

Strasbourg, 6 December 2023

**16TH MEETING OF THE COUNCIL OF EUROPE
DIALOGUE WITH ROMA AND TRAVELLER¹ CIVIL SOCIETY**

**Execution of Roma and Traveller-related judgments of the
European Court of Human Rights**

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1. EXECUTIVE SUMMARY

The 16th Dialogue Meeting of the Council of Europe with Roma and Traveller civil society focused on the execution of Roma and Traveller-related judgments of the European Court of Human Rights.² This report encapsulates the key discussion points, conclusions, and recommendations of the 16th Dialogue Meeting, aimed to address the imperative importance of execution of these judgments, a critical aspect of upholding human rights standards and achieving justice for Roma and Traveller communities around Europe.

The meeting was attended by various representatives of Roma and Traveller civil society organisations who benefited from mentoring initiative focused on the Council of Europe standards and mechanisms, representatives of the European Roma Rights Centre (ERRC) as a mentoring organisation, members of the Roma and Travellers Team of the Council of Europe involved in cross-cutting work, and members of other sectors of the Council of Europe, in particular of the Department for the Execution of Judgments of the European Court of Human Rights. (for details see the Agenda)

The 16th Dialogue Meeting provided an opportunity for a broad and substantive exchange on the process of supervision of the execution of Roma and Traveller-related judgments of the European Court of Human Rights. The status of execution of Roma and Traveller-related

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

² CoE Newsroom, 16th Dialogue meeting with Roma and Traveller civil society, available on: <https://www.coe.int/it/web/roma-and-travellers/-/16th-dialogue-meeting-with-roma-and-traveller-civil-society>.

judgments as and the measures reported by governments were mirrored with information provided from the perspective of civil society organisations. Further, the challenges in the process of execution of Roma and Traveller-related judgments were discussed, and possible avenues of co-operation with Roma and Traveller civil society organisations that can support the execution of the aforementioned judgments were explored.

2. MENTORSHIP AND TRAINING OPPORTUNITY PROVIDED TO ROMA AND TRAVELELER CSOs

Preceding the 16th Dialogue Meeting, an essential preparatory online training session took place on March 30, 2023, engaging Roma and Traveller civil society organisations. This training was instrumental in imparting comprehensive insights into the supervision process of the Court's judgments' execution and offered an update on the status of execution of various Roma and Traveller-related judgments.

Furthermore, a training and mentoring initiative, spearheaded by the European Roma Rights Centre, underlined Council of Europe standards and mechanisms, particularly emphasizing the supervision of the Court's judgments concerning Roma and Travellers. As part of this initiative, nineteen Roma and Traveller organisations were trained in submitting evidence to Council of Europe bodies, taking part in a monitoring scheme focusing on implementation of the Court's judgments, and utilising mechanisms such as "Rule 9" submissions within the process of supervision of the implementation of judgments.³

The initiative commenced with two collective online sessions held on 26 September and 4 October 2023, dedicated to fostering a deeper understanding of Council of Europe standards and mechanisms among all partner organisations. Following this, customized coaching sessions tailored to the specific needs of each organisation were conducted, encompassing multiple facets such as communication capabilities, strategic organisational development, and the intricate socio-political landscapes within which these organisations operate. These personalised interactions, spanning throughout November 2023, aimed at enhancing knowledge, honing skills, shaping attitudes, and fortifying capabilities in crucial areas like monitoring, research, data collection, and the drafting of advocacy documents, all aligned with Council of Europe standards. Moreover, collaborative efforts culminated in the preparation and discussion of briefings by Roma and Traveller CSOs during the 16th Meeting of the Council of Europe Dialogue in Strasbourg on 14-15 November 2023. These briefings meticulously addressed prevalent human rights challenges encountered by Roma communities, covering a wide spectrum of pressing and pertinent issues, thereby empowering these organisations to advocate effectively on behalf of their communities.

