

Council of Europe Dialogue with Roma and Traveller Organisations

1st meeting, Strasbourg, 1 – 2 December 2015

Meeting report

by Ms Lilla Farkas, General Rapporteur

Opening of the meeting

Mr Thorbjørn Jagland, Secretary General of the Council of Europe, opened the meeting by welcoming all participants. The topics of the meeting - hate speech and hate crimes, police relations with Roma and Traveller communities and forced evictions – were highly relevant; the specific challenges faced by Roma and Traveller women and children should however also be mainstreamed as a horizontal priority throughout the dialogue. The Secretary General pointed to the key role of action at the local level and urged all present to focus their efforts on activities in villages and cities. He recalled the history of the Council of Europe's engagement with the rights of the Roma and Travellers. Already in 1975, the Council of Europe had directly involved Roma and Traveller groups in its work, building up and maintaining contacts with over a hundred organisations and initiatives since then. In 2004, the Council of Europe signed a partnership agreement with the European Roma and Travellers Forum (ERTF), aspiring to put in place a practical and result-oriented framework. The Secretary General also stressed the importance of Roma and Traveller participation.

Ambassador Katya Todorova, Permanent Representative of Bulgaria to the Council of Europe, on behalf of the Chairmanship of the Committee of Ministers (CM) reaffirmed that Roma and Travellers were a priority issue for the CM. The CM continues to act with determination in order to stop Roma and Travellers from being among the most discriminated groups in Europe. She underlined that discrimination was unacceptable. CM action is based on the 2010 "Strasbourg Declaration", in the framework of which States Parties are called upon to respect their commitments. In the period of 2016-2019, the Secretary General's Updated Agenda for the inclusion of Roma [and Travellers] would provide guidance and set priorities relating to action against prejudice, as well as for the promotion of inclusion. She welcomed the new mechanism for regular dialogue with Roma and Traveller civil society organisations and recalled her government's offer to host CAHROM in Sofia in April 2016, an event to which she attached great importance.

Mr Gheorghe Raducanu (European Roma and Travellers Forum, ERTF) recalled that in 1969 the Council of Europe was the first inter-governmental organisation to show interest in Roma issues, adopting various recommendations and initiatives to further the rights of this ethnic group. While revisiting the highlights of recent events - including the signing of the partnership agreement with ERTF in 2004, the "Strasbourg Declaration" in 2010, the update of the Roma and Traveller-related Council of Europe strategy in 2015, and the development of a thematic action plan for the inclusion of Roma and Travellers (2016-2019) - he called for the full and effective involvement of Roma and Travellers. At the same time, he reminded participants that dialogue in and of itself is an empty shell unless filled with meaning

and operated at the national, regional and European levels. He expressed his hope that Roma and Traveller organisations would become ambassadors of the Council of Europe. He wondered whether the present arrangements were adequate for a meaningful dialogue. The right balance needed to be found between flexibility and efficiency. The primary role of NGOs was monitoring and reporting to enhance the Council of Europe framework. While cautioning against becoming too ambitious too quickly, he underlined the need for specialisation, the setting up of thematic working parties and half-yearly meetings, starting in spring 2016.

A number of comments were made from the floor.

Ms Norica Costache (“Phenjalipe”, the Informal Network of Romani Women, Romania) expressed concerns for not having had enough time to comment on the priorities of the meeting and stressed the importance of involving Roma throughout all Council of Europe processes. Consultation should start prior to decision-making on priorities. She believed that by scaling down the ERTF involvement the Council of Europe risks losing the institutional presence of Roma and Travellers.

Mr Martin Collins (Pavee Point, Ireland), welcomed the new initiative, which would hopefully put in place a democratic, inclusive, accountable and transparent platform of participation.

Mr Asmet Elezovski (ERTF, “the former Yugoslav Republic of Macedonia”) welcomed the Dialogue, at the same time resounding the concerns expressed and reminding participants that the diversity of opinions of Roma organisations should be accommodated by finding a middle way.

Working session I

“How can Roma and Traveller organisations contribute to the implementation of the Council of Europe strategy?”

Mr Henry Scicluna (moderator) felt that the Council of Europe should have a co-ordinating role in the dialogue between civil society and national authorities, providing advice on methodology and the choice of themes. The experience gained through the ROMED and ROMACT programmes could be helpful in this context. It was a moot question whether the Council of Europe should itself pre-select the civil society partners invited to provide advice, or whether the choice of dialogue partners should be left to civil society.

Mr Ulrich Bunjes, Special Representative of the Secretary General for Roma Issues, recalled that the dialogue with Roma and Traveller organisations had been one of the cornerstones of the Council of Europe inclusion strategy from day one. The new dialogue format resulted from recent decisions at Committee of Ministers (CM) level, where several member States had questioned the efficiency of existing structures. This new structured dialogue would ideally bring European, national and even local Roma and Traveller representatives closer to the Council of Europe agenda. Mr Bunjes introduced the priorities of the emerging updated Council of Europe policy for the inclusion of Roma and Travellers, i.e. the fight against anti-Gypsyism; the support for the most vulnerable; and the promotion of innovative solutions at local level. Under the new dialogue format Roma and Traveller

representatives had an opportunity to advise Council of Europe bodies on the strategic and operational aspects of their policies, and to address the obstacles Roma and Traveller organisations encounter at national and local level in many member States.

