the Secretariat.

On another note, it can be observed that governmental policymaking bodies often fail to give adequate attention to addressing discrimination based on racial or ethnic origin, to upholding the principle of non-discrimination, and to integrating this principle into existing policies. This is frequently due to conflating such efforts with the principle of equitable representation in public sector employment. The Ombudsman's responsibilities include safeguarding the principles of non-discrimination and equitable representation. However, there is insufficient coordination between the Ombudsman, the Ministry, and the Agency, particularly in the use and sharing of relevant information and data. This lack of coordination can be partly attributed to the absence of any formalised mechanisms to facilitate such collaboration.

Institutional cooperation could be further improved between the Ministry, the Agency, and local self-government units in implementing the goals of the Framework Agreement. In this context, the Ministry of Local Self-Government should enhance its capacity for data collection, particularly in relation to equitable representation. Additionally, there is a need for local Commissions on inter-community relations to implement concrete activities. Matters of importance to local communities should also be given greater consideration in the decision-making processes of Municipal Councils to ensure the rights and equitable representation of all communities are upheld.

To establish an effective system for preventing and combatting ethnic discrimination, North Macedonia must develop an advanced system for data collection, organisation, and sharing. Currently, it has been reported that institutions do not maintain high-quality databases, nor is there sufficient data exchange between them. The Commission for the Prevention and Protection against Discrimination is legally mandated to create a database on discrimination. However, it remains unclear whether this database should integrate data held by the Ombudsman, courts, local government authorities, inspectorates, regulatory bodies, and other institutions. An integrated database would provide a comprehensive overview of the situation regarding discrimination and enable systematic responses to address it at all levels. At present, the Commission lacks both the financial resources and the necessary expertise to undertake this task. Furthermore, the State Statistical Office should take on a more significant role in collecting and analysing disaggregated data, including by racial or ethnic origin, and in developing indicators to monitor discrimination effectively.

SERBIA

In Serbia, the implementation of anti-racism policies and measures needs to be strengthened at both the administrative and judicial levels. At the administrative level, a key challenge is the lack of awareness among public authorities regarding racial discrimination and racism. Additionally, there is a need for increased funding

and improved coordination in implementing strategic policy documents. This requires effective coordination bodies and the active involvement of diverse anti-racism stakeholders. At the judicial level, addressing racism and racial discrimination necessitates enhancing relevant capacities, particularly in relation to hate crimes and hate speech. Efforts to improve the collection of equality data should also be prioritised, alongside the introduction of human rights indicators by administrative bodies responsible for anti-racism policies and measures. Finally, issues of structural and intersectional discrimination should be explicitly addressed to ensure a more comprehensive approach to combatting racism.

GEORGIA

A significant gap identified in Georgia is the absence of a dedicated anti-racism strategy or action plan. While existing legislation prohibits racial discrimination and hate crimes, the lack of a targeted approach undermines efforts to effectively address systemic racism and discrimination.

Although Georgia has made progress in aligning its legislation with EU standards and engaging with international treaty bodies, deficiencies remain in addressing all aspects of racial discrimination. In particular, gaps exist in tackling structural racism, unconscious bias, and institutional discrimination, all of which require more comprehensive strategies. Furthermore, there is a notable lack of established coordination mechanisms or designated authorities to address racial discrimination. This absence hampers cohesive action and collaboration across government bodies, resulting in fragmented approaches to combatting racism. While some efforts have been made to produce statistics on hate crimes and assess data availability, there is still no comprehensive mapping of data sources related to racial or ethnic origin. This limitation hinders informed policymaking and prevents an accurate evaluation of the prevalence and impact of racial discrimination.

Although racism is recognised as a societal issue, Georgia faces a significant gap in the allocation of specific funds for anti-racism initiatives. The absence of targeted budget lines is linked to the lack of dedicated policy documents. As a result, all activities are incorporated into broader anti-discrimination measures, making it challenging to quantify the resources allocated or spent specifically on anti-racism efforts. Georgia also encounters difficulties in implementing effective oversight and reporting mechanisms to track progress in its anti-racism initiatives. The absence of robust systems for monitoring and evaluating these efforts hampers the ability to assess their effectiveness, identify shortcomings, and allocate resources strategically. This lack of oversight is further compounded by the absence of targeted anti-racism policies.

There is also a notable absence of formal mechanisms for public consultation and engagement with affected communities in the development of anti-racism policies. Meaningful participation of impacted groups is crucial for ensuring that policy measures are responsive and effective. Another significant gap in Georgia's approach to combatting racism is the lack of comprehensive visibility and awareness-raising initiatives. No targeted initiatives or activities are dedicated specifically to anti-racism issues. As a result, governmental agencies have not organised visibility initiatives on anti-discrimination, and this lack of focus means that racism is not being addressed adequately.

THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, several existing institutions, such as the Ministry of Education and Research, the Agency for Interethnic Relations, and the Equality Council, have roles that could be considered relevant to addressing issues of racism and racial discrimination. However, none of these bodies is specifically dedicated to tackling these issues. Despite its significant role in the integration of national minorities, the Agency for Interethnic Relations lacks the authority to develop public policies directly. This limitation stems from a previous government reform that restricts policymaking powers to Ministries. It would be beneficial to ensure the institutional and budgetary independence of the Agency for Interethnic Relations, as well as to provide effective mechanisms for submitting proposals to develop, adjust, or modify public policies within its area of intervention. Additionally, mechanisms for monitoring the implementation of these policies should be established.

Despite the existence of several strategic policy documents, the Republic of Moldova lacks an overarching document specifically focused on combatting racism and racial discrimination. While related objectives are addressed within other policy frameworks, the absence of a unified, overarching strategy highlights a gap in its approach to effectively combating racism. To date, no steps have been taken to develop such a document. The drafting of an action plan, based on the EU Anti-Racism Action Plan, would be a welcome initiative. It would help identify current gaps at various levels, such as in quality data collection, legislation, and specific sectors like health, education, law enforcement, the private sector, and new technologies, including artificial

intelligence. The action plan could also include an in-depth assessment of the roles of the Agency for Interethnic Relations, the Ministry of Education and Research, and the Equality Council in preventing and combatting racism and racial discrimination, along with recommendations for improvements in line with EU acquis and best practices. Similarly, the development of such a plan could prioritise data collection in line with EU standards.

While existing policy documents outline initiatives and actions to support ethnic minorities and combat racism and racial discrimination, the funding allocated for their implementation appears to be insufficient, given the scope of the challenges. Moreover, the lack of both human and financial resources within the institutions tasked with executing these policies further hinders their capacity to effectively fulfil their mandates. As a result, a more substantial investment in resources and funding is necessary to achieve the goals outlined in these policy documents and ensure meaningful progress. Improvements are also needed in the mechanisms for monitoring the implementation of the current relevant public policy documents. Despite these constraints, the Agency for Interethnic Relations is regarded as the appropriate body to take the lead in monitoring these processes. This includes adopting a more active role in addressing bias-motivated crimes and hate speech against national minorities, an area that has largely been overlooked thus far. The implementation of three key policy documents has often been characterised by a lack of coordination at the local level.