3. KEY DISCUSSION POINTS

³ ERRC News, Training opportunity for organisations supporting Roma and Travellers, available at: <http://www.errc.org/press-releases/training-opportunity-for-organisations-supporting-roma-and-travellers-council-of-europe-mechanisms-to-monitor-judgment-implementation-and-advance-roma-and-traveller-rights>.

The 16th Dialogue meeting began with an impactful opening session emphasising the significance of the European Court of Human Rights (the Court) case law concerning Roma and Travellers and the importance of Roma and Traveller civil society engagement.

Roma communities across member states are confronting significant challenges that demand urgent responses. These challenges necessitate the implementation of both individual and general measures as outlined in court judgments. Non-Governmental Organisations (NGOs) play a pivotal role in the execution process, yet sustained efforts extending beyond court rulings are imperative. The execution process itself is intricate, exerting a profound impact on society at large and raising crucial debates regarding the effectiveness of strategic litigation versus political mobilization. For Roma individuals, engaging in litigation presents numerous obstacles, even after securing victories in court. There exists a considerable disparity between court triumphs and the attainment of genuine justice, highlighting persistent hurdles in achieving tangible outcomes for Roma communities.

The Dialogue meeting kicked-off with an overall perspective on advancing Roma and Travellers rights by Council of Europe mechanisms, and the importance of ensuring the guarantees of human rights of Roma and Travellers in the enforcement process of Council of Europe human rights standards and practices. It further pointed to the process of the execution of over 25 judgments overseen by the Committee of Ministers, exploring the interplay between the violations of the rights provided by the European Convention on Human Rights (ECHR), such as Articles 2, 3, 8, and 14, and the critical human rights issues affecting Roma and Traveller communities, as found by the European Court of Human Rights. The challenges of implementing the judgments of the European Court in terms of effectiveness beyond individual measures and the capacity to address systemic violations and make execution more effective has been a key point for reflection and debates during the Dialogue meeting.

Ineffective investigations of ill-treatment and racially motivated crimes against Roma

The first part of the Dialogue aimed at discussing the status of implementation of judgments addressing issues such as ill-treatment, use of firearms, excessive use of force by law enforcement, racial profiling, and inadequate investigations.

[Balazs v. Hungary Group of cases:](#)

Participants highlighted the complexities within this group, underscoring the ineffective investigations by national authorities, notably their failure to determine racist motives. As indicated by civil society organisations, despite various practical measures reported by the Government, significant issues persist in the execution of these judgments. The primary concern revolves around the impact of prescription periods (SoL) preventing the reopening of proceedings in several cases, contrasting with practices in other member States. The Committee of Ministers (CM) urged Hungary to reconsider its domestic law to extend or remove the relatively short five-year prescription period for crimes of ill-treatment. Additionally, crucial areas require further collaboration with civil society, such as evaluating

the practical experiences and outcomes of mentorship and training activities, addressing the lack of data on bias indicators reported by police officers, effectiveness of support services for hate crime victims, and comprehensive data on police practices related to hate crimes. Positive developments were highlighted, such as criminal code amendments, improved police preparedness for demonstrations, and enhancements in collecting statistical data related to hate crimes. Participants pointed to challenges that persist and require a coherent response, among other, the government's anti-minority rhetoric, under-classification of hate crimes during investigations, and collaboration between a far-right party and hate groups.

[Group of Soare and Others v. Romania:](#)

These cases underline issues relating to ill-treatment during law enforcement operations, unwarranted use of firearms by the police, inadequate regulatory frameworks, or insufficient justifications for involving special intervention units and ineffective investigations into reported incidents, including the failure to explore potential racist motives. Participants underlined challenges in executing these judgments, stressing the absence of comprehensive statistical data on complaints of police violence by alleged victims or investigations into discriminatory motives, prolonged information gaps and inadequate responses in the reported measures by the State. Discussions in the meeting highlighted avenues for collaboration with NGO's focusing on "Rule 9" communications that should encompass recent police activities in Roma communities, data on investigations into racially motivated police violence, and any additional measures not considered by authorities to prevent recurrent violations highlighted by the Court in these cases. Although the enactment of the law against antigypsyism in Romania was acknowledged as a positive stride, concerns surfaced regarding its implementation, as no cases have yet been adjudicated under this law. Representatives from CSOs underscored various recent instances of police brutality against Roma individuals in Romania, emphasizing persistent challenges and the imperative need for enhanced training among legal practitioners to effectively apply relevant laws in safeguarding the rights of the Roma community.