Ambassador Ardiana Hobdari (Permanent Representative of Albania to the Council of Europe and Chair of the Committee of Ministers Rapporteur Group on Social and Health Questions, GR-SOC), called for constructive criticism and forward-looking proposals. She summarised the recent Roma-related initiatives debated within the CM and assured the representatives present that the Council of Europe member States were strongly committed to developing the dialogue with Roma and Traveller communities.

Ms Miranda Vuolasranta (*Fintiko Romano Forum*, Finland), pointed out that the forthcoming Thematic Action Plan of the Council of Europe was still a confidential document and would thus be difficult to discuss at this meeting. She expressed a need for proper consultation and a real opportunity to state one's position in time. Roma and Traveller in Western and Northern Europe faced dire circumstances, such as a high level of illiteracy, it would thus be important to broaden the geographic focus of European policies. Every action plan should involve Roma and Traveller women and youth. Anti-discrimination standards needed to be promoted as a priority. At national level, particularly in EU Member States, the parallel and overlapping institutional structures concerned with Roma and Traveller questions — Fundamental Rights Agency, European Commission, independent national equality and monitoring bodies — were not facilitating this task. She expressed concern over the potential loss of the human rights focus of Council of Europe action, given the current attention to the creation of a European Roma Institute for Arts and Culture.

Mr Giancarlo Cardinale presented the activities and remits of the Council of Europe Commissioner for Human Rights and described current opportunities for NGOs, including Roma NGOs, to contribute to the work of the Institution. The Commissioner assisted member States in ensuring respect of human rights standards, typically by identifying shortcomings in national law and practice and collaborated with National Human Rights Institutions. He regularly engaged with Roma and Traveller NGOs, notably by meeting with them in the framework of his country work that led to country-level reports and recommendations addressed to the authorities. The Commissioner was also engaged in submitting third-party interventions with the European Court of Human Rights. As a result of continuous country-by-country monitoring, the Commissioner also regularly reacted publicly to human-rights related developments in member States, including regarding the human rights of Roma and Travellers. He was therefore open to receiving regular information on human rights violations from the field. The Commissioner's priorities included combating anti-Gypsyism, hate speech and hate crimes; eradicating segregation in education; tackling statelessness; and combating forced evictions and housing segregation.

Opening the debate, **Mr Joseph G. Jones** (Gypsy Council, UK), remarked that the quality of Roma and Traveller participation also depended on the qualification of representatives.

Mr Bunjes underlined that education in terms of intercultural modules was part of the agenda as it stood at present. He noted that the CM *modus operandi* carried an in-built obstacle to an early participation of NGOs, because strict confidentiality rules applied. Special relations with the ERTF, including the partnership with the Parliamentary Assembly and observer status in steering committees continued; financial support was discontinued, however. The Council of Europe strategy laid down in 2008 and 2010 remained unchanged; solely the current priorities were subject to review. Two thirds of the activities were undertaken jointly with other European institutions, although the EU, the OSCE and the Council of Europe had slightly different mandates. The European Roma Institute for Arts and Culture (ERIAC, working title) had recently received a lot of attention; compared to the total Council of Europe annual budget earmarked for Roma and Traveller inclusion, the contribution to ERIAC was relatively minor and did not indicate any change in priorities. There was no intention to move away from the human rights-based approach. At the same time, ERIAC could potentially help readjusting public attitudes towards Roma, by focusing on positive role models in arts and culture.

Mr Robert Rustem (ERTF Secretariat) wondered whether it would be possible to overcome CM procedural hurdles by consulting on the substance of documents prior to presenting the final version to the CM. He pondered the possibility of joining into the Council of Europe monitoring bodies' consultative processes, as well as bringing consultation for the dialogue to the national level. He saw an urgent need to support NGOs in identifying legal obstacles to accessing equal citizenship, which in turn was the precondition for accessing other rights. He asked whether Roma and Traveller NGOs would be able to assist the Council of Europe if their structures and funding remained limited. It was commendable practice that the majority of the NGOs represented in the room came from the national level. He recalled that over the last ten years the ERTF had experienced difficulties with consulting Council of Europe bodies.

Ms Zola Kondur (Ukraine) agreed with the proposal to focus on consulting Roma NGOs at national level. She stressed the importance of having government representatives at Council of Europe dialogue meetings.

Mr Orhan Galjus (European Roma Union, ERU), recalled that in 1991 he was encouraged to establish the ERTF but that today he harboured political fears. He believed that the Roma elite must engage in finding a better mechanism of representation. The Council of Europe should review its processes in order to enable co-operation with Roma. The starting point for both stakeholders was to go local. Mr Galjus believed that Roma needed to change their political behaviour but that they also needed to be offered the know-how to do so.

