



Combating Antigypsyism

Expert reports building on forward-looking aspects
of the evaluation of the EU Framework for National
Roma Integration Strategies



Written by
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[January 2020]



EUROPEAN COMMISSION

Directorate-General for Justice and Consumers

Directorate D — Equality and Union citizenship

Unit D.1 Non-discrimination and Roma coordination

*European Commission
B-1049 Brussels*

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Manuscript completed in January 2020

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PDF	ISBN 978-92-76-16310-7	doi:10.2838/652245	DS-04-20-114-EN-N
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EXECUTIVE SUMMARY

The aim of this report is to propose how the findings and recommendations from the European Commission's mid-term evaluation (COM(2018)785) of the EU Framework for National Roma Integration Strategies (EUFW) with regard to the identified need to reinforce combatting antigypsyism can be translated through specific policy proposals into the new post-2020 initiative on Roma equality and inclusion. In line with the mid-term evaluation, we propose that along with an approach of Roma inclusion, antigypsyism/anti-Roma racism is addressed both as a cross-cutting issue and as a self-standing area, together with the four priority areas in a potential post-2020 EU initiative.

The first chapter notes that antigypsyism/anti-Roma racism is sometimes misunderstood and not well integrated into domestic legal systems and national policies of Member States despite its recognition in the 2013 Council Recommendation. Ensuring a shared common understanding of the content of antigypsyism/anti-Roma racism appears vital. We also propose that Member States could opt for an alternative terminology of antigypsyism/anti-Roma racism to suit diverse contexts, but clearly stipulate that diverse groups, including Travellers, Fairground people, Egyptians, Sinti or Manouches are covered by policies tackling this specific form of racism. Importantly, the chapter also highlights that both the vocabulary and the new policy framework should seek to shift the perception of the Roma as a vulnerable group to citizens at risk of being deprived of their rights. Additionally, findings of the critical discussions underline that tackling racism and Roma exclusion needs to remain firmly the responsibility of the Member States.

In the second chapter, we discuss available legal, policy and financial tools that the EU has at its disposal to address antigypsyism in a post-2020 initiative and propose channels through which the European Commission can reinforce its efforts to tackle antigypsyism. The chapter also provides a background explaining why some measures, such as a new Directive on antigypsyism, are unlikely to be delivered.

The third chapter seeks to operationalize the fight against antigypsyism/anti-Roma racism into specific proposals addressed to EU level and to Member States, while also outlining the potential role of the civil society organisations. As a stand-alone area, we propose that the post-2020 EU initiative focuses on recognising antigypsyism/anti-Roma racism and reinforced efforts to combat discrimination, hate speech and hate crimes within the national and EU anti-discrimination legislation with regard to monitoring and assisting Roma victims. Equally important are trainings of relevant state officials in recognising antigypsyism/anti-Roma racism as bias motivation, including on intersectional biases. We further recommend that along with recognition of past injustices, especially of the Roma Holocaust, Member States also include information about diverse Roma cultures and history into their national educational curricula.

As a cross cutting issue in the four priority areas – education, employment, housing and health – we propose that particular attention should be paid to overcoming persistent antigypsyism/anti-Roma racism in order to effectively create conditions for change. While the levels of knowledge and in-depth analysis differ in the four areas, the patterns of institutional/structural discrimination are evident in particular when segregation is visibly present. This is often the case in the areas of education or housing (school, class or

residential segregation), but also identified in the area of health with regard to general access to health services or receiving assistance, while it is less so documented in the area of employment.

The report draws on available data, academic literature, policy documents presented by the EU and other international bodies, reports and recommendations prepared by civil society organisations, discussions that took place during the workshop on future policies for Roma organised by the European Commission on 1st of October 2019 (EC workshop 2019), on written submissions prepared before and after the workshop, surveys among key stakeholders, including government representatives, human rights activists and academics, as well as a focus group organised online on the 6th of November 2019 by the research team.

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Abbreviations

AG	Antigypsyism
AGA	Alliance against Antigypsyism
ARDI	Anti-Racism and Diversity Intergroup (European Parliament)
CBP	Common Basic Principles
CERD	UN Committee on the Elimination of Racial Discrimination
CoE	Council of Europe
CPR	Common Provision Regulation
CSO	Civil Society Organisation
EC	European Commission
ECRI	Council of Europe's Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECTHR	European Court of Human Rights
EP	European Parliament
ERGO	European Roma Grassroots Organizations Network
ERRC	European Roma Rights Centre
ERTF	European Roma and Traveller Forum
ESIF	European Structural and Investment Funds
EUFW	EU Framework for NRIS
EU	European Union
FSG	Fundación Secretariado Gitano
MS	EU Member state(s)
NRIS	National Roma Integration Strategy
RCM	Roma Civil Monitoring
RED	Racial Equality Directive (Council Directive 2000/43/EC)
SDG	Sustainable Development Goal(s)

Background

The EU Framework (EUFW) for National Roma Integration Strategies (NRIS) is coming to an end and a new post-2020 initiative for Roma equality and inclusion is being discussed. The main milestones at EU level have been the mid-term evaluation of December 2018 (EC, 2018a, 2018b)¹, the publication of the latest 2019 Communication and Staff Working Document on the implementation of NRIS (EC, 2019a, 2019b), and the workshop on future policies for Roma.² Similarly, a number of contributions to the debate have been published by Roma activists and civil society organisations.³ Likewise, a rich academic debate is taking place on key issues of anti-Roma discrimination, the welfare situation of Roma and respective policy measures as well as reflection on policy options for the future.

The overall consultation process on the post-2020 initiative for Roma equality and inclusion is the responsibility of the European Commission. Following the organisation of a workshop on 1 October 2019, the Roma team of DG Justice and Consumers has published the workshop papers and a workshop report on the EUROPA website, in which next steps towards a post-2020 initiative have been indicated. Preparations also include an intensive process of consulting other Commission services as well as Member States. As for civil society consultations, during the preparations so far, feedback to the Commission by civil society actors has been provided via a number of channels such as for example (1) bilateral meetings and input before and after the workshop, (2) the discussions at the workshop itself, and (3) the option for written submissions. The post-2020 initiative for Roma equality and inclusion is expected to be presented by the Commission in the fourth quarter of 2020.⁴

In parallel, but connected to the respective debates and policy formulation processes managed by DG Justice and Consumers, the European Commission has contracted out the present assignment to a consortium in a competitive tendering process. The consortium is formed of three organisations – Fresno, the right link as consortium leader (fresnoconsulting.es), the Centre for Policy Studies of the Central European University (cps.ceu.edu) and the Amalipe Centre for Intercultural Dialogue (amalipe.com). The team includes the eight experts mentioned below. The assignment is to investigate deeper into three specific issues that have come up strongly in the mid-term evaluation and in other consultation spaces. Specifically, these are **diversity, participation and antigypsyism**. An initial framing had been provided in an issue note for the workshop that was meant to kick-start the debate (Fresno, Lajčáková, Zentai, et al., 2019).