[R.R. and R.D. v. Slovakia group of cases:](#)

Measures in respect with the implementation of these cases included among other, the Government's apology to the victims of the police operations, the use of body cameras during exercise of police officers' duties, the use of cameras in police detention units, specialised training for police on crimes committed with a racist motive.

Participants pointed out that challenges persist despite reported measures, including issues with the independence and impartiality of the Office of the Inspection Service, the abolition of Action Code 100 of police operations with uncertainty regarding its replacement, discrepancies between policy and practice concerning the use of cameras during actions and detainees' treatment, and the ineffective role of police specialists for Romani communities. There remain ongoing problems with multiple pending applications and a lack of investigation into potential racist motivations, emphasizing the persistent challenges and recurring violations in similar cases against Slovakia in recent years. Issues such as the impartiality of internal police investigative structures, the effectiveness of investigations of possible racist

motives in cases of police ill-treatment, and statistical data on such crimes, still require substantial state responses.

[Balkasi and Others v. Albania \(Pihoni group of cases\)](#):

Reported measures in these cases included legislative amendments in respect to criminal law and victim's rights, conditions in police detention, recording, monitoring and investigation of ill-treatment complaints against police officers, awareness raising and training measures for the police.

Representatives from CSO's voiced concerns regarding the initial action plan's broad focus.. NGO representatives emphasized the authorities' limited awareness concerning the judgment's implementation, highlighting the necessity of implementing existing laws instead of solely adopting legislative solutions. Additionally, there was a noted lack of comprehension among Albanian authorities about the concept of antigypsyism, illustrating a broader challenge in addressing systemic issues.

School segregation or Roma children and the enjoyment of the right to education

The second part of the Dialogue meeting discussed discrimination in education, focusing on the challenges faced by Roma children in various member States.

Participants highlighted the need to overhaul testing practices to address discrimination against Roma children, aligning with the [D.H and Others v. Czech Republic](#) judgment, advocating for Rule 9 submissions by NGOs to shift away from exclusionary testing tools towards inclusive education. The discussion highlighted the persistent discrimination faced by Roma children within the Czech education system, drawing from complex challenges identified during the Commissioner for Human Rights' visit in February 2023. Key concerns included segregation through testing, catchment areas rules, potential reductions in support for Roma children, and the essential need for comprehensive national policies over individual initiatives. The prolonged execution of the D.H. and Others v. Czech Republic judgment was a subject of debate, highlighting the 16-yearlong execution process and changes made in the Czech educational system on basis of the judgment, including the abolishment of special schools and the introduction of compulsory preschool education. Despite these changes, no concrete resolution has been achieved, and concerns persist regarding increased segregation of Roma children, testing practices, and the effectiveness of compulsory preschool education. NGO representatives overseeing the judgment execution acknowledged the Government's recognition of the issue of school segregation but highlighted the belief among school staff that the D.H. and Others case was a financial fabrication, and that segregated education was deemed best for Roma children. Over the years, changes occurred, such as school renaming, amendments to the school act, and modifications to practical schools. However, minimal progress was observed, with only a 4% reduction in segregated schooling. The diagnostic process in many centers remains unchanged since the initial judgment, posing a persistent intergenerational problem.