Racism and its various forms are not comprehensively defined in domestic law. The existing definitions may only partially capture the full range of racist manifestations, leading to inconsistencies in identifying and addressing such issues. This lack of clarity can undermine the effectiveness of anti-discrimination measures. While current policy documents show promise in addressing manifestations of structural racism through specific objectives, such as examining historical injustices and reporting instances of discrimination, xenophobia, and segregation, they fall short of adopting an intersectional approach that considers factors like gender, age, and religion. Furthermore, the absence of policies targeting anti-Black and anti-Asian racism, as well as anti-Muslim hatred, highlights a gap in addressing potential demographic shifts and societal changes in the Republic of Moldova. There is, therefore, a pressing need for a more comprehensive and forward-thinking policy approach that accounts for evolving cultural dynamics and ensures the effective protection of all individuals against racism and discrimination. Although a general framework for public consultations exists in draft documents prepared by public entities such as ministries, there is no specific mechanism to ensure direct and active participation from communities most affected by racism and racial discrimination. Establishing a more structured approach to engaging these disadvantaged groups is crucial to ensure their voices are heard. This approach should include proactive outreach, accessible channels for feedback, and partnerships with organisations that have established trust within these communities. Despite the implementation of various educational measures aimed at increasing awareness of discrimination, racism, hate speech, and related issues, significant changes in prejudices and attitudes have yet to be achieved.

The examination of current policies reveals a mixed landscape in terms of data collection concerning racial or ethnic origin in the Republic of Moldova. While some data sources, such as population censuses and administrative registers, have been documented, there are significant gaps in others, including household and victimisation surveys, as well as criminal justice data. The existing infrastructure for data collection, such as the Management Information System in Education and the Electronic Register of Filed Complaints maintained by the Equality Council, demonstrates efforts to monitor and address issues related to racial or ethnic discrimination. However, these efforts are hindered by incomplete data collection and utilisation measures outlined in policy documents, leaving considerable room for improvement.

The 2024 census presents an opportunity to enhance data collection methods, with innovative approaches such as personal interviews aided by mobile electronic devices and inclusive questionnaire design, aimed at capturing a more comprehensive picture of ethnic diversity in the Republic of Moldova. However, to fully address the specific needs of ethnic groups, it is essential to conduct regular ethno-barometer surveys and independent research studies to complement census data and provide nuanced insights into discrimination and minority rights. Therefore, there is a pressing need to comprehensively map out data sources, improve data collection methodologies, and utilise disaggregated data to inform the development and implementation of strategies, policies, and measures to combat racism and racial discrimination.

UKRAINE

The most critical gap in Ukraine is the absence of a comprehensive anti-racism strategy. Existing measures are dispersed across various policies and lack the coherence and focus of a dedicated strategy. This fragmentation leads to inefficiencies and diminishes the overall effectiveness of anti-racism efforts in Ukraine. The situation is further exacerbated by the lack of ongoing coordination and assessment of progress. Several of these issues,

as well as legislative gaps, are addressed in draft laws currently pending before the Ukrainian Parliament. Implementation gaps also arise from the lack of follow-up on action plans and strategies that periodically include provisions to address racism and xenophobia. Additionally, there is a lack of data collection and analysis concerning manifestations of racism and xenophobia (such as hate crime and hate speech monitoring mechanisms). The absence of a strategic approach that would define the issues at stake, identify goals and priorities, and assign responsibilities for achieving strategic objectives is another significant challenge. Furthermore, the inadequacy of data on racial and ethnic discrimination is a major concern, as it hinders the ability to understand the full extent of the problem, track progress, and make informed policy decisions. Current data collection methods are outdated and do not provide the necessary detail to inform targeted interventions.

Funding and resources for anti-racism measures are also severely limited. The ongoing Russian war of aggression against Ukraine has strained public sector finances, resulting in significant shortages. Many anti-racism initiatives are underfunded, and there is little provision for additional human and financial resources. This lack of funding impedes the development and implementation of effective measures. Awareness of and prioritisation for anti-racism among State officials remain low, which leads to insufficient implementation of existing policies and a lack of new initiatives. Training programmes are necessary to improve understanding and foster greater commitment to anti-racism among public officials.

3. Conclusions and recommendations

Responsible authorities/mechanisms at the domestic/central level

Racism and racial discrimination are not explicitly addressed by a dedicated authority, established mechanism, central coordinating body, or focal point in any of the Beneficiaries. Instead, efforts are integrated into various authorities, existing institutions, and processes, without specific focal points or structured frameworks to address these issues comprehensively. While existing institutions and mechanisms play important roles, there is a clear need for enhanced coordination, consultation, and advisory support to address racism and racial discrimination effectively. Responsibilities are often distributed across various bodies, primarily focused on broader issues related to discrimination against disadvantaged groups, particularly ethnic or racial minorities. At the same time, the capacity of these bodies to focus solely on racism and racial discrimination is often limited due to their broad mandates. This can result in challenges in prioritising and effectively addressing racism-related incidents.

In the majority of Beneficiaries, there is no formal consultative or advisory mechanism to support the work of bodies addressing racism and racial discrimination. However, in Bosnia and Herzegovina and the Republic of Moldova, as well as in Ukraine, consultative bodies or working groups have been established within governmental or legislative structures to address the needs of specific groups facing discrimination, including racial discrimination, such as national minorities or Roma. In Kosovo, the Office of Good Governance advises on human rights topics, including anti-discrimination, and is considered the main coordinating body for anti-racism strategies and policies, although its focus is largely on monitoring. The Ombudsperson plays a key role in most Beneficiaries, serving as an important institution in combating racism and discrimination. Indicative of the need to address racism and deeply rooted prejudice, bias, and stereotypes from early childhood, Ministries of Education play a central role in addressing racial discrimination in Albania, Bosnia and Herzegovina, and Montenegro. In the Republic of Moldova, several institutions are responsible for formulating policies to combat discrimination, including racial discrimination, such as the Ministry of Justice, Ministry of Education and Research (Policy Unit for Interethnic Relations), Ministry of Internal Affairs, Ministry of Labour and Social Protection, and Ministry of Health. The Ministry of Education and Research primarily addresses racism and racial discrimination in the education sector. The enforcement of legislation and policies in this area is managed at domestic level falls under the mandates of the General Prosecutor's Office, Equality Council, Ombudsman Office, Audiovisual Council, Agency for Interethnic Relations, depending on the specific case.

Recommendation:

A dedicated government coordinating body or other similar mechanism for coordination and cooperation among relevant stakeholders on strategies, policies, and measures targeting racism and racial discrimination is needed across all Beneficiaries. Such a mechanism would intensify and optimise anti-racism efforts at both the policymaking and implementation levels. Continuous engagement with a formal consultative or advisory mechanism to support entities addressing racism and racial discrimination would significantly reinforce these efforts.

Additionally, steps should be taken to prevent overlap and fragmentation of competences and responsibilities across various government agencies and other entities, ensuring clearer regulation of roles. The capacity and independence of these entities – where relevant – should also be strengthened. Establishing an organised system could greatly facilitate the drafting and implementation of a comprehensive national action plan against racism.

Legislative framework

The protection of human rights and the prohibition of discrimination on the grounds of racial origin are enshrined in the Constitutions of the reported Beneficiaries. These constitutional provisions can be regarded as the cornerstone of anti-discrimination efforts. They are further supplemented in all Beneficiaries by specific anti-discrimination laws that address discrimination on the grounds of racial origin, with the exception of the Republic of Moldova. In Moldova, Law 121/2012 on Ensuring Equality specifies protected grounds, including 'race'. Provisions aimed at combatting racism and racial discrimination are also embedded within other primary or secondary legislation, covering areas such as the rights of minority groups or communities, education, social protection, employment, and media. Additionally, racially motivated hate crimes and hate speech are regulated under the Criminal Codes of the respective Beneficiaries.

The enforcement of the legislative framework requires significant improvements across all reported Beneficiaries. Despite progress in anti-discrimination legislation, including provisions addressing discrimination on the grounds of 'race', the proper implementation and enforcement of the existing framework remain inadequate in the reported Beneficiaries.

Recommendation:

Racism and racial discrimination should be recognised among the Beneficiaries as enduring societal issues with harmful effects on respect for fundamental rights, inclusive processes, and socio-economic cohesion. Amendments to relevant legislation, alongside the development of robust accountability and evaluation frameworks, should be further embedded locally to align with European and international standards. This alignment would strengthen efforts to prevent and combat racism and racial discrimination more effectively at both institutional and societal levels, including from an intersectional perspective. Legislative amendments should include a clear definition of racism and racial discrimination, recognition of the various forms of racism, including structural racism, and the importance of an intersectional approach to addressing them.