¹ The respective reports of the mid-term evaluation, namely COM2018/785 and SWD2018/480, as well as the background report, are available at this page https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/mid-term-evaluation-eu-framework-nris_en

² https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu/workshop-future-policies-roma_en

³ (Alliance Against Antigypsyism, 2019a, 2019b; Carrera, Rostas, & Vosyliūtė, 2017; Carrera et al., 2019; EPHA, 2019; ERGO, 2019a, 2019b; ERIAC, 2019; ERIO, 2017; ERRC, 2015; ERRC, Byrne, & Szira, 2019; ERTF, 2019; Eurodiaconia, 2019b; EuRoma, 2019; Fakali, 2019; FEANTSA, 2019; Fremlova, 2019; FSG, 2019a; Herfort & Munteanu, 2019; Matarazzo & Naydenova, 2019; Mirga-Kruszelnicka, 2017; Misto Avilean, 2019; Phiren Amenca & ternYpe, 2019)

⁴ See the “Strong Social Europe” Communication COM14/2020, p 13. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0014>

The project counts on eight key experts and some support staff. The document on "antigypsyism" has been drafted by Jarmila Lajčáková, Mirjam-Angela Karoly and Marek Hojsik; the document on "participation" by Violetta Zentai, Georgeta Munteanu and Simona Torotcoi; and the document on "diversity" by José Manuel Fresno, Deyan Kolev and Stefan Meyer. Collaborators of the teams have been Skye Bain for Fresno, the right link and Teodora Krumova for Amalipe.

The consortium's specific task has been to provide the Commission with three reports on the issues of diversity, participation and antigypsyism. The reports reflect the current state of debate and develop recommendations for future policy options related to each of the three issues. The recommendations shall provide concrete forward-looking suggestions for EU policy making and build on already existing knowledge and expertise. They shall be operational, concrete and evidence based, build on good practice and provide insight into what could work for the most vulnerable among the Roma, taking into account the need for implementation also at local level. The overall exercise has a twin objective to (1) provide policy advice to DG Justice and Consumers (and other DGs), and (2) provide an interim reflection to the wider society on potential policy priorities for the post-2020 initiative for Roma equality and inclusion in the field of the three thematic issues.

The research and policy advisory process was expected to be highly participatory. Together with an extensive literature review, the participation in the policy consultation process (such as in the 1st October workshop), access to civil society submissions to DG Justice and Consumers, and the experts' own experience as activists, service providers and researchers, the research process counts on an additional tool included already in the Commission's terms of reference for the assignment: the focus groups. These are meant to enrich the expected outcome – the three reports – by contrasting the findings in the course of the formulation with members of public administrations and civil society, as well as academia. Each theme had a small focus group of between ten and twelve persons. The members of the focus groups were selected as individuals for their trajectory and specific knowledge and experience, as well as based on system of balancing local, national, EU level experiences, as well as North, East and South, and public administration, academia and civil society. The selection and choice on the final composition has not meant to guarantee equal representation but to form three groups that are sufficiently diverse to enter into fruitful and controversial discussions in order to augment the depth and rigour of the analysis. The members of the focus groups were asked to participate at three stages of the drafting process, namely a written survey on key questions, an online discussion group and the feedback to the first draft.

The output of the exercise are three reports on each of the themes. These reports are authored papers by the respective experts. Hence, they reflect the opinion of the authors and are neither consensus papers nor positions of the European Commission.

INTRODUCTION

The aim of this report is to propose how the findings and recommendations from the EC's mid-term evaluation of the EU Framework for national Roma integration strategies (EUFW), with regard to the identified need to reinforce combatting antigypsyism, can **be translated into the new post-2020 initiative on Roma equality and inclusion through specific policy proposals.**⁵ The mid-term evaluation **suggested that a clearer focus on fighting antigypsyism and discrimination should complement, not replace the inclusion approach.** In addition, the evaluation proposed that antigypsyism is addressed both as **a cross-cutting issue** and as **a self-standing area**, together with the four priority areas in a potential post-2020 EU initiative (EC COM (2018) 785).

The mid-term evaluation argues that a clearer focus on antigypsyism could strengthen both the enforcement of anti-discrimination and hate crime legislation, as well as increasing effectiveness of social inclusion policies (*Ibid.*) This assertion is in line with the views of a variety of stakeholders, including civil society, members of national parliaments, international organisations and European institutions and bodies – e.g. FRA, the EU High Level Group on combating racism and xenophobia and other forms of intolerance (See e.g. Austrian Federal Chancellery, 2019; AGA, 2019; EC COM (2018) 785 final; EU HLC, 2018).

Recognition of antigypsyism should lay ground for transforming mainstream society's attitudes and values and consequently enhance enforcement of regulation and policies.⁶ Including the focus on antigypsyism should also have a preventive role, adding yet another view to discrimination, as explained in one of the submissions, *"that people should understand the cause and not only sanction consequences. For example, suggested actions such as education on Roma genocide can affect the number of hate-speech and discrimination in schools while people have to understand the origin of the problem to understand why what they are doing is wrong and unacceptable."*⁷ The focus on antigypsyism aside from discrimination lies in its shift of the attention away solely from those individuals that experience discrimination to the *"collective experience"* of racism experienced by Roma.⁸ Indeed, despite some positive trends captured by the recent Eurobarometer data measuring social distances to Roma, Roma remain perceived among the groups most discriminated against in the EU and among the groups that respondents felt least comfortable about.⁹

⁵ In the report, the EU framework – which had been defined by the 2011 EC Communication (EC 2011) will be referred to as "EUFW". The 2011 EUFW had been reinforced by the 2013 Council recommendation (EPSCO 2013) and is inspired by the 2009 common basic principles (EU Council 2009; EC 2010b). The strategies or integrated sets of policy measures at Member State level and in enlargement countries will be referred to as National Roma Inclusion Strategies (NRIS).

⁶ Response no 3 to the survey for the preparation of this paper.

⁷ Response no 1 to the survey for the preparation of this paper.

⁸ Response no 8 to the survey for the preparation of this paper.

⁹ 61% believed that discrimination against Roma was widespread. In comparison to 2015, the share of respondents that felt comfortable about Roma being their work colleagues (increase by 10 points to 64% in being totally comfortable) or Roma being in love relationship with one their children (increase by 9 points to 48% in being totally comfortable), has increased for EU28 average. The section of the report specifically

This report draws on academic literature, available comparative data and policy documents, reports prepared by Civil society organisations (CSOs), discussions that took place during the workshop on future policies for Roma organised by the EC on the 1st of October 2019 (EC workshop 2019), written submissions prepared before and after this workshop, surveys among key stakeholders, including government representatives, human rights activists and academics, as well as a focus group organised online on the 6th of November 2019 by the research team to eventually outline how the new post-2020 Initiative should address the fight against antigypsyism. The report begins with discussions of the definitions of antigypsyism, followed up by describing various approaches of how Member States currently address manifestations of antigypsyism as mapped by the Roma Civil Monitor. This chapter also includes critical voices raised during the preparation of the report that caution against possible setbacks that a reinforced focus on antigypsyism could cause, especially if driven by the EU. The second chapter outlines available legal, policy and financial tools that the EU has at its disposal to address antigypsyism in a post-2020 Framework. The third chapter proposes policy options to respond to the call presented in the mid-term evaluation i.e. addressing the fight against antigypsyism as a self-standing area as well as combatting manifestations as a horizontal priority in four priority areas, along with possible policy indicators.