[Horvath and Kiss v. Hungary:](#)

In the context of the execution of the judgment the Government proposed several general measures, including the collection and submission of ethnic data on Roma children in both special and inclusive education settings. It also aimed to provide information on the impact of new testing methods, the effectiveness of inclusive education policies, and available remedies. According to civil society representatives, despite these intentions, the current situation reveals disparities. Roma children in Hungary are 2.5 times more likely to be diagnosed with mild intellectual disabilities than their non-Roma peers. Furthermore, there's a lack of information regarding the number of Roma children directed to segregated special education, hindering the assessment of the problem's scope. The absence of culturally unbiased testing methods, particularly in verbal elements, also presents a significant challenge. There is a call for non-biased, state-of-the-art testing methods standardized for Roma children to rectify this issue. Additionally, the deployment of equal opportunity experts for multiply disadvantaged children, tasked with assisting parents and monitoring the process, is mandated. However, there's a noted deficiency in the assignment of these experts in practice. Another concern is the collection of ethnic data from children partaking in examinations, which relies on voluntary self-identification. Unfortunately, very few Roma children have made such declarations, creating limitations in data collection and analysis. Expert committees were reorganised, shifting the decision-making process to county and school district level committees. However, appeals against their decisions take 3-4 years, showing ineffectiveness. Additionally, Roma parents lack adequate information about the diagnostic process and its implications. The decision on a child's school placement often depends more on local infrastructure than the child's abilities. It's influenced by the availability of educators, school capacities, relationships between expert panels and schools, and local pressures for unlawful segregation, particularly concerning Roma children. Examinations often use unfamiliar questions and language, challenging children unaccustomed to such vocabulary. Consent from parents is not mandatory for examinations, leading to threats of child protection services taking children into state care for non-consenting families. Such issues may pose serious questions in respect with the effectiveness of the administrative or judicial remedies available to children diagnosed with special educational needs.

[X and Others v. Albania:](#)

The judgment concerns authorities' failure to implement desegregation measures in school segregation of Roma and Egyptian children despite orders from the equality body, resulting in a violation of Article 1 of Protocol 12, with Article 46 invoked in the judgment. Civil society representatives underlined that besides Korca, similar segregated schools exist in Morava and Shkodra. They acknowledged the Albanian Government's ambitious first action plan submitted on 30 May 2023, where the state pledged to eliminate school segregation entirely by the end of 2025. Authorities promptly sought Council of Europe assistance post-judgment, holding several internal consultations on required measures. General measures envisage adopting strategic documents and practical initiatives like free textbooks and transportation. Efforts also involve re-evaluating distances, school renovations, mediator involvement, and collaboration with North Macedonian authorities. However, participants pointed that challenges persist, such

as the suspension of the food support program for Roma children due to perceived counterproductive effects. Some deadlines in the ambitious plan have already lapsed, requiring continuous data collection and follow-up. Concerns were voiced regarding the working group's composition, role clarity, and coordination issues. CSO's reported that catchment areas remain unchanged, offering limited registration opportunities for Roma and Egyptian children.

Evictions from unlawful settlement, lack of proportionality assessment and alternative accommodation

Several judgments of the European Court of Human Rights concerned interferences with the Roma or Traveller applicants' right to respect for their home or their private and family life because of eviction or demolition orders issued and reviewed under a domestic legal framework which did not require any proportionality assessment. Such judgments include for example *Yordanova and Others v Bulgaria*, *Winterstein and Others v France*, *Hirtu and Others v France* or *Bagdonavicius and Others v Russia*.