Prioritising effective enforcement mechanisms is essential to ensuring that current and future anti-discrimination legislation serves as a powerful tool for combatting racism and implementing relevant policies and measures under a cohesive, unified framework.

Compliance of the legal framework with EU legislation

In the majority of Beneficiaries, the legal framework on anti-discrimination demonstrates compliance with EU legislation[192], albeit not always effectively implemented. In Serbia, however, further work is required to fully align the Law on the Prohibition of Discrimination with the EU acquis, particularly Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation, as well as with broader European standards. Additionally, the provisions of the Criminal Code relating to the prohibition and punishment of racially motivated criminal acts remain to be harmonised with the acquis[193]. In Ukraine, the legal framework is partially aligned with Directive 2000/43/EC, but further improvements are needed in areas such as legal remedies, the rights of victims of racist and xenophobic acts, and the promotion of equal treatment. Regarding alignment with the Council Framework Decision 2008/913/JHA, the list of protected characteristics[194] notably omits national origin and descent.

Domestic legislation is also not aligned with Directive 2012/29/EU, which establishes minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive). The legislation fails to provide

192 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, Council Framework Decision 2008/913/JHA of 28 November 2008 on combatting certain forms and expressions of racism and xenophobia by means of criminal law, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

193. COMMISSION STAFF WORKING DOCUMENT Serbia 2023 Report

194. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913

for minimum standards or an individual needs assessment, particularly for victims of racist and xenophobic crimes. In Bosnia and Herzegovina[195], significant reforms are still needed to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of 'two schools under one roof'. The 2009 law on the prohibition of discrimination, which aims at full alignment with the EU acquis, is still not applied effectively[196]. In Kosovo[197], further action is needed on long-standing issues, such as lack of equal access to education and employment, non-compliance with language requirements, and low representation in public institutions, including for the Roma and Ashkali communities. In Montenegro[198], special attention should be given to promoting non-discrimination overall. The situation regarding hate speech remains problematic in the Republic of Moldova, as hate speech itself is not criminalised, but incitement to hatred is[199].

Although legislation on protection from discrimination in the Beneficiaries is broadly in line with European and international standards, challenges remain in terms of effective implementation and enforcement of these laws, particularly in a more systematic manner. A lack of the required institutional capacity contributes to these inconsistencies.

Recommendation:

Compliance of the legal framework with EU legislation should be further pursued to ensure that fundamental rights are upheld, and that measures are put in place to guarantee the right to non-discrimination, equal treatment, and equality for all, as enshrined in the EU Charter of Fundamental Rights and other EU legal instruments. Beneficiaries are further encouraged to continue their efforts to fully align their legislation with EU standards, as well as with the Council of Europe/ECRI and CM standards, and to actively engage with international treaty bodies to ensure more effective protection against racism and racial discrimination in particular.

Recommendations by United Nations, Council of Europe and OSCE expert bodies

Central-level authorities have made efforts to take into account relevant recommendations from international treaties and expert bodies to address racial discrimination in line with international standards. They have followed up on recommendations provided by the UN Committee on the Elimination of Racial Discrimination and other relevant UN human rights treaty bodies and special procedures of the UN Human Rights Council (HRC). They have broadly made efforts to follow up on recommendations and guidance provided by EU institutions in the framework of reporting on progress in accession negotiations, as well as by other, international or regional organisations and their respective bodies, including the Council of Europe's European Commission against Racism and Intolerance and the OSCE Office for Democratic Institutions and Human Rights.

Kosovo, still not being a member of the United Nations and the Council of Europe, and not a signatory to the aforementioned Conventions regulated through membership of these organisations, is subject to a specific monitoring arrangement in accordance with a 2004 Agreement between the United Nations Interim Administration Mission in Kosovo and the Council of Europe, including in relation to the Framework Convention for the Protection of National Minorities. The Strategy for the Advancement of the Rights of the Roma and Ashkali Communities in Kosovo (2022-2026), which encompasses most of the policy measures related to racism and racial discrimination, has mapped out and considered recommendations and other content from the Framework Convention.

Recommendation:

Authorities should systematically continue their efforts to follow up on and comply with recommendations provided by the UN Committee on the Elimination of Racial Discrimination and other relevant UN human rights treaty bodies and special procedures of the UN Human Rights Council, and also follow up on recommendations and guidance provided by EU institutions and other international or regional organisations, including the Council of Europe's European Commission against Racism and Intolerance and the OSCE Office for Democratic Institutions and Human Rights.

195. Key findings of the 2023 Report on Bosnia and Herzegovina
196. COMMISSION STAFF WORKING DOCUMENT Bosnia and Herzegovina 2023 Report
197. Key findings of the 2023 Report on Kosovo
198. Key findings of the 2023 Report on Montenegro
199. COMMISSION STAFF WORKING DOCUMENT Republic of Moldova 2023 Report

Policy measures

The majority of Beneficiaries reported do not have a comprehensive central-level strategy or policy exclusively addressing racism and racial discrimination, but instead have integrated measures to combat racism and racial discrimination as part of broader central-level human rights action plans, strategies, or other relevant instruments. In the Republic of Moldova, the Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance to Combat Racism, Anti-Semitism, Xenophobia, and Other Forms of Intolerance (2021-2024), addresses issues related to anti-Semitism. Focusing specifically on discrimination, North Macedonia's Strategy for Equality and Non-Discrimination (2022-2026) explicitly addresses discrimination on the grounds of 'race', skin colour, and ethnic origin. Measures against racial discrimination are also included in the framework of the Strategic Plan of the Commissioner for Protection from Discrimination (2022-2026) in Albania and the Strategy for Prevention and Protection against Discrimination (2022-2030) in Serbia. Within the framework of their strategies, action plans, or other instruments, the majority of Beneficiaries address racial discrimination against Roma or ethnic minorities residing in their territories. However, there is a broader need for further understanding of racism in the Western Balkans and among Beneficiaries in the Eastern Partnership region.

Table 1: Racism against different people/groups addressed in strategies/policies/measures dealing with racism and racial discrimination

	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Georgia	The Republic of Moldova	Ukraine
anti-Black racism		x	x		x				
Antigypsyism	x	x	x	x	x	x		x	x
anti-Semitism		x						x	x
anti-Muslim racism		x			x				
anti-migrant racism									
anti-Asian racism									

Recommendation:

The importance of addressing racism and racial discrimination should be explicitly reflected in the development and implementation of a comprehensive anti-racism action plan or strategy, or in clearly defined integrated measures to combat racism and racial discrimination as an integral part of broader central-level human rights action plans or other relevant instruments. Prioritising targeted anti-racism measures can help mitigate challenges within existing strategies and policies regarding overlap of responsibilities and fragmentation of activities, offering a comprehensive response to effectively tackle racism. Efforts to implement the existing policy frameworks would then need to be intensified, in a more systematic and sustainable manner, incorporating, among other things, enhanced institutional capacity, the establishment of a dedicated coordination body or the appointment of a central-level anti-racism coordinator, increased budgeting, quality collection of disaggregated data, and the capacity to monitor and evaluate implementation.

Further to the above, Beneficiaries are encouraged to include targeted measures in their strategies or action plans, tailored to their domestic contexts, to prevent and address specific forms of racism and racial discrimination. These may include, but are not limited to, anti-Black racism, antigypsyism, antisemitism, anti-migrant racism, anti-Asian racism, and forms of discrimination linked to religion or belief, such as anti-Muslim hatred[200].