The report's conclusion benefited from numerous recommendations and submissions from experts, policy officers and especially from civil society members who presented valuable proposals and ideas that present a significant wealth of thinking on this matter that in our view should be kept for further referencing. We have thus included these materials in a separate annex (annex 2). We would also like to thank the numerous civil society organisations, experts and government representatives who were kind enough to devote their time to share their views on how to tackle antigypsyism and provided valuable comments and specific proposals. Specifically, we would like to express gratitude to the participants on our response group who participated in the focus group discussion and those that devoted time and effort in commenting on the first draft of this report.

focusing on Roma, found across the EU an improvement of eight percentage points in share of respondents about how they perceive citizens of their country to feel about their children having Roma schoolmates (39%) since 2012. (EC 2019c)

1 EUROPEAN FRAMEWORK AND ANTIGYPSYISM

This chapter outlines how the existing framework addressed antigypsyism through specific provisions adopted in Member States as well as its limitations. One of the key insights is that contexts matter when it comes to social inclusion policies as well as measures tackling antigypsyism. In the design of a post-2020 EU initiative, ensuring that Member States have a good understanding of antigypsyism appears to be central. We thus begin this chapter with describing approaches that define and clarify the meaning of the concept and present some of the dilemmas associated with terminology that we also captured in our survey and focus group discussion.

1.1. Definitions and terminology

There have been several attempts to define antigypsyism and clarify its understanding. Valeriu Nicolae has presented one of the earliest attempts, stressing that this is a complex phenomenon, referred to a distinct **type of racist ideology** manifesting itself through dehumanisation, along with violence, hate speech, exploitation and/or discrimination. Antigypsyism is, in his view, used to *"justify and perpetuate the exclusion and supposed inferiority of Roma and is based on historical persecution and negative stereotypes"* (Nicolae, 2006).

In 2011, the Council of Europe's Commission against Racism and Intolerance (ECRI) put forward a definition that brings together the aspects of persistency and dehumanisation while underlying its general acceptance, and perpetuation through discrimination. According to ECRI antigypsyism is *"an especially persistent, violent, recurrent and commonplace form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination"* (COE, 2011).

In 2012 the Council of Europe's Human Rights Commissioner's also defined antigypsyism by suggesting that it is *"the specific expression of biases, prejudices and stereotypes that motivate the everyday behaviour of many members of majority groups towards the members of Roma and Traveller communities"* (COE, 2012).

In 2016, the Alliance against Antigypsyism, an occasional coalition of organisations that promote equality of rights for Roma,¹⁰ sought to advance a better understanding of the phenomenon as a specific form of racism (AGA, 2017). Antigypsyism, in their view, refers to the historically constructed ideology of racial superiority, dehumanising those labelled as "gypsies" based on their somatic attributes (mostly skin colour) while associating them with **negative characteristics** such as propensity to lie, unwillingness to integrate, or being dependent on welfare. According to the Alliance, antigypsyism can be also based on **"positive"** constructs associating and consequently reducing Roma to talented musicians or dancers (*Ibid.* p. 11) According to them manifestations of antigypsyism can also underpin 'well-meaning' approaches and policies by designating Roma as those who deserve special treatment and denying the autonomy of individual

¹⁰ Please see information about the Alliance and their activities at: http://antigypsyism.eu/?page_id=55.

Roma to make their own informed decisions. Manifestations of antigypsyism, such as hate speech, can target Roma directly or implicitly through proxy categories that are “known” to the public, such as ‘inadaptable’ citizens, ‘poverty migrants’ or people needing re-education. Antigypsyism manifests itself at **institutional level** through segregation in education, in certain workfare programmes that are based on assumptions of (ethnicised) laziness of people excluded from the labour market, or in failure to sufficiently enforce hate crime legislation when it comes to Roma. It also manifests itself at **interpersonal level** in interactions among people that maintain inequalities, ranging from the most serious examples of hate speech and violence to more subtle forms in schools, such as bullying, ignorance or naming. Finally, at the **intrapersonal level**, antigypsyism denotes acceptance of attitudes, beliefs or ideologies around the inferiority of Roma (being less intelligent, inadaptable, having poor working attitudes etc.).

In summarising this broad understanding, the Alliance proposed a working definition of antigypsyism as: *“historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates: 1. A homogenizing and essentializing perception and description of these groups; 2. The attribution of specific characteristics to them; 3. Discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect, and which reproduce structural disadvantages”* (Ibid. p. 5).

The proposed definition purposely avoids placing certain manifestations of antigypsyism into the centre (e.g. hate speech, segregation and others) so as not to “*obscure other – perhaps less visible, but equally harmful – practices.*” (Ibid.) They also advocate for the use of the term antigypsyism rather than anti-Romani racism or Romaphobia. They argue that while those identifying as Roma are affected by antigypsyism, other groups not using the name ‘Roma’ are also affected – Egyptians in the Balkans, Manouches, Sinti, Travellers and others. They write the term without a hyphen in order to avoid lending credence to the idea of ‘gypsyism’.

While there is no disagreement in terms of the content and understanding of antigypsyism, among the proponents of the need to tackle this form of racism, there has been debate around the use of the term of antigypsyism (McGarry, 2017). Alexandra Oprea and Margareta Matache recently cautioned that the term antigypsyism could further reinforce Roma marginalisation and entrench racism against Roma in political and academic discourses. The authors underline that there is a semantic difference between the words “Gypsy” and the words “Cigan” or “Tigan”. The latter words, labelling Roma in countries of Central and Eastern Europe as well as in most Roman languages, are highly pejorative. It is a racial categorisation imposed on Roma with arguably more insulting connotations than the term “Gypsy”. They observe that getting rid of the use of the term TZG was part of the Romani movement, as the first step to overcome racism. They believe that the use of the term may have negative impact on the whole movement as by denoting “*a separate, distinctive social practice that ultimately situates Romani experiences of racism outside the larger discourses on racism*” (Oprea and Matache 2019, p. 284). Moreover, Oprea and Matache argue that since the term “Gypsy” and its content is a product of *gadje* imagination, the use of the term “anti/Gypsyism” implies that *gadje* are not really against Roma. “*This implies that if they really got to know Roma, they would embrace them, which is a fallacy. Furthermore, it puts the burden*

back on Roma to show that they do not actually behave in ways that conform to the stereotype" (Ibid.).

Oprea and Matache also caution that the use antigypsyism with lower "g" implies covering a lifestyle group. They note that non-Roma who are viewed as gypsies may be exposed to discrimination, but they were not racialised as Roma, did not face enslavement or the Holocaust. In their view, it shifts the focus from Roma to "fictional gypsies" ignoring dynamic Romani identity back into a box of fixed identity of "thieves" and "uncivilised Others". They argue that an unintended impact can be the shift of the responsibility from the oppressor on the oppressed proving that they are different to the harmful social construct associated with "gypsies". Instead of the term antigypsyism, they propose to use the term "anti-Roma racism". They believe that the use of anti-Roma racism should ensure that racism against Roma is not something intrinsically different than other forms of racism, and it is not framed outside (*Ibid.*).