Ms Enerida Isufi (Albania) noted that the commitment of Roma youth was not enough if the knowledge about the plans of the Council of Europe was missing.

Ms Vuolasranta underlined the need to signal to the CM that member States needed to fulfil their obligations at domestic level, stop corruption and ensure that money earmarked for Roma and Traveller projects was duly spent.

Working session II

“Combating hate speech against Roma and Travellers — European policies and the experience of the victims”

Mr Wolfram Bechtel (Secretariat of the “European Commission against Racism and Intolerance”, ECRI) stressed that racism was nourished by prejudice and fears and that both needed to be addressed for combating hate speech and hate crime. He listed education and democratic stability, as well as the establishment of personal contacts as factors for increasing tolerance and diminishing prejudice.

ECRI’s activities to combat anti-Gypsyism include: the establishment in all 47 CoE member states of a comprehensive legal and institutional framework for combating hate speech and discrimination (ECRI’s General Policy Recommendations (GPR) Nos. 2 and 7; a better application of the law ; awareness raising and education (ECRI GPR No. 13); promotion of self-regulation by public and private institutions, incl. elected bodies, political parties and the media; and withdrawal of financial and other forms of support from organisations, incl. political parties, that promote racism and spread hate speech.

All participants of the dialogue meeting could contribute to combating hate speech by: developing, improving and implementing (EU-funded) national action plans to fight poverty and improve education and employment of Roma; contributing to a better public image of Roma; informing Roma on the legal prohibition of hate speech and racial discrimination and the institutions in charge of fighting these phenomena (e.g. Equality bodies and National Human Rights Institutions); building-up sustainable dialogue between Roma communities and these bodies; and by reporting cases of discrimination and racism to these bodies, to the police and to press councils.

Ms Ágnes Daróczi (IRWN, Hungary), observed that the political right and left showed similar trends and patterns in relation to anti-Gypsyism. Her message concentrated on underlining the significant role independent Roma organisations played in fighting anti-Gypsyism and the importance of naming and punishing anti-Gypsyism as vigorously as hate speech and hate crimes committed against other groups. Beyond their participation in governance, she called specific attention to the financial and political independence of such NGOs. In her view, political representation had to be achieved first to support claims of fair and tolerant depictions of the Roma in education and the media. It was in this context that Roma arts and culture could act as a bridge to the majority societies: by identifying the content of being Romani it could shape the public image.

Mr Dragan Radosavljevic (*No Hate Speech Movement*, Serbia), provided a description of the anti-hate speech campaign in Serbia as a good practice example.

Mr Saimir Mile (*La Voix des Roms*, Albania/France), called attention to anti-Gypsyism in national newspapers and within the political classes. He observed that fighting hate speech perpetrated by politicians was rendered even more difficult owing to the political privileges they enjoy. This inequality before the law had led in France to the situation that no politician expressing anti-Traveller/Roma hate had ever been condemned in court. Mr Mile hoped that a wisely crafted legal challenge reaching up to the European Court of Human Rights (ECtHR) could put an end to impunity. A change in legal approaches was necessary because anti-Gypsyism fuelled

public policy across Europe: it boosted the identity of majority ethnic and national communities by excluding Roma.

Ms Brigid Quilligan (Irish Traveller Movement, Ireland), resounded the concern over the financial and political independence of Roma NGOs. She emphasised that NGOs needed the Council of Europe's support to take on racists who at times were the ones in power. She appealed to Council of Europe bodies to look carefully at NGOs that already undertook awareness-raising activities against hate speech.

Ms Vuolasranta commended the Council of Europe on its standard-setting work, including ECRI and its recommendation on anti-Gypsyism. In view of the problems of implementation, standards needed to be made more relevant in practice. She believed that in legal proceedings the freedom of expression often prevailed over the right of minorities such as Roma and Travellers.

Mr Jones shared with participants his experiences in the UK, wondering how to utilize the European Convention on Human Rights, particularly *vis-à-vis* local authorities clearly acting against Traveller communities.

Mr Galjus argued that Roma NGOs should also seek new approaches. The ERTF needed to be more constructive and its activities more continuous, e.g. through establishing a working group with ECRI, linking up with Council of Europe country representations, engaging the Council of Europe bodies in re-imagining the Roma and focusing on bottom-up implementation. Council of Europe's country-specific action plans should be seized as an opportunity to introduce safeguards against evictions and develop Roma land ownership programmes.

Participants from **Moldova** and Greece remarked that in order to implement plans on social rights, adequate budgetary allocations were needed; otherwise, not even proper planning with the involvement of the Roma would yield any results.