Actors' involvement

Several actors have been involved in the development and implementation of policies and measures aimed at addressing racism and racial discrimination within the framework of general central-level human rights

200. Idem.

action plans or other relevant strategies in the reported Beneficiaries. These actors primarily include competent Ministries or public agencies/institutions, the Ombudsperson (Albania, Bosnia and Herzegovina, the Republic of Moldova, and Ukraine), local authorities (Albania, Ukraine), local governments (Bosnia and Herzegovina, Kosovo, North Macedonia), as well as civil society organisations (Kosovo, Montenegro). These actors have played a role in tailoring anti-discrimination policies to meet the specific needs of minority communities. However, groups or communities directly affected by racism have been inadequately involved in the consultation processes, mainly through representation by civil society organisations (Albania, Serbia, the Republic of Moldova, Ukraine).

In Kosovo, consultations were held with representatives of the Roma and Ashkali communities, including the participation of children from their communities, during the drafting of the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities (2022-2026). In the Republic of Moldova, Roma, Gagauzian, and Jewish representatives were included in the inter-institutional working group responsible for the implementation and monitoring of the Action Plan for the Strategy for Strengthening Interethnic Relations. Additionally, key actors such as the Commissioner for the Protection from Discrimination (Albania), the Gender Equality Agency (Bosnia and Herzegovina), and the Commissioner for the Protection of Equality (Serbia) have played important roles in their respective Beneficiaries. The European Union has provided guidance, support, and oversight through the EU accession processes, ensuring alignment with EU standards on anti-discrimination. At the same time, the Council of Europe has offered expertise and support through its various commissions and provided guidance through the monitoring work of the European Commission against Racism and Intolerance.

Despite the involvement of multiple actors, there is no established mechanism for cooperation and coordination among them in the development of strategies, policies, or measures to address racism and racial discrimination.

Recommendation:

Identifying key partners and stakeholders in the fight against racism and racial discrimination, and clearly defining their responsibilities at the central, regional, and local levels, should be prioritised. This should be accompanied by creating space for consultations -especially public ones - to facilitate effective cooperation, encourage synergies, and foster a participatory approach that goes beyond institutional stakeholders. Ensuring the meaningful participation of groups or communities affected by racism is essential to guarantee the responsiveness and effectiveness of policy measures. Consulting with victims of racial violence, hate speech, or discrimination, when appropriate, should also be considered. Competent authorities, as well as equality bodies, Ombudspersons, and other independent agencies, should be more actively engaged, with an emphasis on enhancing the involvement of civil society organisations representing racial or ethnic minorities or other disadvantaged groups. Additionally, fostering effective synergies with relevant monitoring mechanisms at both the Beneficiary and European Union levels should be pursued.

Scope of measures

The scope of measures in the strategies and action plans of the Beneficiaries covers the areas of: access to goods and services (Albania, the Republic of Moldova, North Macedonia), equal access to justice (Albania, North Macedonia), housing (Albania, Kosovo, Montenegro, Serbia, the Republic of Moldova, Ukraine), health (Albania, Kosovo, Montenegro, North Macedonia, Serbia, the Republic of Moldova, Ukraine), education (Albania, Kosovo, Montenegro, North Macedonia, Serbia, the Republic of Moldova, Ukraine), employment (Albania, Kosovo, Montenegro, Serbia, Ukraine), hate crime (Ukraine), law enforcement (Ukraine), and social protection (Albania, Kosovo, Montenegro, Serbia, the Republic of Moldova, Ukraine). In only a few cases are the measures directly related to addressing racism and racial discrimination, such as access to legal aid for victims of racial discrimination (Albania), raising awareness among public officials about racism and discrimination against the Roma and Ashkali communities (Kosovo), and awareness-raising in education (for teachers and students) and police forces (including on racial profiling) (North Macedonia). Some other provisions may, in certain cases (Montenegro, Serbia, Ukraine), be considered declarative as they are not linked to specific measures. At the same time, the absence of a comprehensive anti-racism strategy or related action plan limits the scope of their application. This absence is a general concern for all the Beneficiaries reported.

Table 2: Areas covered in strategies/policies/measures to deal with racism and racial discrimination

	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Georgia	The Republic of Moldova	Ukraine
education	x		x	x	x	x	x	x	x
employment	x		x	x	x	x	x	x	x
health	x	x	x	x	x	x	x	x	x
housing	x	x	x	x	x	x	x	x	x
social protection	x	x	x	x	x	x	x	x	x
access to goods and services		x	x	x	x		x	x	
law enforcement			x	x	x	x	x		x
integration and migration	x		x	x	x	x			x
hate crime		x	x	x	x	x	x		x
hate speech (including online)	x	x	x		x	x			x
risks posed by new technologies (incl.AI)									
unlawful profiling by law enforcement authorities		x			x				
fighting stereotypes and prejudice		x	x	x	x	x	x	x	x
slavery and colonialism					x	x			

Recommendation:

Anti-discrimination legislation, including measures against racial discrimination, as well as relevant policies and initiatives, should aim to cover civil, political, social, and other rights across various areas of life, such as health, housing, employment, education, social protection, the role of law enforcement, and new technologies. To this end, it is essential that the general anti-discrimination legal framework aligns with legislation in these different areas of life, in order to avoid inconsistencies that could lead to partial or non-implementation of anti-discrimination or anti-racism laws, policies, and measures. A detailed analysis of the legal adaptations, both in terms of primary and secondary legislation, could potentially be initiated in the Beneficiaries.

Addressing structural racism and intersecting inequalities

Overall, legislation, policies, and strategies tend to overlook structural racism, which is neither explicitly mentioned nor addressed. It is only in Kosovo that a concrete measure to tackle structural racism has been adopted. The Strategy for the Advancement of the Rights of the Roma and Ashkali Communities (2022-2026) includes the development of the National Platform for Protection from Discrimination for Roma, Ashkali, and Egyptian communities. This platform aims to address cases of direct, indirect, and multiple discrimination, as well as other forms of discrimination against these communities, and to facilitate the reporting of such cases. In Serbia, the Strategy for Prevention and Protection against Discrimination for the Period (2022–2030) acknowledges the need to tackle structural racism. In Albania, however, it is reported that there is a general perception that structural racism does not exist. According to the information provided in the report for Bosnia and Herzegovina, structural racism manifests in various ways, including unequal access to resources and opportunities, differential treatment by institutions, systemic biases in decision-making processes, and the persistence of harmful stereotypes. Long-standing racial discrimination in education, particularly against disadvantaged groups such as ethnic minorities, Roma, migrant children, and returnees, is reported to be prevalent and deeply entrenched. Despite the presence of legislative and strategic documents prohibiting discriminatory acts on any grounds, there is still a lack of political will to dismantle structural discrimination.

In Montenegro, structural racism is said to often manifest in subtle yet pervasive ways, such as unequal access to employment opportunities, educational resources, healthcare services, and political representation, based on ethnic background.

Regarding intersectional discrimination, it has been acknowledged in the legislation of Bosnia and Herzegovina and North Macedonia, and has been considered - though not always in a consistent or comprehensive manner - in the strategies, policies, and measures of Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia. It remains unclear whether all grounds of discrimination, including racial or ethnic origin and colour, have been included in the intersectional approach intended for the implementation of measures, activities, and so on.

Structural barriers and intersectional discrimination continue to potentially hinder the enjoyment of human rights, socio-economic development, and the full participation in society of disadvantaged groups in the Beneficiaries reported.

Recommendation:

Given the complex socioeconomic dynamics and growing cultural diversity within the societies of the Beneficiaries, it is increasingly important that structural racism is both acknowledged and firmly incorporated into the framework of anti-racism legislation, policies, and measures in order to be effectively addressed. Furthermore, mainstreaming and applying an intersectional approach, recognising the need to tailor measures to different groups and individuals to tackle intersecting inequalities[201], is crucial. Consequently, concerted efforts are required to raise awareness of structural racism and intersectional discrimination, not only among public officials – encompassing government, the judiciary, and parliament – but also among the general public.