In their written submissions, Matache and Oprea with numerous signatories working in the area of Roma rights, recognised that the proponents of the term antigypsyism aim to be inclusive of the groups such as Traveller, Egyptians or Sinti. They, nevertheless, worry that the term will not deliver this objective, but merely codify the term Gypsy as the working umbrella term while *"disregard the voices of these groups. For instance, some Traveller leaders promote the term 'anti-Nomadism' to reflect their struggles, and some Egyptians representatives decline any association or sameness with Roma related groups."* (Matache et al, 2019). They advocate for the use of the term anti-Roma racism *"given it is much more powerful and accurate framework – it clarifies that the target is a racialised people – the Roma, not a "perceived" people. It asserts that Roma are a people persecuted for their ethnicity in exclusion, rather than supporting the false narrative that 'Gypsies' are reviled as a consequence of their chosen asocial behaviour."* Nevertheless, considering already existing policy developments, in their view a compromise in the post-2020 Framework could be reached using 'anti-Roma racism/antigypsyism' in future documents (*Ibid.*).

Anastasia Crickley in her written submissions underlined the importance of explicitly including Travellers and Fairground people in a footnote or by their listing to ensure that they are included in protections demanded by antigypsyism or anti-Roma racism (Crickley, 2019). Indeed, as pointed out by one of the participants in the focus group discussions, the drawback of the use of anti-Roma racism or Romaphobia can be that it will not capture people who do not want to be identified as Roma, just as travellers or Sinti. *"They do not feel covered by the term"* (Focus group, 2019).

In the focus group discussion, **most of the participants agreed with the compromise term: anti-Roma racism/antigypsyism, also giving an option for a more liberal usage at Member State level that would reflect diversity of contexts.** Huub van Baar argued *"I would also go for a liberal way of using different terms at the same time. Because I see Romaphobia, anti-Roma racism and antigypsyism as terms that belong to the same so-called language game. They all in different ways address the similar phenomena. I think we should be liberal when we use the term, or*

both or three terms and do not exclusively deal with one of these terms” to ensure that we cover the experience of all diverse groups in different contexts (Ibid.).¹¹

On the other hand, Ábel Ravasz, the Slovak Government’s Plenipotentiary for Romani communities, cautioned against using both terms at the same time as being too complicated; it may be confusing to use both terms in practice. Moreover, he underlined that for a very long time there were efforts to get rid of the term ‘gypsy’ from the Slovak vernacular. To bring it back on a *“premise to protect Roma against racism, I think, it is very difficult, and also it is not necessary and not productive. Practically impossible in my context to use the proposed [antigypsyism] wording” (Ibid.).*

Importantly, during the EC workshop several participants also underlined the need to adopt a rights-based approach replacing the terminology of a **“vulnerable group” with “rights deprived group”**. The emphasis needs “to shift away from producing armies of mediators” and “integrating Roma’ to a rights-based approach”.¹² Institutions need to prove they have taken the necessary measures to ensure that they provide appropriate, professional and non-racist service to all people.¹³

To conclude, we recommend that the vocabulary of the new policy framework as well as the content of the proposed measures should seek to shift the perception of the Roma as a vulnerable ethnic group to one of **citizens at risk of being deprived of their rights**. We believe that the EU’s approach should avoid ambiguity so that is sufficiently clear for all Member States, officials and wider society, but should also have the flexibility to enable optimal application across the EU. To that end, we recommend that the EC continues to work with a definition of antigypsyism/anti-Roma racism based on the ECRI definition, adapted to take account of the concerns raised by the Alliance against Antigypsyism. We believe that it is important to clarify that measures to tackle “negative” antigypsyism stereotypes cannot consist of measures that homogenise and essentialise Roma using equally harmful “positive” stereotypes. Moreover, we propose to allow Member States to opt for alternative terminology, such as “anti-Roma racism”, and clearly stipulate that the terms cover diverse Romani groups, including Sinti, Travellers, Manouches and Egyptians and others.

1.2. Drivers of Antigypsyism

FRA, in its study of antigypsyism, starts by understanding antigypsyism as a key structural driver of Roma exclusion, undermining efforts aimed at decreasing Roma deprivation. FRA argues that, unless antigypsyism is tackled explicitly, the effect of policy outcomes in the four priority areas will be significantly reduced. In their view, this reinforces generational deprivation that keeps Roma at the societal margins and in turn reinforces prejudice and discrimination. FRA furthermore proposes that drivers of antigypsyism are complex, arguing that key ones are racism and xenophobia while adding that distrust, scorn for the poor and the entrenched social construct associated with the label “Gypsy” are also among them (FRA, 2008, p.8 and 15).

¹¹ For an academic example of how the terms anti-Roma racism, antigypsyism, and Romaphobia can be used simultaneously in the context of the one and the same language game, see van Baar et al., 2019.

¹² Response no 6 to the survey for the preparation of this paper.

¹³ *Ibid.*

According to the Alliance, contemporary antigypsyism has historical roots that flow from *"processes of social construction and projection that are prevalent elements of the development of European 'civilisation'"* (AGA, 2017, p.7) Van Baar proposes that framing the Roma as a security issue and focusing one-sidedly on enforcing order reinforces and indeed legitimises antigypsyism (van Baar, 2014, p.31-32). McGarry argues that Romaphobia is a legacy of nation and state building in Europe, constructing Roma as a deviant "non-territorial" and, thus, "rootless" other that threatens the nation-state and who, therefore, are excluded from (equal) citizenship, thereby reinforcing the perception of Roma as people who do not belong to the nation. McGarry argues that *"the key to understanding why Roma are marginalised across Europe lies in our conception of territory and space as well as in processes of identity construction and maintenance. This identity work includes European state nationalism as well as articulations of Roma identity and, importantly, the negative ascription of Roma identity by the majority. One example of the latter's is the stereotype of Roma as itinerant 'nomads' who have no home or fixed roots; this serves to justify their exclusion today because Roma are not regarded as 'one of us'"* (McGarry, 2017, p.7).

It is important to note that an in-depth across-country analysis of complex drivers of antigypsyism is missing. Indeed, research in this area is only just beginning and lags behind studies of antisemitism or anti-Black racism and, thus, much more knowledge and analysis is needed to accumulate sufficient knowledge and evidence. Hence, one of the areas that would deserve attention is funding of academic research in this area.

1.3. EUFW and Antigypsyism

The mid-term evaluation argued that the EUFW did not succeed in sufficiently tackling antigypsyism and discrimination (EC COM (2018) 785 final, p. 44). EUFW set out four specific equality related goals in the key areas based on a belief that **that existing non-discrimination laws would be reinforced through a social inclusion approach** to tackle exclusion of Roma along with some measures tackling anti-discrimination.