Mr Raducanu noted that the Dialogue had so far not shown any patterns different to previous debates held in the framework of co-operation with the ERTF. Country differences made it difficult for Roma to speak with one voice. He concurred with **Mr Galjus** on the need to run pro-active programmes that would facilitate the purchase of land for Roma families - possibly with the involvement of Roma community workers trained to undertake the job. He noted with regret that few Permanent Representatives and staff members from the Council of Europe Secretariat were present at this first meeting of the new dialogue mechanism and hoped that such absence should not be interpreted as signifying a very low level of interest in the dialogue with Roma and Travellers.

Working session III

"Roma, Travellers and the police — protection or repression?"

Mr Paul Giannasi (Ministry of Justice, United Kingdom) gave a compelling account of the "Cross-Government Hate Crime Programme" in the UK. He acknowledged the diverse historical perspectives in Europe, noting the existence of hostile internal police attitudes which could only be overcome with political will and a changing institutional culture. He observed underreporting of hate crimes among many

groups, including Roma and Travellers. In the UK, the murder of teenager Stephen Lawrence and the institutional failure of the police to properly investigate it had created a momentum for change - a change that led to “True vision”, built around a common definition of hate crimes shared by all hierarchies; a mandatory human rights approach; the establishment of an independent advisory group consisting of victims, experts and minority groups to collaborate with the head of the police programme; and the setting up of an anonymous reporting mechanism available not only to victims but also to social workers and supporters. Mr Giannasi urged participants to engage their national police in understanding the role hate crime response plays in race relations and the improved trust in police.¹

Ms Natacha Deroeck (Council of Europe) introduced the European Programme for Human Rights Education for Legal Professionals (HELP²) and its main features concerning relevant courses. She presented the curriculum outline of the course on hate crime and hate speech, which was developed together with OSCE-ODIHR, and the course on anti-discrimination issues, which included a full module on discrimination against Roma. The specificity of the HELP methodology was its flexibility and adaptability. The courses had initially been developed for groups of judges, prosecutors and lawyers but could at a further stage be adapted to the needs of other categories of professionals such as police officers. Additionally, before being launched in a country, the course was translated and adapted to the national legal order by a HELP-certified national trainer, permitting to accommodate the specific requirements of the target audience.

Mr Donche Boshkovski presented the modules of in-service police training carried out in Bulgaria and “the former Yugoslav Republic of Macedonia”.

Ms Zola Kondur (*Cirikli*, Ukraine) drew attention to additional aspects of hate speech and hate crimes, especially the lack of knowledge and skills to prosecute such breaches of human rights law. The situation was particularly difficult when police was a perpetrator of hate crimes — and a prosecuting organ defending the citizens. In her view, the police must not only refrain from wholesale police raids on Roma settlements, but also from smear campaigns orchestrated in the media, often in relation with identifying the ethnicity of the alleged perpetrator of a crime. She advocated a total ban on ethnic profiling and observed that not only training, but also the inclusion of the necessary skills in the curriculum of police schools and academies was needed. Ms Kondur proposed that in addition to the employment of Roma police officers, a mechanism for Roma/police mediation should be established.

Mr Raymond Gurême (France) shared his moving personal account of Roma and Traveller/police relations starting from his memories during the Second World War. In his view, the persecution he and his community had suffered throughout decades

¹ Mr Giannasi presented a to-do list for communities engaging in change:

1. obtain real, i.e. not anecdotal evidence, including reliable academic research
2. do not race to the top: self-portrayal as the most victimized community may be counter-productive
3. speak with one voice, e.g. such as the Jewish community in the UK that shows no sign of in-fight and argues for a holistic change embracing every group - they do not argue for favouritism
4. balance your criticism
5. become third party reporters and support complainants
6. use various legal remedies - e.g. as demonstrated by *Djordjevic v Croatia*, judgment of 24 July 2012

² www.helpcoe.org

at the hands of the police stemmed from the mechanism that sought to cover up professional misconduct by scapegoating the Roma and Traveller victims of police ill-treatment. He supported a ban on police raids and racial profiling.

Mr Stefano Chirico (Observatory for the Security against Discriminatory Acts, State Police, Italy), introduced the inter-sectoral tool developed within the Italian administration for fighting hate crimes. Echoing concerns of colleagues and NGO representatives, he underlined that awareness of discrimination and political will at the level of the government were needed to provide human and financial resources to fight hate crimes. He stated that the police needed simple, clear and practical tools. Normally, the police was not aware of the impact of stop-and-search operations on citizens, or of the majoritarian bias inherent in police operations. He recalled that difficulties relating to the collection of ethnic data represented a hurdle which continental European countries needed to overcome in order to fight hate crimes.

Mr Sixto Molina (moderator, Council of Europe) emphasised the need to appoint Roma police officers to act as community liaison.

Mr Jones pleaded for the adoption and publication of an “eviction protocol” that would enable Roma and Travellers facing eviction to be aware of their rights and to react to police action accordingly. He observed the necessity of involving Roma and Travellers in police training and in mechanisms dealing with complaints against the police or hate crimes.