Equality and other data collection

It appears that authorities in the reported Beneficiaries rarely collect and use equality data disaggregated by racial or ethnic origin to support evidence-based policymaking. In general, there are no comprehensive and systematic data collection exercises at the official level, apart from censuses. While the collection of various types of data, at least at a declarative level, is anticipated within the framework of implementing strategies, action plans, and policies, it remains limited. In Kosovo and Montenegro, the authorities collect general data, while in Albania, some disaggregated data is collected in the areas of education, housing, and health.

A step towards collecting disaggregated data can be seen in the 2020 Memorandum of Understanding signed between the Ombudsperson Institution and the Kosovo Agency of Statistics. This agreement focuses on the *collection, analysis, sharing, and publication of data relevant to the identified indicators, disaggregated by protected grounds of discrimination prohibited by the Constitution and laws of the Republic of Kosovo, as well as by international human rights law, as appropriate*. Similarly, in Georgia, a 2020 four-way cooperation memorandum, supported by the Council of Europe, involves key institutions and the National Statistical Service. The memorandum aims to produce comprehensive statistics for a report on crimes motivated by discrimination and intolerance, and it also includes provisions for data collection disaggregated by racial and ethnic origin.

In Montenegro, data related to the Roma and Egyptian populations are often reported as unreliable, and several improvements in data collection are still needed. The Strategy for Social Inclusion of Roma and Egyptians (2021-2025) includes plans for a further survey among these communities, in collaboration with the Statistical Office of Montenegro, to gather disaggregated data. Similarly, a lack of equality data is reported in Serbia, and the quality of existing data also requires significant improvements. Data disaggregation by racial and/or ethnic origin is not systematically regulated, and only limited data is collected by the authorities. Article 47 of the Constitution, which stipulates that no person shall be obliged to declare their national affiliation, is oftentimes cited as a justification for the lack of data collection in this regard. Despite several relevant recommendations by UN treaty bodies on this issue, implementation remains lacking. Nevertheless, both the Strategy for Prevention and Protection against Discrimination (2022-2030) and the National Strategy for Social Inclusion of Roma Men and Women (2022-2030) prescribe the collection and use of equality data disaggregated by racial and ethnic origin.

201. European Commission, Subgroup on the National Implementation of the EU Anti-racism Action Plan 2020-2025, Common guiding principles for national action plans against racism and racial discrimination, Principle 3.

In the Republic of Moldova, policy documents highlight the enhancement of the data collection and analysis system as a priority action, but they do not specifically outline measures for the collection and use of equality data disaggregated by racial or ethnic origin. Currently, such data is partially collected by the Ministry of Education and Research and the Equality Council. The upcoming 2024 census is expected to provide more comprehensive and transparent data, which will aid in the development of targeted public policies to address the specific needs of ethnic groups. In Ukraine, several studies supported by the Council of Europe have been conducted to identify gaps in data collection on hate crimes, hate speech, and discrimination[202], with separate reports providing relevant recommendations. While State authorities acknowledge the lack of data, no needs assessment has been carried out to support policy development. The Ombudsman collects data disaggregated by protected characteristics, but not by ethnic or racial origin[203]. The National Police, however, collects data on offences related to intolerance and discrimination disaggregated by racial/ethnic origin[204]. Despite this, the overall lack of disaggregated data on equality, combined with the low quality of the existing data and the lack of digitalisation, limits their use. In Georgia, there is no targeted policy specifically addressing racism, and as such, existing data sources on racial or ethnic origin are not explicitly mapped out to inform policy development. However, the available data presents an opportunity for potential utilisation in this regard, underscoring the importance of continued efforts to collect, analyse, and use data to inform anti-racism policies and measures.

Table 3: Type of data or other research evidence that informed or can potentially inform (Georgia) the development of strategies/policies/measures to deal with racism and racial discrimination

	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Georgia	The Republic of Moldova	Ukraine
population censuses	x	x	x	x	x	x	x	x	
administrative registers		x	x	x	x				
household and individual surveys		x	x	x	x		x		
victimisation surveys				x	x				
attitude surveys/ barometer surveys		x		x	x	x	x	x	
complaints data		x	x	x	x	x	x		x
criminal justice data		x	x		x		x		x
data on hate speech		x	x		x				
data on hate crime		x	x		x		x		x
other research					x		x		x
qualitative research studies							x		
CSO data	x	x	x		x	x		x	x
data from international organisations	x	x	x	x	x				x

Recommendation:

Beneficiaries should guide the design of strategies, policies, and measures against racism by building on existing data, findings and guidance, including those provided by human rights bodies and networks such as the EU Agency for Fundamental Rights, ECRI, and Equinet. Significant investment is still needed in mapping out data sources comprehensively, improving data collection methodologies, and effectively using comparable and disaggregated data to inform the formulation and implementation of strategies, policies, and measures aimed at combating racism and racial discrimination in the Beneficiaries. Reliable and robust equality data disaggregated by racial or ethnic origin would greatly contribute to evidence-based and informed policymaking to address racism and racial discrimination.

202. https://rm.coe.int/final-data-collection-report-ukraine-en/16809fac70
203. https://ombudsman.gov.ua/report-2023/
204. Form 1-H of the National Police of Ukraine, categories of disaggregation by the protected characteristic: ethnic origin, race, nationality, political, religious, and other views, disability, SOGI, and antisemitism.

Funding for anti-racism

Currently, there are no dedicated human and financial resources in the Beneficiaries specifically allocated to adequately support administrations and other stakeholders responsible for implementing measures against racism and racial discrimination. Instead, funding and human resources are primarily available for activities related to addressing racism within the framework of integrated measures on combatting discrimination, as part of more general strategies or central-level action plans against discrimination, typically focusing on the protection of national minorities, or other relevant instruments, as seen in the cases of Albania, North Macedonia, Serbia, and the Republic of Moldova.

In Albania, ensuring long-term State funding for strategies that is not dependent on political cycles or changes in government priorities remains a challenge. In Bosnia and Herzegovina, limited funds – primarily from donors and partially from the State budget – are available, but these are not allocated to the Ministry of Human Rights and Refugees; rather, they are directed towards specific initiatives, such as the Action Plan for the Social Inclusion of Roma and Romani Women 2021-2025. Funding for anti-racism efforts in Montenegro is provided through the Fund for the Protection and Realisation of Minority Rights, established by the Parliament to support activities significant for preserving and developing minority communities and their members. In Ukraine, Russian Federation's war of aggression has significantly affected State budget allocations, impacting the funding of strategies, with activities being described as *not requiring additional funding*. A lack of sufficient human and financial resources is explicitly reported by Bosnia and Herzegovina, Montenegro, the Republic of Moldova, and Ukraine.

Recommendation:

In all Beneficiaries, human and financial resources specifically dedicated to anti-racism initiatives should be allocated to the government agencies, institutions, bodies, or other relevant stakeholders responsible for anti-racism policies and measures. Overall, institutional capacity should be planned and developed in a sustainable manner to ensure continuity and cohesion in the design, implementation, and evaluation of anti-racism policies and measures, as well as to enable adequate and timely institutional responses.