In her study of the implementation of the EU Structural Funds in the programming period 2007-2013, and Roma social inclusion programmes in Spain (Andalucia) and Slovakia (Eastern Slovakia), Joana Kostka demonstrated that there are different approaches towards discrimination and Roma inclusion. While in Spain the programming of EU Structural Funds acknowledged structural discrimination and underlined the systemic discrimination in the area of employment, Slovak EU Structural Funds programming neither related social exclusion to discrimination nor acknowledged structural discrimination. Consequently, the European Structural Funds in Spain focused on discriminatory patterns of institutions and earmarked anti-discrimination initiatives in the sphere of the labour market and by reforming institutional services. In contrast, Slovak ESF was implemented in a group-targeted approach to "motivate" and initiate behavioural changes of the target group (Kostka, 2015, p.84). As a result, in Spain "structural barriers" were addressed by adopting a mainstream approach to exclusion that brought forward a number of anti-discrimination initiatives from which Roma also benefitted directly or indirectly. On the contrary, in Slovakia, where structural discrimination was neglected, the focus was on measures aimed at changing behaviour of Roma with targeted projects, which also lead to the *"isolation of Roma measures from regional and local development strategies"* and in fact racialised the problem and failed to

bring about systemic transformation, e.g. improving public services and anti-poverty programmes. *“It appears that targeting SF [Structural Funds] at minority groups without resources provided for institutional ‘transformations’ – in particular the enhancement of anti-discrimination principles – is counterproductive as it leads to ethnicisation of the problem and its separation from mainstream policies” (Ibid. p. 87).*

Tina Magazzini, in her study of Italy and Spain’s approaches furthermore revealed that even countries with similar political and administrative structures and migration histories, facing similar challenges stemming from economic crises, conceptualise the “integration” of Roma differently. In Spain, the discourse of policy makers is based on a narrative of the need to improve living conditions for the part of its population, while Italy adopted a more culturalist approach accommodating “external multiple groups”, while creating a difference between migrant and non-migrant Roma. *“While the Spanish approach conceives Roma exclusion as a product of wider socio-economic changes, the Italian one points directly at Roma groups with alleged particular problems and regards the issue as cultural and behavioural, thus focusing on group identity and characteristics rather than on discriminatory patterns or institutional capacity to address a systemic lack of affordable housing” (Magazzini, 2020, p. 54).*

The EC’s communication of 2011 and, even more so, the 2013 Council recommendation on effective Roma integration measures, specifically call Member States to take actions to tackle antigypsyism and discrimination and ensure equality, specifically spelling out the need to eliminate segregation in education (1.3.a,b), tackle discrimination in employment (1.4 d), eliminating spatial segregation (1.6a) and promote non-discriminatory access to social housing (1.6b). Moreover, the Council Recommendation calls Member States to ensure the effective enforcement of the EU’s Race Equality Directive (RED). The Recommendation also specifically calls Member States to *“combat discrimination and prejudice against Roma, sometimes referred to as Anti-Gypsyism, in all areas of society”*, listing awareness raising measures and measures tackling anti-Roma rhetoric and hate speech. (2.1, 2.4). Finally, the Council Recommendation also calls for structural measures to improve capacities of equal treatment bodies, including the provision of judicial assistance to Roma victims of discrimination (3.6).¹⁴

In terms of specific measures that countries adopted in their NRIS frameworks or other policies regarding antigypsyism (other than segregation and discrimination)¹⁵, the Roma Civil Monitor found that the recognition of antigypsyism is largely inconsistent among the 27 monitored Member States. Most countries do not explicitly recognise antigypsyism in state policies, legislation or state documents. The Monitor notes that Romania’s NRIS recognises the need to improve the socioeconomic status of Roma, but does not address acts of antigypsyism. Even where national NRISs recognise antigypsyism, specific indicators and budget for actions are missing. The monitor identifies Portugal as a positive example of a NRIS linking a budget to prioritising the fight against discrimination and public awareness raising of stereotypes and hate speech against Roma. Explicit recognition of antigypsyism is included in some state documents in Czechia, in a document adopted by the Catalan Parliament in 2007 (though it is not recognised in

¹⁴ Council Recommendation on effective Roma integration measures in the Member States, 2013/C378/01.

¹⁵ Please see in detail Roma civil monitoring reports for 2017 and 2018 available at <https://cps.ceu.edu/roma-civil-monitor-reports>

Spain), and in some documents in Italy related to education. On the other hand, Belgium, Sweden and Germany were identified among the most advanced Member States in terms of recognising antigypsyism. Belgium recognises antigypsyism as a specific form of racism in its 2016-2018 Strategy Plan. Sweden's temporary Commission on Antigypsyism reported on historical and contemporary antigypsyism and proposed the establishment of a national institute vested with the responsibility to tackle antigypsyism. Germany recognises antigypsyism, reflected in its NRIS, in its National Action Plan against Racism, as well as in mainstream policies (RCM, 2018, p. 38).

Even if Member States recognise antigypsyism, there are challenges in its conceptualisation. For example, the Hungarian NRIS understands antigypsyism as an outcome of a difficult coexistence between the Roma and majority society, and of their poor living conditions. Yet, mainstream institutions rarely act against antigypsyism despite the efforts of civil society actors, universities and cultural institutions.

The report observes a growing awareness of past persecution of Roma especially through the recognition of the Roma Holocaust in some countries. The monitoring lists Slovakia and Czechia as positive examples of commemorating the Roma Holocaust. In Romania, its recognition is included in school curricula, while Poland was the first to declare August 2nd as the Roma and Sinti Genocide Remembrance Day. The Civil Monitor notes limited institutional practices focusing on combatting antigypsyism; listing Germany's federal program on the promotion of democracy with specific thematic priority on Combatting antigypsyism, including, among others, training of police officers, as the most advanced case. Similarly, Germany has been recording antigypsyist criminal offenses separately in crime statistics (*Ibid.* 37-42).

The Roma Monitor reports *"a picture of serious ineffectiveness and almost total impunity, due to different reasons: lack of explicit recognition of antigypsyism in legislation and policies, institutional antigypsyism, slowness of interventions, little information on the possibility of reporting [...], lack of trust in institutions, costs of legal action, lack of monitoring and reporting, lack of support to civil society. Moreover, there is no adequate awareness of the characteristics of antigypsyism among law enforcement agencies, judges and prosecutors"* (*Ibid.* 42).

1.4. Critical discussions

In the survey prepared for this paper, numerous respondents demonstrated a belief that antigypsyism is a highly relevant problem that clearly needs to be addressed more effectively within a new post-2020 Initiative on Roma equality and inclusion. However, a couple of respondents expressed concerns that this should be done in a manner that does not reinforce Roma exclusion as an unintended consequence.

In his submission Martin Kovats, emphasised the risk of racialisation inherent in the Europeanisation of Roma targeted policies. He noted that the EUFW was successful in reducing political tensions surrounding Roma by producing a governance structure in each country that makes the politics of Roma more manageable, keeping responsibility with the Member States while allowing the EU to promote values that should underpin the NRIS. He argues that this political success stands in stark contrast to limited measurable improvements on the ground. Kovats identified the following as the main causes of this situation: limitations in the employed tools; inadequate data; insufficient

expenditure; institutional limits of National Roma Contact Points; lack of sustainability; and the tendency towards targeted policies rather than mainstreaming. This situation in his view is prone to crisis as it encourages anti-Roma and far right politics to question approaches that are in line with EU values (Kovats, 2019). Not least as the historical context of negativity towards the Roma means that policy failures can be explained as reflecting some assumed inherent characteristic of the Roma people themselves (Law and Kovats, 2018). With respect to antigypsyism specifically, while acknowledging the salience and persistence of antigypsyism, due to division of competencies between the national and European levels, the EC should in Kovats' view be *"wary of doubling down on the politicisation of Roma identity by presenting discrimination as the primary frame of public debate, but without having any more impact on reducing inequalities and exclusion"* (Kovats, 2019, para 27).