Mr Collins noted that in his view Roma and Travellers were over-policed and under-protected. Compulsory police training should include subjects on race relations and multi-ethnic policing, to be scored and marked similar to other mandatory courses. On the other hand, Roma and Traveller policemen should not be employed to police these communities; instead they should be given mainstream duties.

Ms Daróczy regarded it as unacceptable if the police were as racist as the majority society. The roots of prejudices and ideologies that lend themselves to fascism and nazism should be tackled in the teaching materials.

Ms Costache underlined that the police had a duty to protect the Roma.

Working session IV (current affairs debate)

“Forced evictions of Roma and Travellers in member States”

Mr Collins pointed out that the failure in Ireland to recognise Irish Travellers as an ethnic minority group posed obstacles to utilizing the protection offered under the various mechanisms of the Council of Europe. He therefore considered it a priority objective to ensure status recognition. He identified assimilation, exclusion, segregation and violence as causes for concerns in the field of housing in Ireland. Housing conditions were often unsafe and substandard, coupled with the threat of forced evictions. In his view, the right to housing was an enabling right as envisaged in General Comment No. 7 of ECOSOC: it opened up avenues to the right to education, employment and health. Non-segregated housing was a key to social inclusion. He reminded participants of the commendable standard-setting activities

of the ECtHR, the European Committee of Social Rights (ECSR) and other institutions. Member States should be held accountable to these standards and called upon to repeal oppressive legislation and policies. Mr Collins proposed that caravans should be recognized as homes, that nomadism should be supported, and that forced evictions had to cease. Finally, he pointed to the need for adequate funding in order to ensure the right to housing for Roma and Travellers.

Mr Rustem described the ERTF agenda relating to forced evictions. He differentiated three types of evictions, those directed at (i) settlements occupied by citizens for decades and tolerated by the authorities but suddenly declared illegal with evictions directed at the Roma but not necessarily at the non-Roma illegal occupants (typically in Central and Eastern Europe but also in Turkey), (ii) shanty towns of migrants on private or public land, from which Roma migrants were sometimes offered alternative accommodation in ghettos (in France and Italy), (iii) campsites for Travellers, where local authorities ignored or refused to obey legal requirements. He observed that the reasons behind forced evictions range from economic gain, through pressure from well-off majority citizens, to political gains. The spill-over effects of forced evictions were often overlooked: the loss of education, employment and ensuing social exclusion. The ERTF had been active in fighting forced evictions before the ECSR, initiating various collective complaints, such as those against France in 2010, 2011 and 2015 and one against the Czech Republic in 2014. In the ERTF's view, the solution to providing decent housing may be provided through the legalization of settlements such as in "the former Yugoslav Republic of Macedonia" where occupants could seek to legalize their tenancy for one Euro per square meter. Another solution was the proper use of EU funds earmarked for housing projects, including the building of social housing such as in Bosnia and Herzegovina, as well as a commitment not to spend millions on forced evictions. The ERTF proposed a review of legal standards.

Ms Françoise Kempf (moderator, Office of the Council of Europe Commissioner for Human Rights) gave a brief account of the work of the Council of Europe on forced evictions. She recalled the standard-setting work performed by the ECtHR, referring to the most recent judgment in *Winterstein et autres c France*; and by the European Committee of Social Rights. She reminded participants of the possibility of using injunctions under Rule 39 of the ECtHR³ to stop evictions, as had recently been done in response to requests from Bulgaria. In order to raise awareness at national level about evictions, she mentioned several tools which could be used, including public reactions of the Commissioner or possibly the newly-established OPRE Platform of co-operation between the Council of Europe, the EU Fundamental Rights Agency (FRA), the European Network of National Human Rights Institutions and Equinet. Further work on the root causes of evictions could also be done through ROMACT, Council of Europe national action plans for member States, and possibly training on housing rights and evictions for activists and lawyers.

Mr Jones reiterated that Roma needed sustainable solutions.

³ http://www.echr.coe.int/Documents/Rules_Court_ENG.pdf

Ms Quilligan noted that local governments in Ireland had rather returned EU funds than built Traveller sites. She noted that the dialogue as a process was extraordinarily important. When designating representatives from the Roma and Traveller communities, it was necessary to seek candidates with experience, passion as well as interest and information about the European level. Candidates and representatives needed to be vetted, because there were examples of people who spoke against the vital interests of their communities, such as a Traveller man who was given a platform to spread his views in support of fascist ideologies. It was equally important to look at other functioning frames of dialogue primarily at European level and take their best practice elements. Finally, it was important to acknowledge that the slow implementation of Council of Europe standards was not due to the lack of capacity of Roma and Traveller NGOs, but to the lack of political will.

Closing session

Ms Lilla Farkas (General Rapporteur) presented her conclusions regarding the seven major themes emerging from the two-day discussion.