The [Yordanova and Others v. Bulgaria](#) judgment concerned a planned eviction from an unlawful settlement based on an order confirmed by the national courts. The state envisaged various measures including legislative reforms to ensure that all persons affected by a demolition order can benefit from a proportionality assessment which did not yield effective outcomes due to political instability. Participants emphasized concerns about municipal housing availability in the country, delays in changes of legislation and the disproportionate effects of forced evictions on Roma properties. Unfortunately, draft legislation aimed at reforms was mostly inaccessible to civil society organisations. Several outstanding issues identified by the Committee of Ministers are still awaiting clarification. These include finalising legislation for the proportionality review of eviction or demolition orders, ensuring proportionality assessment even for those without property rights, and examining administrative acts similar in impact to evictions. The Committee sought information on various aspects, including evictions of tenants based on unlawful occupation, demolition orders, practices related to municipal housing waiting lists, and options to ensure proportionality in diverse situations involving particularly vulnerable individuals without available municipal housing. Additionally, the authorities were invited to provide more details on municipalities' practices related to evictions and the options that are available to ensure proportionality in specific situations, where providing shelter to vulnerable persons might be necessary to ensure proportionality, if there is no available municipal housing.

4. CONCLUSIONS

The 16th Dialogue meeting of the Council of Europe with Roma and Traveller civil society was a significant platform that emphasized the critical importance of civil society engagement in addressing the pressing challenges faced by these communities. Distinguished speakers shed light on the complexities of executing legal victories and the gaps in achieving practical justice, urging reflection on the societal impact of strategic litigation.

Discussions throughout the event were comprehensive, focusing on the supervision and execution of specific judgments related to ineffective investigations into attacks against Roma communities in several countries. While acknowledging some progress made, the conversations highlighted persistent challenges such as issues with police accountability, shortcomings in action plans, and difficulties in effectively implementing legislative changes.

The meeting's examination of discrimination in education cases underlined the crucial role of civil society in implementation efforts. Emphasis on the importance of statistical data, parental engagement, and shifting the paradigm by moving away from testing tools towards inclusive education approaches were critical. However, concerns were raised regarding delays in execution, shifts in educational practices, and challenges in enforcing action plans.

Furthermore, the discussions surrounding forced evictions of Roma and Travelers spotlighted the need for more efficient measures and fair treatment. Deliberations on action plans, housing availability, legislative delays, and the disproportionate impacts on Roma properties emphasized the ongoing struggles in achieving adequate and just solutions.

Overall, the 16th Dialogue meeting served as an insightful platform that unveiled both ongoing challenges and advancements achieved in addressing issues related to Roma and Traveller communities. It underlined the vital importance of sustained efforts, effective implementations, and continued collaboration between stakeholders to ensure justice and equality for the most vulnerable members of our communities.

5. RECOMMENDATIONS

5.1. Recommendations for Council of Europe member states

Based on the comprehensive discussions and outcomes of the 16th Dialogue Meeting focused on the execution of Roma and Traveller-related judgments of the European Court of Human Rights, the following recommendations are proposed for Council of Europe member states aimed to bolster the execution process of Court's judgments concerning Roma and Traveller communities, ensuring that member states uphold human rights standards and facilitate tangible and lasting improvements in the lives of the most vulnerable members of our communities:

- Strengthening civil society engagement:
 - ✓ Encourage and support active engagement of Roma and Traveller civil society organisations (CSOs) in the execution process of the Court's judgments, recognising their invaluable role in monitoring and advocating for the implementation of judgments.
 - ✓ Foster ongoing dialogues and collaborations between CSOs and governmental bodies to ensure effective communication channels for addressing challenges and sharing progress in execution.

- Facilitating mentorship and training opportunities:
 - ✓ Establish structured and continuous mentorship programmes for Roma and Traveller CSOs, offering comprehensive insights into Council of Europe standards and mechanisms related to the supervision and execution of Court’s judgments.
 - ✓ Provide tailored coaching sessions focusing on advocacy, communication, research, and data collection skills for CSOs, aligning with Council of Europe standards, thereby empowering them to contribute effectively to the execution process.

- Implementation of specific measures:
 - ✓ Enhance police accountability by implementing concrete measures addressing inadequacies in investigations related to attacks against Roma and Traveller communities.
 - ✓ Ensuring thorough inquiries into hate crimes and racist motives.
 - ✓ Develop and implement action plans that go beyond translation and dissemination of judgments, emphasizing practical steps and enforceable strategies to address systemic issues, such as antigypsyism, discrimination in education, forced evictions, and housing disparities.