Kovats also points to the challenge of having antigypsyism accepted as an effective and applicable concept, in particular in those states where its impact would be greatest and therefore concludes that to be successful the concept must be practically understood and widely accepted by national institutions and even wider society. Kovats is sceptical as to whether a European focus on antigypsyism would be any more effective than the current tools, questioning the assumption that antigypsyism is a cause rather than a symptom as, in his view, *"it conflicts with a more realistic view that it is rather inequality that generates discrimination"* (Kovats, 2019, para 29). Thus, discrimination and prejudice would be better addressed if Member States work on reduction of social inequalities, while the EUFW's role should be to politically support the development of effective systems and processes in Member States which address the needs of their Roma citizens, including the capacity of domestic actors to hold national authorities to account, as well as to invest in improving understanding of antigypsyism, and Roma issues in general, within Member States.

In the focus group discussions, Abel Ravasz, the Slovak Government's Plenipotentiary, underlined that at local level, there is a value of framing the policies towards Roma as measures tackling poverty rather than a fight against antigypsyism, as this can produce a backlash and feed into unhelpful discourse of Roma being in a privileged position (Focus group, 2019).

To conclude, we recommended that the new policy framework should aim to shift the framing of the Roma as vulnerable ethnic group to one of citizens at risk of being deprived of their rights. In terms of the use of the terms antigypsyism/anti-Roma racism we proposed that EC continues to work with definition of antigypsyism/anti-Roma racism based on the ECRI definition, adapted to take account of the concerns raised by the Alliance against Antigypsyism. Member States should opt for alternative terminology, such as anti-Roma racism, and clearly stipulate that the terms cover diverse Romani groups, including Sinti, Travellers, Manouches and Egyptians and others. The chapter also argues that among the measures supported at EU and MS level, there should be reinforced support to research that aims to provide a better understanding of, among others, drivers of antigypsyism.

Moreover, the chapter also discussed that, given the novelty of the AG concept and the diversity both of Roma populations and national governance systems, antigypsyism is not well integrated into domestic legal systems or national policy debates despite its recognition in 2013 Council Recommendation. Thus, calls to ensure a good common

understanding of antigypsyism appear key. Finally, the critical voices do not challenge the need to address antigypsyism, but rather highlight that the role of the EU in these efforts should be to ensure that prime responsibility for tackling antigypsyism remains with the Member States and that both EU and Member States keep a social inclusion approach at the centre of post-2020 efforts.

2. Available Tools

Even before the EUFW was adopted in 2011, several European countries had already established practices, legal provisions and anti-discrimination mechanisms to promote equal opportunities and non-discrimination in respect of their Roma citizens. However, given the political strength of the European Union, the dynamics within the European Integration process and the powerful financial instruments, the EU has so far been one of the strongest drivers for realising policies, programmes and projects addressing Roma integration and promoting efforts to this end within EU Member States and accession and candidate countries. In this chapter we explore the opportunities (and their limitations) for action by the EC to combat antigypsyism, including the legal, policy and financial tools at its disposal.

2.1 Legal Tools

The EU has adopted a number of legal instruments to promote equality and non-discrimination which should be used to address antigypsyism, e.g. the Racial Equality Directive (Council Directive 2000/43/EC) and the Equal Employment Directive (Council Directive 2000/78/EC), and the Framework Decision on combating Racism and Xenophobia by Means of Criminal Law (2008/913/JHA). Member States are bound by the EU legislation that the EC can enforce, however the application of these EU legal instruments requires their transposition into domestic law. The EU law relevant for fighting antigypsyism also includes the Treaties and the Charter of Fundamental Rights of the EU (in particular Article 21) (primary law), legislation adopted in application of the treaties, for example through regulations or directives (secondary law) and the case law of the EU Court of Justice.

Extending the European Commission's mandate so that it can require Member States to act beyond the content of the existing directives would require amendments to the EU law, which would require the unanimous vote of all Member States in the Council followed by the consent of the European Parliament. However, despite different calls from the European Parliament and efforts of the European Commission, (EP, 2019a), the Council has not approved the EC's 2008 proposal for a *Council directive on implementing the principle of equal treatment outside the labour market, irrespective of age, disability, sexual orientation or religious belief* (EC, 2008) aiming to extend protection against discrimination through a horizontal approach. This **shows that the chances for adoption of new EU law in the field of fighting antigypsyism are not realistic. Therefore, the fight against antigypsyism should be framed within the existing legal environment. While the fundamental goal has to be the effective application for Roma of existing EU anti-discrimination law within Member States legal and judicial systems,** progress can also be made through litigation at the ECJ, which can be initiated by the European Commission following infringement proceedings or by national courts through references for a preliminary ruling.

2.1.1 Equality law: Discrimination including segregation

The EU's principal legal anti-discrimination legislation, the Race Equality Directive (2000),¹⁶ prohibits discrimination on grounds of race and ethnic origin (such as real or presumed Roma origin) in employment and occupation, vocational training, membership of employer and employee organisations, social protection, including social security and health care, education, and access to goods and services including housing.

- RED prohibits both **direct** and **indirect discrimination** based on ethnicity, which can cover the segregation of Romani children through unjustified placement into special education for children with disabilities; ethnic segregation in mainstream education facilities or discrimination in housing.
- RED prohibits both **direct** and **indirect discrimination** based on ethnicity. The European Court of Human Right (ECtHR) in its well established jurisprudence prohibits indirect discrimination, especially in the context of segregation of Roma in education – covering both segregation in Roma-only classes or schools, as well as segregation through disproportionate placement of Roma children in special schooling.¹⁷ Moreover, ECtHR has ruled that “a lack of discriminatory intent is not sufficient. The States are under a positive obligation to take positive effective measures against segregation (*Lavida and others v. Greece*, §73)” (ECHR, 2019).

Additionally, RED prohibits **harassment** as a form of discrimination with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. This could include manifestations of antigypsyism at interpersonal level such as **creating a humiliating environment by naming, ignoring or failing to address ethnically driven bullying**. In 2013, a Romanian High Court confirmed the decision of the National Equality Body that had sanctioned a municipality for harassment committed by the construction of a wall that separated a Roma neighbourhood from the main road in the city (Ringelheim, 2016).

Similarly, there are decisions of national courts and international bodies prohibiting residential segregation as a form of illegal discrimination. The European Committee of Social Rights considered the development of segregated housing solution for Roma illegal discrimination (ECSR, 2011). Slovak courts that condemned construction of segregated housing for Roma only by a municipality and at the same time stated that the central government is under positive obligation to protect against discrimination and not to provide subsidies for development of municipal housing projects that could lead to ethnic

¹⁶ However, several respondents referred to a proposal put forward by the Alliance against Antigypsyism network to include antigypsyism among the different grounds of discrimination, as one of the measures to improve effectiveness of the directive enforcement. However, including a separate ground for antigypsyism in RED and national antidiscrimination grounds opposes the logic of the laws as they use value neutral attributes (with the exception of disability in case of antidiscrimination laws). Including antigypsyism, when translating into legal language would mean prohibition on the grounds of being a Gypsy that would be not only against the logic of the law, but also highly pejorative and creating a separate category for Roma in non-discrimination laws that could reinforce further marginalization as cautioned by Oprea and Matache, above. Alliance against Antigypsyism (2019), [Developing measures to combat antigypsyism after 2020, Guidance for European and national stakeholders](#). p. 9.