Legitimacy and representation. There is openness among the Roma and Traveller community representatives to rethink the modalities of their participation in the work of the Council of Europe. The need to invest in creating and investing in the legitimacy of Roma representation at the European level was discussed at length. The idea prevailed that this needs to be based on the inclusion of as many NGOs from the local, regional and European level as possible. Roma and Traveller participation should be two-tiered: resting on NGOs as its first pillar, and on experts as its second. The importance of supporting, both politically and financially, NGOs that prove to be legitimate representatives of the Roma and Traveller cause was emphasised.

Participation. Many participants focused on identifying the best ways in which participation could be ensured in the new dialogue, but a need to participate in the work of other, especially monitoring bodies, as well as operations and discussions at the national level with national authorities was also considered important. Some participants called for continuing the discussion with an analysis and debate of best practice examples, including the NGO platform of the Fundamental Rights Agency, and the OSCE Human Dimension Implementation meetings. One conclusion was the need to engage Roma and Traveller NGOs in Council of Europe processes from the planning phase until the monitoring of implementation.

Maintain the human-rights frame. Participants unanimously supported the human-rights frame developed and used so far within the Council of Europe. Some warned against the slippery slope of turning the focus to a cultural frame, while a few participants believed that Roma culture with its assertive, positive imaging could play an important role in Romani identity creation both within the community and *vis-à-vis* majority societies. For instance, the Travelling way of life was depicted as representing the strong linkages between identity and culture and a means to economic livelihood. The major themes were social inclusion without assimilation and social rights.

Mainstreaming within the Council of Europe. It was considered vital that Roma rights were mainstreamed within all Council of Europe policy areas, and that sectoral activities, policy briefs and implementation reports reflect such mainstreaming.

Mutual collaboration. In response to the call from the Secretary General, a clear commitment emerged in the meeting to actively engage at the national level, particularly in monitoring the implementation of action plans and collaborating with the country offices of the Council of Europe. The two-sided nature of collaboration between the Council of Europe with its various sectors, monitoring and political bodies on the one hand, and Roma and Traveller NGOs on the other was a recurrent theme of the discussion. Participation was advocated not only as a means to ensure that Roma and Travellers have a say in decisions pertaining to their communities but also as the most effective channel for exchanging information between the European and national as well as across the national levels. The methodology of collaboration needs to be clarified.

Moving towards implementation: advocacy and legal challenges. Participants generally agreed that at the national level the political will was missing to implement existing standards or ECtHR judgments. It was stated that the blatantly discriminatory laws and practices in member States revealed an institutional culture. A certain discrepancy could be observed between the emphasis on a rights-based approach and the relatively low awareness of the case-law of the European Court of Human Rights and the European Committee of Social Rights, as well as of the existing national mechanisms supporting victims and legal challenges such as the equality bodies established under EU law and national human rights institutions. Participants repeatedly expressed a need to pursue legal challenges, especially in order to seek protection from hate speech committed particularly by members of the political establishment; the segregated or totally absent access to housing despite available financial resources mainly from the EU; as well as forced evictions. Claims were also repeatedly made regarding the content of national curricula, seeking the inclusion of Roma history and the depiction of Romani culture as of equal worth. Participants began discussing advocacy solutions in relation to housing, touching upon eviction moratoria, the spending of EU funds and legislative reform or *ad hoc* schemes to settle or create land entitlements — including the transfer of property and maintenance rights over Caravan halting sites to the central government. The need to train not only legal professionals but also activists, as well as the provision of manuals for activists with a view to pursuing legal challenges, were mentioned. Further discussion of Rule 39 injunctions and their use in certain evictions cases brought under Article 8 ECHR (right to private and family life), including *Yordanova and Others v Bulgaria* was needed. Domestic legal challenges pending against politicians on account of hate speech were mentioned in respect of France. However, despite its relevance in the context of hate speech, the need to reflect on or challenge the rather ambiguous standards the ECtHR set in *Aksu v Turkey* in relation to what transpired to be harassment based on Romani ethnic origin in academic publications sponsored by the state was not discussed.

Good practice examples. The examples of good practice discussed during the meeting — ranging from the anti-hate speech campaign in Serbia through legal challenges against hate speech in France to the scheme to settle land entitlement for one Euro per square meter in “the former Yugoslav Republic of Macedonia” — were commended as signposts for future activities.

Mr Orhan Galjus concluded the meeting by presenting the ERU as a healthy competitor of ERTF that works on the basis of an elaborate strategy paper. He felt that the last two meetings with the Council of Europe have produced tangible results in collaboration, including that in Albania on trafficking and in Greece on the review of the situation of the Roma. Mr Galjus underlined the importance of treating Roma NGOs as subjects and not objects, which could be achieved by recognizing them as watchdogs, ensuring their participation at meetings with the secretariat and their coordination across the NGOs. He reflected on the question of legitimate representation by pointing out that European NGOs were often considered as elite entities; therefore it was imperative to go local. At the local level, country representations of the Council of Europe could perhaps play a more active role in bringing about collaboration and enabling representation.