Visibility/communication/awareness-raising

In Albania, a public consultation was held in preparation for the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians (2021-2025), although participation was low and there was no follow-up. Challenges in conducting anti-racism activities include ensuring sufficient resources. In North Macedonia, some visibility has been given to the commencement of the Strategy for Equality and Non-Discrimination 2022-2026. In Bosnia and Herzegovina, visibility activities focused on preventing racism and racial discrimination are virtually non-existent within the National Human Rights Institution and other relevant bodies. Efforts generally focus on issues concerning the Roma population, national minorities, general discrimination, and free legal aid. In Serbia, the Ministry of Human and Minority Rights and Social Dialogue publicises information about specific measures aimed at tackling racism and racial discrimination, especially through press releases on the Ministry's website and at public events. In the Republic of Moldova, authorities conduct publicity, communication, and dissemination activities related to measures addressing racism and racial discrimination, aimed at increasing awareness and understanding of the policies and initiatives designed to tackle these issues, reaching both the general public and targeted groups.

Public awareness initiatives on racism and the importance of combatting it have been organised in Kosovo, while in Montenegro, public awareness campaigns and other relevant activities have focused on the importance of anti-racism, inclusivity, and diversity. In Ukraine, awareness-raising initiatives related to non-discrimination have been conducted in collaboration with international organisations and civil society partners. In Bosnia and Herzegovina, very few public awareness campaigns on racism have been initiated, whereas in Montenegro, campaigns have primarily focused on issues related to Roma inclusion. In the Republic of Moldova, Holocaust Remembrance Week annually includes activities aimed at preventing and combatting racism, anti-Semitism, and other forms of intolerance, particularly among young people.

Regarding capacity-building activities, in Albania, authorities report organising such initiatives, particularly in the field of education. In Kosovo, training programmes and capacity-building activities have been implemented to empower individuals and organisations to effectively address racism and discrimination, with a focus on topics such as cultural competency, unconscious bias, and conflict resolution. In the Republic of Moldova, training and capacity-building activities for public officials, Romani communities, civil society organisations,

and teachers have centred on issues related to discrimination against the Roma. Some of these activities were carried out with the support of international organisations such as the Council of Europe and the OSCE.

Specifically in the area of education, Kosovo has integrated anti-racism education into school curricula at all levels to ensure that young people are equipped with the knowledge and skills to recognise and challenge racism. In Montenegro, educational programmes have been developed and implemented across schools, universities, workplaces, and communities to raise awareness about racism, its impact, and ways to combat it.

Despite important progress, continued efforts and cross-sector collaboration are still needed in Kosovo to strengthen measures of visibility, communication, and awareness-raising in the combat against racism, address systemic racism, and promote equality and inclusion. In Montenegro, while relevant stakeholders recognise the importance of visibility, communication, and awareness-raising, the report specifically notes that the effectiveness of some actions has not met expectations. This suggests that Montenegrin society may still not be fully ready to embrace changes related to anti-racism and equality more broadly.

Recommendation:

Raising awareness among both the general public and public officials about inequality, discrimination, racism, hate speech, and hate crime is highly recommended. Such initiatives would encourage open and unbiased public discussions on these topics – including in rural and remote areas – and support the development of effective policies. Prioritising awareness-raising activities in education at all levels is essential, targeting not only children and youth but also education stakeholders such as leadership, teachers, and parents. This is particularly important given the role of education in addressing discrimination and combatting segregation practices within schools. Furthermore, awareness-raising efforts should focus on socioeconomically disadvantaged and racialised individuals or groups, ensuring they are informed about their rights, how to report hate speech and hate crimes, and how to access legal aid.

Capacity-building activities and training for public officials and other relevant stakeholders in non-discrimination and anti-racism – focusing on combatting structural racism, intersectional discrimination, unconscious bias, persistent prejudices, and deep-seated stereotypes – would be invaluable in fostering greater commitment, enhancing policy design and implementation, and promoting sustainably inclusive societies. Training programmes for law enforcement officials should prioritise addressing racial profiling and anti-racism and must be integrated into relevant planning frameworks. Furthermore, training initiatives should include provisions to empower all minority or racialised groups, extending beyond the numerically largest groups in society, to ensure equitable representation and meaningful inclusion.

Comprehensive visibility and communication regarding minority or racialised groups residing within the territories of the Beneficiaries should be promoted to ensure the general public gains accurate, unbiased, and comprehensive information about these groups from official sources.

Additionally, fostering mutual learning between Beneficiaries and encouraging the exchange of practices should be prioritised through study visits and peer-to-peer activities. These initiatives would facilitate the sharing of knowledge and experiences, contributing to the enhancement of anti-racism efforts and the development of more effective policies.

Implementation oversight/progress reporting

Monitoring bodies are not in place in Albania. In Bosnia and Herzegovina, responsible institutions and Ministries are tasked with preparing annual reports on the implementation of strategy, action plans, or other related instruments. In Kosovo, monitoring and assessing the achievement of objectives and the effectiveness of relevant activities are integral to the Strategy for the Inclusion of Roma and Ashkali Communities 2022-2026. This involves local-level participation and includes the preparation of an annual report, with the Office of Good Governance serving as the monitoring body for anti-racism strategies and policies. In Montenegro, the relevant Working Group and the Commission for monitoring and reporting provide annual reports on the implementation of the Strategy for the Social Inclusion of Roma and Egyptians 2021-2025. The Ministry of Justice, Human and Minority Rights holds jurisdiction over the coordination of the entire monitoring, reporting, and evaluation process.

In North Macedonia, there are indicators to measure the results achieved by the measures outlined in the Strategy and its accompanying Action Plan. The central coordination body and the government, based on the annual reports, conduct the monitoring and evaluation of the implementation of these measures. In Serbia,

both the Strategy for the Prevention and Protection against Discrimination 2022-2030 and the National Strategy for Social Inclusion of Roma Men and Women 2022-2030 include provisions for monitoring and reporting on progress made in their implementation. The three key strategic policy documents in the Republic of Moldova require reporting on their development and implementation, with the Ministry of Education and Research entrusted with coordinating and overseeing their progress. In Ukraine, strategies and action plans also include reporting requirements, and reporting is generally based on information provided by implementing entities to the coordinating bodies responsible for the monitoring process.

Findings and conclusions of evaluations were only reported by the Republic of Moldova in relation to the 2017-2020 Action Plan for the implementation of the Strategy for Strengthening Interethnic Relations 2017-2027, while monitoring results are taken into account for the development of subsequent action plans in Ukraine. The use of human rights-based indicators has not been integrated into the monitoring of strategies or action plans in any of the Beneficiaries reported.

In Bosnia and Herzegovina, a significant challenge identified by the entities involved in reporting processes is the lack of comprehensive data and annual assessments covering all groups potentially affected by racial discrimination or other discriminatory practices. In Ukraine, the extent to which evaluation takes place is reported to be unclear, as monitoring is based on information primarily provided by the entities responsible for each strategy or action plan, along with other stakeholders involved. While not explicitly stated, it can be assumed that the situation is similar in the other Beneficiaries, except for Montenegro, where the evaluation of the strategic document will be conducted ex post by external experts.

Recommendation:

The Beneficiaries should shift from a declarative approach to the importance of monitoring and evaluating the implementation of strategies or other policies against racism and racial discrimination, towards either building a solid and realistic monitoring and evaluation framework for the implementation of the measures and actions outlined in the strategies or other policy documents, or implementing the existing frameworks after reviewing their potential efficacy.

It is advisable that an independent monitoring mechanism be designated or appointed to oversee the implementation of strategies or action plans, contribute to their evaluation, and ensure the representation of civil society and community organisations, and, when appropriate, central-level human rights institutions and/or equality bodies. Additionally, designing and using human rights-based indicators to track progress over time and identify implementation gaps should also be considered.

Plans for central-level action plans against racism

None of the Beneficiaries have a central-level action plan against racism and racial discrimination, nor specific plans for the development and implementation of one.