¹⁷ See for example: *D.H. and Others vs the Czech Republic* (Application No. 57325/00), *Sampanis and others vs Greece* (Application No. 32526/05), *Horvath and Kiss vs Hungary* (Application No. 11146/11), *Orsus and Others vs Croatia* (Application no. 15766/03).

segregation.¹⁸ In 2015, the Tribunal of Rome judged that the policy of the municipality of Rome that systematically placed Roma in mono-ethnic camps located in the remote outskirts of the city, constituted indirect discrimination (Rindgelheim, 2016).

However, as data cited earlier indicate, for Roma, there are many serious deficiencies in the application and enforcement of domestic antidiscrimination laws and reporting mechanisms.

2.1.2 Criminal law: Hate crime and hate speech

The Council Framework Decision on Combatting Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (2008/913/JHA) criminalises certain behaviour and aims at ensuring that such behaviour constitutes an offence in all Member States.

Firstly, it criminalises public incitement to violence or hatred against racial or ethnic groups. Secondly, it requires that for any criminal offence, the racist and xenophobic motivation is considered as an aggravating circumstance or such motivation is taken into account in determination of penalties (EC, 2018e). However, the Roma Civil Monitor (as well as FRA -EU MIDIS II data) indicates that underreporting of hate crimes is a significant problem (such as in Bulgaria) along with low trust in competent authorities. In some countries, CSOs propose that specifying and recognising antigypsyism as a **specific bias motivation** would lead to improved enforcement of criminal laws that is currently very limited in prosecuting hate crimes against Roma (the report lists Romania, Slovakia, France and the UK). They also believe that including antigypsyist motive would help to improve reporting when Roma are victims of crime. The RCM also notes that antigypsyist motives are often ignored by police investigations in Germany and in the central and eastern European countries with the largest Roma populations. Moreover, the enforcement of criminal laws stemming from the Framework decision is curtailed by inadequate awareness of the characteristics of antigypsyism among law enforcement, judges and prosecutors.¹⁹

The EU legal documents (directives and council decisions) are binding for all Member States and effectively fall into the jurisdiction of the European Court of Justice (with exception of the Framework Decision in relation to the UK). The 2014 Implementation Report of the Commission on the transposition of the Framework Decision stated that a number of Member States had fully and/or correctly transposed all provisions, namely in relation to the offences of denying, condoning and grossly trivialising certain crimes (EC, 2014b). Since 2016, the EC has been assisting Member States in their efforts to ensure effective application of the law and improve responses to hate crimes and hate speech by fostering discussions, good practice exchange and informal guidance through the EU High Level Group on combating racism, xenophobia and other forms of intolerance (EC, 2018e).

¹⁸ Regional Court in Prešov (2009) [Kristina Babiaková vs Town of Sabinov and the Ministry of Construction, and Regional Development](#), 25 C 192/2007-585, case no 8107241252 of 15 June 2009; as confirmed by the Supreme Court Judgment 5Cdo/18/2015 of 19 April 2017.

¹⁹ RCM, 2018, p. 42-43

The group has provided guidance on antigypsyism to Member States (EU HLG, 2017a), on hate crime training for law enforcement (EU HLG, 2017b) as well as on hate speech online.

The EC should continue to monitor and enforce by means of the infringement proceedings the transposition and application of the EU law – both in the domain of equality law and the fight against racism. At the same time, the EC should continue recommending and guiding the Member States to extend their national laws beyond the scope required by EU law, to strengthen protection against discrimination and hate crimes – for example, by further strengthening the national equality bodies, introduction of instruments such as *actio popularis*, legal aid to victims, use of mediation, introduction of affirmative actions and others – as has been done already in *Commission Recommendation on Standards for Equality Bodies* from 2018 (EC, 2018c).

2.2 Policy Tools

In accordance with the legal and institutional tools and processes available to address discrimination through the transposition of EC directives, the EUFW 2011 has been based on Member States' *"primary responsibility as well as the competence to improve the situation of marginalised populations"* (EC, 2018c, p. 8). A new EUFW also needs to be *"complementary to existing EU legislation the areas of non-discrimination, fundamental rights, the free movement of persons, and the rights of the child"* with the goal to promote a European policy on Roma integration with a soft, non-binding framework focusing on social inclusion (EC, 2011, p. 15). The EUFW has further underlined that the realisation of these *"ambitious goals"* depends on *"clear commitment from Member States and national, regional and local authorities coupled with involvement of Roma civil society organisations."* (*Idem.*).

Since 2008, EU policy making has been influenced by the European Parliament, which has passed a number of Resolutions addressing discrimination against Roma and Roma inclusion in Europe. Work in this direction was also stimulated by the work of parliamentarians in the Anti-Racism and Diversity Intergroup (ARDI). For example, in its 2015 Resolution, the EP calls for establishment of the Memorial Day of the Roma Holocaust during WW II underlining this as an important step in the *"fight against anti-Gypsyism and contribute to general knowledge of Roma history in Europe"* (EP, 2015). In its 2017 Resolution *on the fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism*, the EP called for placing antigypsyism in the focus of an improved post-2020 EU Roma policy, by, among others, introducing anti-discrimination indicators in the key areas of education, employment, housing and health, in addition to social inclusion programmes, and to add antigypsyism as an horizontal issue which has to be addressed by Member States with practical steps to combat it (EP, 2017). However, both the resolutions of the EP and the future EU policy on Roma inclusion – similarly to other EU policy tools – represent political commitment rather than legal obligations of the Member States. However, the EC can guide the Member States in their implementation, monitor them and provide financial incentives by linking them to the EU cohesion policy in the upcoming programming period.

There are additional EU policy instruments that are relevant for fighting antigypsyism, such as the European Pillar of Social Rights with its focus on social inclusion, poverty and

discrimination, including: the universal right to quality and inclusive education and training; right to equal treatment and opportunities regarding employment, social protection, education and access to goods and services regardless of racial or ethnic origin, with special commitment to foster equal opportunities of under-represented groups; universal right to timely and tailor-made assistance to improve employment or self-employment prospects; right of people lacking sufficient resources to adequate minimum income benefits that will ensure a life in dignity and effective access to enabling goods and services; universal right to timely access to affordable, preventive and curative health care of good quality; housing and assistance for the homeless including access to social housing or housing assistance, appropriate assistance and protection against forced evictions for vulnerable people and adequate shelter and services for homeless to promote their social inclusion; as well as universal access to essential services of good quality, including water, sanitation, energy, transport, financial services and digital communication with support for access to such services for those in need. Again, as is in the case with other EU policy, the implementation of the European Pillar of Social Rights is *"mostly in hands of local, regional and national authorities, as well as the social partners, and civil society at large. The European Union – and the European Commission in particular – can help by setting the framework, giving the direction and establishing a level-playing field, in full respect of the specificities of national circumstances and institutional set-ups"* (EC, 2017, p. 2).