In his concluding remarks **Mr Ulrich Bunjes** recalled that the Roma and Traveller agenda had gained visibility at the highest levels of the Council of Europe, owing to the commitment of the Secretary General which was also reflected in the Committee of Ministers. He offered three conclusions. First, it was his deep conviction that this event had been well worth the effort. The format of the meeting had worked well: Roma and Traveller organisations and many member state representatives attended. Mr Bunjes was under the impression that more time was needed for detailed discussions to ascertain whether the results of the meeting would help future programming. The results of co-operation with Roma and Traveller NGOs were already mainstreamed within the Council of Europe, given the engagement of a wide range of sectors. However, there were ways to improve, for instance through the involvement of the HELP programme in efforts dedicated to the human rights of Roma.

Mr Bunjes gave an outlook on the next steps. The next working group meeting would be held in January 2016, where another round of discussions and assessment would take place. The CM would be duly informed, which might trigger further discussions within the relevant Rapporteur Group of the CM. The next dialogue event was scheduled to take place in May or June 2016. The topics would change and could, for instance, include the trafficking of human beings with input from the children’s sector as well as the anti-trafficking unit. Two meetings would be held per year: one in conjunction with the CAHROM meetings, which would allow governmental experts and Roma representatives to exchange views based on the CAHROM work results; and one with the monitoring bodies and other services of the Council of Europe.

Mr Bunjes closed by thanking the interpreters and all participants.

Appendices:

- *Programme*
- *List of participants*

APPENDIX 1

Council of Europe Dialogue with Roma and Traveller Organisations
First meeting, Strasbourg, 1 – 2 December 2015
Palais de l'Europe, Room 10

Programme

Tuesday 1 December 2015

- 9h00 Registration of participants
- 10h00 **Opening session**
- Mr Thorbjørn Jagland, Secretary General of the Council of Europe
 - Ambassador Katya Todorova, Permanent Representative of Bulgaria to the Council of Europe, on behalf of the Chair of the Committee of Ministers
 - Mr Gheorghe Raducanu, President of the *European Roma and Travellers Forum* (ERTF)
- 10h45 Coffee break
- 11h00 **Working session I:**
“How can Roma and Traveller organisations contribute to the implementation of the Council of Europe strategy?”
Moderator: Mr Henry Scicluna, former member of the Council of Europe Secretariat
- Introduction by Mr Ulrich Bunjes, Special Representative of the Secretary General for Roma Issues, Council of Europe
 - Panel discussion with the participation of:
 - Ambassador Ardiana Hobdari, Permanent Representative of Albania to the Council of Europe
 - Mr Giancarlo Cardinale, Office of the Commissioner for Human Rights, Council of Europe
 - Ms Miranda Vuolasranta, *Fintiko Romano Forum* (Finland)
 - General debate
 - Conclusions
- 13h00 Lunch break
- 15h00 **Working session II: Combatting anti-Gypsyism**
“Combatting hate speech against Roma and Travellers – European policies and the experience of the victims”

Moderator: Mr Ian Naysmith, Rapporteur on Anti-Gypsyism and Hate Crime, Ad Hoc Committee of Experts on Roma Issues of the Council of Europe (United Kingdom)

- Introduction by Mr Wolfram Bechtel, Secretariat of the European Commission against Racism and Intolerance (ECRI), Council of Europe
- Panel discussion with the participation of:
 - Mr Dragan Radosavljevic, *No Hate Speech Movement* (Serbia)
 - Mme Natacha Deroeck, HELP Unit, Council of Europe
 - Ms Agnes Daroczi, *International Roma Women's Network* (Hungary)
 - Mr Samir Mile, *La Voix des Rroms* (Albania/France)

16h30 Coffee break

16h45 Working session II (*continued*)

- General debate
- Conclusions

18h00 Summary of the day's debate

18h15 Adjournment

Wednesday 2 December 2015

9h00 **Working session III:**

"Roma, Travellers and the police — protection or repression?"

Moderator: Mr Sixto Molina, Head of the Support Team of the SRSR Roma, Council of Europe

- Introduction by Mr Paul Giannasi, Cross-Government Hate Crime Programme Lead, Ministry of Justice (United Kingdom)
- Panel discussion with the participation of:
 - Mr Stefano Chirico, Observatory for the Security against Discriminatory Acts (OSCAD), State Police (Italy)
 - Mr Donche Boshkovski, Criminal Law Cooperation Unit, Council of Europe
 - Ms Zola Kondur, *Cirikli* (Ukraine)
 - Mr Raymond Gurême (France)
- General debate
- Conclusions

10h30 Coffee break

11h00

Current affairs debate:**“Forced evictions of Roma and Travellers in member States”**

Moderator: Ms Françoise Kempf, Office of the Commissioner for Human Rights, Council of Europe

- Introductory statements:
 - Mr Robert Rustem, European Roma and Travellers Forum (ERTF)
 - Mr Martin Collins, *Pavee Point* (Ireland)
- General debate
- Conclusions