- Monitoring and evaluation:
 - ✓ Establish robust monitoring mechanisms to track the progress of execution of judgments, regularly assessing achievements against set timelines and objectives.
 - ✓ Encourage transparency in reporting on the implementation of Court’s judgments, ensuring that actions and measures taken by member states are effectively addressing the root causes of violations and are in line with Council of Europe standards.

- Collaboration and partnerships:
 - ✓ Foster partnerships between member states and relevant European bodies, such as the Committee of Ministers and the Roma and Travellers Team, to leverage expertise and resources for effective execution of judgments.
 - ✓ Encourage cross-border cooperation and information sharing among member states facing similar challenges in implementing Court’s judgments related to Roma and Traveller communities.

5.2. Recommendations for Roma and Traveller civil society organisations (CSOs)

Based on the outcomes and discussions from the 16th Dialogue Meeting concerning the execution of Roma and Traveller-related judgments of the European Court of Human Rights, the following recommendations are suggested for Roma and Traveller civil society organisations (CSOs) aimed to empower Roma and Traveller CSOs in their continuous efforts towards advocating for justice, equality, and the effective execution of Court’s judgments,

thereby improving the lives of the most vulnerable members of our communities across Europe:

- Strengthening advocacy and engagement:
 - ✓ Continue active participation and engagement in the execution process of Court's judgments, emphasizing the importance of civil society involvement in monitoring and advocating for the implementation of judgments concerning Roma and Traveller communities.
 - ✓ Foster alliances and networks among Roma and Traveller CSOs to amplify collective voices, share experiences, and collaborate on common challenges, creating a unified advocacy front.
- Leveraging knowledge and skills:
 - ✓ Capitalise on the insights and skills gained through mentoring initiatives and training programs conducted by organisations like the European Roma Rights Center (ERRC) and other mentoring partners. Utilise these acquired skills in evidence submission, monitoring mechanisms, and utilising legal instruments like "Rule 9" submissions effectively.
 - ✓ Continue investing in capacity-building efforts, focusing on enhancing communication capabilities, strategic organisational development, and navigating complex socio-political landscapes, empowering CSOs to better advocate for our communities.
- Heightening advocacy efforts:
 - ✓ Address systemic issues highlighted during the 16th Dialogue Meeting, including police accountability, shortcomings in action plans, and challenges in implementing legislative changes.
 - ✓ Mobilise advocacy campaigns to press for concrete measures and effective implementation of judgments.
 - ✓ Encourage strategic partnerships with legal experts, human rights organisations, and relevant stakeholders to strengthen advocacy efforts, particularly in challenging legislative gaps and pushing for more comprehensive action plans.
- Monitoring and reporting:
 - ✓ Establish robust monitoring mechanisms to track the progress of Court's judgments execution by member states, consistently evaluating and reporting on the implementation of judgments concerning Roma and Traveller communities. Encourage systematic documentation of ongoing challenges, progress made, and gaps in execution to provide comprehensive and evidence-based reports, ensuring continuous visibility of issues faced by Roma and Traveller communities.
- Collaboration and networking:

- ✓ Foster collaborations with international bodies, such as the Council of Europe and European Roma and Travelers Forum, to amplify advocacy efforts and gain access to additional resources and expertise.
 - ✓ Strengthen partnerships with governmental agencies and other stakeholders, engaging in constructive dialogues to influence policies and decisions that directly affect Roma and Traveller communities.
- Empowering the Community:
 - ✓ Empower Roma and Traveller communities by providing them with information about their rights, legal recourse, and avenues for seeking support, thereby fostering greater community engagement and empowerment.
 - ✓ Encourage community involvement in the execution process, promoting a bottom-up approach to identify challenges and design inclusive solutions.

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