In Albania, challenges in developing such an action plan include ensuring comprehensive coverage of all forms of racism, without overlooking any affected group, securing adequate financial and human resources, and ensuring effective inter-ministerial collaboration and coordination with other relevant entities. In Bosnia and Herzegovina, an anti-discrimination strategy for 2024-2027 is currently under development, which will include obligations for entities and local governments to develop action plans addressing discrimination. In Montenegro, the evaluation of the implementation of the current Strategy, expected in late 2025, will serve as the basis for potentially creating a new strategic document. North Macedonia considers it important to develop separate action plans for different grounds of discrimination, including racial discrimination. The Republic of Moldova is planning the development of a new Action Plan for the Promotion of Holocaust Remembrance and the Culture of Tolerance, aimed at combating racism, anti-Semitism, xenophobia, and other forms of intolerance, for 2026-2028.

Recommendation:

In order to offer a targeted and effective response to racism and racial discrimination, Beneficiaries, particularly within the context of negotiations for EU accession, are strongly encouraged to adopt stand-alone Beneficiary-wide action plans against racism or comprehensive anti-racism strategies. These plans should be tailored to the unique political, cultural, historical, and legal circumstances of each Beneficiary, addressing their specific needs over a determined period. It is crucial that these plans are developed in close cooperation with civil society, equality bodies, and affected communities. The process of designing

and implementing an action plan would help Beneficiaries identify existing gaps, such as in legislation, equality data collection, and specific areas of life.

Ultimately, a Beneficiary-wide action plan against racism would consolidate and replace the fragmented references currently found in various strategies, action plans, or other instruments addressing racism and racial discrimination. This would represent a concrete commitment to combating racism and racial discrimination as part of the conditions for EU membership.

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Annex

Questionnaire[205] on the development and implementation of anti-racism policies and practices in the Beneficiaries involved in the EU accession process

Name of the country:

Name of specific strategy/policies/measures to deal with racism and racial discrimination in your country:

Time frame for their development and implementation:

Designation/ establishment of a dedicated governmental body/ function/focal point

Is there a body/function/focal point tasked to deal with issues relating to racism and racial discrimination in your country?

Please provide details on where it is located within the government structures, its set-up (e.g. at interministerial level), membership, and tasks.

300 characters maximum

205 The development of this questionnaire was based on the 2023 publication European Commission, Justice and Consumers, Subgroup on the National Implementation of the EU Anti-racism Action Plan 2020–2025, *Supporting the Development, Implementation and Monitoring of National Action Plans against Racism: Checklist and Reporting Tool.*

Designation/ establishment of a cooperation and coordination mechanism

Is there a mechanism for cooperation and coordination between relevant stakeholders for the development of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide details on its set-up, membership, and tasks; indicate the ways of working (i.e. frequency of meetings, modes of operation, decision-making processes, etc.); whether and how people impacted by racism or racial and ethnic discrimination are included as members or contribute to its work.

200 characters maximum

Is continuous cooperation between different areas and levels of administration/governance ensured by a coordination mechanism or by any other relevant body, e.g. in cross-government and/or inter-institutional working groups?

Please describe how continuous consultation is ensured (i.e. frequency of meetings, forms of consultation, etc.) and specifically indicate whether and how people impacted by racism or racial/ethnic discrimination are included as members or contribute to its work.

200 characters maximum

Designation/establishment of a consultative/advisory mechanism

Is there a consultative/ advisory mechanism set up to inform and support the work of the body/ function/ focal point responsible for issues relating to racism and racial discrimination in your country?

Please provide details on its set-up, membership, and task; indicate the ways of working (i.e. frequency ofmeetings, modes of operation, decision-making processes, etc); whether and how people impacted by racism or racial/ethnic discrimination are included as members or contribute to its work.

200 characters maximum

Is continuous engagement with the advisory/consultative mechanism ensured?

Please indicate how continuous consultation takes place (i.e. frequency of meetings, modes of consultation, etc.), but also whether and how people impacted by racism or racial/ethnic discrimination are included as members or contribute to its work.

200 characters maximum

Existing laws and policy measures as well as relevant recommendations by treaty and expert bodies

Is there national legislation on anti-racism?

Please provide specific and detailed information on the relevant legal and regulatory framework.

1000 characters maximum

Is there compliance of the legal framework on anti-racism with the EU legislation?

Please provide detailed information.

500 characters maximum

Are there specific policies and measures on anti-racism in your country?

Please provide specific and detailed information.

1000 characters maximum

Is there a strategy on anti-racism?

Please provide specific and detailed information.

1000 characters maximum

Have synergies been identified with other relevant strategies/measures/policies action plans at national, regional or local level?

Please provide details.

600 characters maximum

Have relevant EU frameworks and strategies been mapped out and considered in the planning, development and/or implementation of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide detailed information.

600 characters maximum

Have relevant recommendations by international treaty and expert bodies (i.e. the Committee on the Elimination of Racial Discrimination (CERD), the European Commission against Racism and Intolerance (ECRI), etc.) been mapped out and considered?

Please provide detailed information.

600 characters maximum

Mapping of relevant public institutions/bodies/ stakeholders

Have relevant institutional structures/actors, public bodies, national human rights bodies[2206] and other relevant stakeholders been mapped out with the aim of their being involved in the development and implementation of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide relevant information and mention the stakeholders who have been mapped out and/or have been involved.

300 characters maximum

Mapping of relevant CSOs and representatives of affected communities

Have CSOs and representatives of all communities affected by racism been mapped out with the aim of their being involved in the development and implementation of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide details of which CSOs and representatives of affected communities have been mapped out and/or have been involved (e.g. people of African descent/black people; Roma and Travellers; Muslims; migrants; etc.).

300 characters maximum

206. 'National human rights bodies' means equality bodies (EBs), national human rights institutions (NHRIs) and ombuds institutions.

Multiple actors involved in the development and implementation of a strategy/ measures/policies to deal with racism and racial discrimination

Does the development and implementation of a strategy/policies/measures to deal with racism and racial discrimination involve multiple actors?

Please list all actors involved in, or tasked with, the development and implementation of a strategy/measures/policies to deal with racism and racial discrimination (briefly mentioning the respective measures/activities).Please also mention whether actors include equality bodies and/or national human rights institutions.

400 characters maximum

Development and implementation of a strategy/policies/measures to deal with racism and racial discrimination at the regional and local level

Does the development and implementation of a strategy/policies/measures require action by regional/local authorities and/or include measures/activities to be implemented at the regional/local level?

Please briefly describe this.

300 characters maximum

Needs assessment for equality data[207] disaggregated by racial or ethnic origin

Has a needs assessment about equality data been carried out to support the development of a strategy/policies/measures to deal with racism and racial discrimination?

If yes, please provide a few details on the scope, methodology, and main outcomes.

300 characters maximum

Available equality data (data sources that provide information on racial or ethnic origin)

Is data disaggregated by racial or ethnic origin collected by the authorities?

Please provide information.

300 characters maximum

207. Equality data is any piece of information that is useful for the purposes of describing, analysing, reasoning about and making decisions on the state of equality. Sources of equality data include population censuses, administrative registers, household and individual surveys, victimisation surveys, attitude surveys (self-report surveys), complaints data, discrimination testing, and diversity monitoring by employers and service providers; as well as qualitative research strategies such as case studies, in-depth and expert interviews. See Guiding Principle 2 on how to carry out a needs assessment in relation to equality data on racial and ethnic origin in the guidance note on the collection and use of equality data based on racial or ethnic origin.

Have existing data sources that provide information on racial or ethnic origin (including the categories applied and their underlying definitions[208]) been mapped out with the aim of informing the development and implementation of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide information.