12h30

Closing session

- Summary conclusions by Ms Lilla Farkas, General Rapporteur of the meeting
- Concluding remarks by Mr Orhan Galjus, *European Roma Union* (ERU)
- Concluding remarks by Mr Ulrich Bunjes, Special Representative of the Secretary General for Roma Issues, Council of Europe

APPENDIX 2

List of participants

MEMBER STATES

Ambassador Ardiana Hobdari, Albania, Chair of GR-SOC (*Albania*)
 Ms Christa Achleitner, CAHROM Bureau (*Austria*),
 Ambassador Katya Todorova, Bulgaria, Chairmanship (*Bulgaria*)
 Ambassador Miroslav Papa, Permanent Representative (*Croatia*)
 Mr Thomas Sand Kirk, Deputy to the Permanent Representative (*Denmark*)
 Ms Claudia Piferi, EU delegation to the CoE (*EU*)
 Ambassador Satu Mattila-Budich, (*Finland*)
 Ms Pirjo Vira, Deputy to the Permanent Representative (*Finland*)
 Mrs Valérie Lübken, Deputy to the Permanent Representative (*France*)
 Ms Inga Kubetsia, Deputy to the Permanent Representative (*Georgia*)
 Mr Alexander Huber, Deputy to the Permanent Representative (*Germany*)
 Monseigneur John Baptist Itaruma, Deputy to the Permanent Representative (*Holy See*)
 Ambassador Ferenc Robák, Permanent Representative (*Hungary*)
 Ms Susan Kennefick, Deputy to the Permanent Representative (*Ireland*)
 Ambassador Božidarka Krunic, (*Montenegro*)
 Mr Bartosz Ochapski, Delegation (*Poland*)
 Mrs Inginur Rustem, Deputy to the Permanent Representative (*Romania*)
 Ms Snežana Petrović, Deputy to the Permanent Representative (*Serbia*)
 Mr Egemen Özalp, Deputy to the Permanent Representative (*Turkey*)
 Ms Mabera Kamberi, CAHROM Bureau ("*the former Yugoslav Republic of Macedonia*")

ROMA AND TRAVELLERS

Ms Stefka Vasileva Blagoeva, Phiren Amenca International Network (*France*),
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 Ms Agnes Daroczi, International Romani Women's Network (*Hungary*), barsonyjanos@t-online.hu
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 Mr Asmet Elezovski, Roma National Congress ("*the former Yugoslav Republic of
 Macedonia*"), elezovski@nationalromacentrum.org
 Mr Pelum Furtuna, ERU (*Albania*), afurtuna@albanionline.net
 Mr Orhan Galjus, ERU (*Turkey*), galjus@gmail.com
 Mr Enrico Guida, Associazione 21 Luglio (*Italy*), monitoraggio-advocacy@21luglio.org
 Mr Raymond Gureme, La Voix des Roms (*France*)
 Mr Jozek Horvat, ERU (*Slovenia*), jozekhorvat.muc@gmail.com
 Ms Enerida Isufi, ARRISEC (*Albania*), idaisufi@yahoo.com
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EXPERTS

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 Mr Ian Naysmith, CAHROM Rapporteur on Anti-Gypsyism and Hate Crime, (*United Kingdom*)
 Mr Henry Scicluna, former member of the Council of Europe

COUNCIL OF EUROPE SECRETARIAT

Mr Thorbjørn Jagland, Secretary General
 Markus Adelsbach, Private Office of the Secretary General

Mr Thorsten Afflerbach, European Charter for Regional or Minority Languages (ECRML)
 Mrs Katherine Anderson, Secretariat of the Committee of Ministers
 Mr Wolfram Bechtel, Secretariat of the European Commission against Racism and
 Intolerance (ECRI)
 Mr Donche Boshkovski, Criminal Law Co-operation Unit
 Ms Sarah Burton, Parliamentary Assembly, Committee on Equality and Non-Discrimination
 Mr Giancarlo Cardinale, Office of the Commissioner for Human Rights
 Mr Pio Angelico Carotenuto, Department of the European Social Charter
 Ms Natacha Deroeck, Help Unit
 Ms Françoise Kempf, Office of the Commissioner for Human Rights
 Ms Léa Palau, Alliance for Roma Inclusion
 Mr Thomas Schobesberger, Alliance for Roma Inclusion
 Mr Robert Rustem, European Roma and Travellers Forum (ERTF)
 Ms Banu Karamanoglu, European Roma and Travellers Forum (ERTF)

Mr Ulrich Bunjes, Special Representative of the Secretary General for Roma Issues
 Mr Sixto Molina, Head of the SRSG Roma Support Team
 Mr Marcos Andrade, SRSG Roma Support Team
 Mr Michael Guet, SRSG Roma Support Team
 Ms Isabela Mihalache, SRSG Roma Support Team
 Mrs Heather Roscow Schmitt, SRSG Roma Support Team
 Ms Malgorzata Rozycka, SRSG Roma Support Team
 Mrs Ljiljana Stojisavljevic, SRSG Roma Support Team
 Ms Marina Vasic, SRSG Roma Support Team