300 characters maximum

Please indicate Yes / No / Non-applicable (N/A)[209] for each data source that has been mapped:

population censuses

Yes No N/A

administrative registers

Yes No N/A

household and individual surveys

Yes No N/A

victimisation surveys

Yes No N/A

attitude surveys/barometer surveys

Yes No N/A

complaints data

Yes No N/A

criminal justice data

Yes No N/A

data on hate speech

Yes No N/A

data on hate crime

Yes No N/A

discrimination testing

Yes No N/A

other research

Yes No N/A

208. See Guiding Principle 1 for collecting equality data on racial and ethnic origin in the guidance note on the collection and use of equality data based on racial or etnic origin

209. Please enter 'N/A' when such a type of data/source of equality data does not exist, or when data are not and/or cannot be disaggregated by racial or ethnic origin.

If yes, please specify.

50 characters maximum

qualitative research studies

☐ Yes No N/A

CSO data

Yes No N/A

data from international organisations

Yes No N/A

FRA data

Yes No N/A

Use of equality data to inform the development and the scope of a strategy/policies/measures to deal with racism and racial discrimination

Has equality data and other research evidence informed the development of a strategy/policies/measures to deal with racism and racial discrimination?

300 characters maximum

Please choose Yes / No / Non-applicable (N/A)[210] as appropriate.

population censuses

Yes No N/A

administrative registers

Yes No N/A

household and individual surveys

Yes No N/A

victimisation surveys

Yes No N/A

210. Please enter 'N/A' when such a type of data/source of equality data does not exist, or when data are not and/or cannot be disaggregated by racial or ethnic origin.

attitude surveys/barometer surveys

☐ Yes No N/A

complaints data

Yes No N/A

criminal justice data

Yes No N/A

data on hate speech

Yes No N/A

data on hate crime

Yes No N/A

discrimination testing

Yes No N/A

other research (specify)

Yes No N/A

qualitative research studies

Yes No N/A

CSO data

Yes No N/A

data from international organisations

Yes No N/A

FRA data

Yes No N/A

Do the strategy/policies/measures to deal with racism and racial discrimination provide themselves for the collection and use of equality data on racial or ethnic origin?

Please provide details on the objectives for the collection and use of equality data and how this is planned to be implemented.

200 characters maximum

Public consultation

Was a public consultation held in view of or during the development of a strategy/policies/measures to deal with racism and racial discrimination?

Please provide details on the scope, participants, methodology, and main outcomes.

250 characters maximum

Secure funding

Do the strategy/measures/policies that deal with racism and racial discrimination have an allocated budget, or are they funded under other strategy/policies/measures?

Please provide details on the allocated budget, its source, and time frame.

300 characters maximum

Have you provided additional human and financial resources to bodies tasked with specific deliverables and activities in the combat against racism and racial discrimination?

Please provide details on the additional human and financial resources.

250 characters maximum

Participation of affected communities

Is/are there a mechanism/measures in place to ensure that affected communities and their representative organisations participate in the preparation and development of a strategy/policies/measures to deal with racism and racial discrimination in your country?

Please provide details on the mechanisms/measures to ensure participation.

250 characters maximum

Comprehensive scope of a strategy/policies/ measures to deal with racism and racial discrimination

Is a definition of racism and/or of its different manifestations available in national law?

Please provide specific information.

150 characters maximum

Please provide a reference for, and a translation of, the definitions used or to which reference is made, and indicate yes / no for each as listed below:

- Racism
- Racial / ethnic discrimination
- Multiple discrimination
- Intersectional discrimination
- Unconscious bias and stereotypes
- Structural racism
- Institutional racism
- Bias motivated harassment

► Hate crime

► Hate speech

► Other (please indicate)

Do the strategy/policies/measures to deal with racism and racial discrimination address racism against different people/groups?

*Please indicate **Yes / No / Non-applicable (N/A)** for each the categories listed below:*

anti-Black racism

☐ Yes No N/A

anti-Gypsyism

Yes No N/A

anti-Semitism

Yes No N/A

anti-Muslim racism

Yes No N/A

anti-migrant racism

Yes No N/A

anti-Asian racism

Yes No N/A

other (please indicate)

30 characters maximum

Do the strategy/policies/measures to deal with racism and racial discrimination cover all areas outlined in the EU anti- racism action plan?

*Please indicate **Yes / No** for each area listed below:*

education

Yes No

employment Yes No

health

☐ Yes No

housing

Yes No

social protection

Yes No

access to goods and services more generally

Yes No

law enforcement

Yes No

integration and migration

Yes No

hate crime

Yes No

hate speech (including online)

Yes No

risks posed by new technologies (incl. AI)

Yes No

unlawful profiling by law enforcement authorities

Yes No

fighting stereotypes and prejudice

Yes No

slavery and colonialism

Yes No

Do the strategy/policies/measures to deal with racism and racial discrimination set out specific objectives/targets?

Please list the objectives/targets.
500 characters maximum

Is the design and implementation of a national action plan against racism part of the objectives / targets of the anti- racism policies and practices?

Please briefly answer this.

500 characters maximum

Addressing structural racism and intersecting inequalities

Do the strategy/policies/measures to deal with racism and racial discrimination tackle manifestations of structural racism?

Please briefly describe them.

300 characters maximum

Do the strategy/policies/measures to deal with racism and racial discrimination include or apply an intersectional approach?

Please briefly describe this.

300 characters maximum

Visibility/ communication/ awareness raising

Has there been any publicity/communication/dissemination activities over the strategy/policies/measures to deal with racism and racial discrimination?

Please provide brief information on it/them.

300 characters maximum

Have you done any campaigns or held other events related to anti-racism and non-discrimination? Are there any ongoing ones?

If not, do you envisage doing any campaigns or holding other events related to anti-racism and non-discrimination?

Please provide brief information on it/them, and on any relevant plans.

300 characters maximum

Have you organized capacity-building or other activities as part of the implementation of the strategy/ policies/measures to deal with racism and racial discrimination?

Are there any ongoing ones?

If yes, what type of activities were carried out (campaigns, competitions, conferences, exhibitions, roundtables, trainings, peer-to-peer learning activities, joint projects, etc.)?

300 characters maximum

Implementation oversight/ progress reporting of the NAPAR implementation

Do the strategy/policies/measures to deal with racism and racial discrimination set out and require reporting on the progress made in their development and implementation?

Please state to whom reporting is done (governmental focal point and/or coordination mechanism, other), how this is done and how often; and briefly describe what types of action (if any) are taken as a result of the implementation oversight (i.e. adjustment of measures, etc.).

300 characters maximum

Monitoring and evaluation of activities combatting racism and racial discrimination and their outcomes

Are any indications of positive outcomes/effects already appearing during the implementation of a strategy/policies/measures to deal with racism and racial discrimination?

Please briefly describe and include supporting reference, if available.

300 characters maximum

Is the monitoring and/or evaluation of activities within the strategy/policies/measures to deal with racism and racial discrimination foreseen?

Please provide brief information.

300 characters maximum

If yes, is the monitoring and evaluation of activities going to be based on equality data and other research evidence?

Please provide details.

300 characters maximum

Are human rights-based indicators[211] going to be used for monitoring activities?

Please provide details.

300 characters maximum

Have any individual, specific measures been quantitatively evaluated so far?

Please provide details.

300 characters maximum

Challenges

What have been the main challenges you have encountered so far in the development and implementation of a strategy/policies/measures to deal with racism and racial discrimination? What do you see as the main obstacles, if any, in taking further policies and practices on anti-racism?

Please describe briefly.

300 characters maximum

211. OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation, 2012.

This study provides an overview of the current state of anti-racism policies and measures in the Beneficiaries involved in the EU accession process: Albania, Bosnia and Herzegovina, Georgia, Kosovo*, Montenegro, North Macedonia, the Republic of Moldova, Serbia, and Ukraine. It also offers practical and actionable suggestions intended to guide future actions, policies, or interventions aimed at effectively addressing racism and racial discrimination, in compliance with European standards.

This study was produced with the financial support of the European Union and the Council of Europe. Its contents are the sole responsibility of the author(s). Views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

* *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

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