The EC can recommend and guide the Member States to mainstream the fight against the antigypsyism/anti-Roma racism within diverse national sectoral policies and related strategies that should consider specific situation and needs of Roma in accessing and benefiting from respective public services (in particular discrimination, segregation and exclusion that Roma face in those areas). The draft of the Common Provision Regulation (CPR) for the next programming period provides a list of strategic documents related to sectoral policies considered as enabling conditions for implementation of the EU funds (EC, 2018g). Thus, the EC possesses a strong leverage to request the Member States to include measures aimed at combatting antigypsyism/anti-Roma racism in those documents (largely overlapping with the areas of the European Pillar of Social Rights). These measures should be designed, implemented, monitored, evaluated and reviewed with involvement of the (pro-) Roma civil society, linked to monitoring and evaluation system that would enable assessing the progress in achieving the targets and reflected in measures designed and implemented at regional and local levels:

- Member States' **strategic policy framework for the education and training system at all levels** should include measures to ensure Roma's equal access to, participation in and completion of quality, relevant and inclusive education and training and acquisition of key competences at all levels, including higher education;
- Member States' **national strategic policy framework for social inclusion and poverty reduction** shall consider the specific situation of Roma in evidence-based diagnosis of poverty and social exclusion including child poverty, homelessness, spatial and educational segregation, limited access to essential services and infrastructure, and the specific needs of vulnerable Roma; additionally it should include specific measures to prevent and combat Roma

segregation in all fields, including through providing adequate income support, inclusive labour markets and access to quality services for vulnerable Roma;

- Member States' **national Roma integration strategy** shall include measures aimed at fighting antigypsyism, prevent and eliminate segregation, considering the gender dimension and situation of young Roma, and sets baseline and measurable milestones and targets;
- Member States' **strategic policy framework for health** shall include measures to ensure the efficiency, sustainability, accessibility and affordability of health and long-term care services for Roma.

The EC services responsible for the Roma inclusion policy and respective sectoral policies should be involved in negotiations with Member States concerning the Partnership Agreement and Operational Programmes and in review of fulfilment of the enabling conditions from the perspective of fighting antigypsyism/anti-Roma racism – in particular, whether the requested strategic documents effectively address the issues of antigypsyism/anti-Roma racism (such as discrimination, segregation or *de facto* disadvantage or exclusion), if relevant for the given Member State.

2.3 Financial Tools

Another way the EC can contribute to the fight against antigypsyism is through financial instruments within the new Multiannual Financial Framework: both EU funds under the shared management of the EC and Member States, and those directly managed by the EC.

As for the programmes directly managed by the EC, the future **Rights and Values Programme** will be aimed at awareness raising and training, mutual learning, analytical and monitoring activities and support to civil society organisations – activities aimed at preventing and combatting inequalities, discrimination, hate crimes and antigypsyism ("Equality and Rights" strand), activities concerning Roma as part of the European Union's history, cultural heritage and diversity ("Citizens engagement and participation" strand), activities aimed at preventing and combatting violence against Roma as one of the groups at risk, supporting and protecting victims of such violence ("Daphne – preventing and combatting violence" strand) (EC, 2018h). This programme can be used to strengthen the capacity of civil society to stimulate advocacy with national governments for the sake of fighting antigypsyism and the enforcement of anti-discrimination and criminal law, including pursuing strategic litigation.

2021-2027 EU Funds will be driven by five thematic objectives, including objective 4 "A more social Europe" that should deliver on the European Pillar of Social Rights and support quality employment, education, skills, social inclusion and access to healthcare; and two horizontal objectives, including "Administrative capacity building". Fighting antigypsyism/anti-Roma racism in forms of exclusion and discrimination can be better addressed if the future 2021-2027 European Social Fund Plus (ESF+)²⁰ strengthens the

²⁰ Merging the existing European Social Fund (ESF), the Youth Employment Initiative (YEI), the Fund for European Aid to the Most Deprived (FEAD), the Employment and Social Innovation Programme (EaSI) and the EU Health Programme.

focus on Roma inclusion and fight against Roma discrimination, encompasses a related separate specific objective and enables investments into capacity building of social partners and civil society organisations, as called for by the European Parliament (EP, 2019b). During the negotiations with Member States concerning the Partnership Agreement and Operational Programmes, the EC should request that EU Funds are used contingently with the commitments of the European Pillar of Social Rights with special consideration of the situation and needs of Roma (who are often excluded from benefiting from these rights) and the horizontal requirement regarding respect for anti-discrimination. Additionally, where relevant, mainstreaming of the fight against the antigypsyism/anti-Roma racism in relevant sectoral strategies can be requested (see previous section 2.2). Finally, when negotiating the use of EU Funds for the objective "Administrative capacity building", the EC should request the Member States to include actions aimed at fighting against institutional antigypsyism for example by financing the training for civil servants and other personnel participating in the exercise of public power and provision of public services, including in respect of enforcement of anti-discrimination practices and law, as well as implementation of social inclusion policies.

Also of relevance the fight against antigypsyism was the 2015 decision of the European Ombudsman that the EC has positive obligation to ensure that the EU cohesion policy, including implementation of EU funds by Member States, complies with the rights enshrined in the Charter of Fundamental Rights of the European Union, which provides a general prohibition of discrimination including on grounds and ethnicity (Article 21) – and thus, by the case-law (see section 6.1.1.), also segregation (European Ombudsman, 2015). This decision provides an important criterion for legality of the implementation of EU funds and should be monitored and enforced by the EC.

In line with the decision of the European Ombudsman and in reaction to the experience of the 2007-2013 programming period that "showed some mixed results in tackling segregation", in 2015, the EC issued a *Guidance for Member States on the use of European Structural and Investment Funds [ESIF] in tackling educational and spatial segregation* (EC (2015)). The note asserted two main principles: firstly, that the ESIF investments shall not lead to creation of new segregation in education or housing or strengthen existing segregation; secondly, that in all ESIF investments related to housing and education, solutions that would lead to desegregation should be primarily considered, and only if such an option is *objectively* impossible and should money be used for improvement of the housing or education conditions in segregated setting (on condition that the investment would pave the way for desegregation processes). Despite the non-binding nature of the guidance note, its application could be enforced through auditing compliance of ESIF implementation with the general legal requirements (such as above-mentioned decision of the European Ombudsman) and specific objectives of the ESIF (such as promoting social inclusion and combatting any discrimination). However, to date it appears no audits have taken place on how the implementation of EU funds has complied with the guidance note and the prohibition of discrimination and segregation. However, there are examples of ESIF implementation that breach the principles formulated in the guidance note (e.g. Slovak 2018 call for proposals concerning construction of social housing originally enabled construction of new dwellings in segregated settings (Slovak Republic, 2018), aligned with the note later in 2019 (Slovak Republic, 2019)). The draft CPR for the 2021-2027 programming period in its preamble explicitly states that the "Funds should not contribute to any form of segregation" (EC,

2018g). Nevertheless, in the upcoming programming period, the EC should consider issuing a new detailed note including more specific guidance to Member States on how to implement this commitment (including experience from application of the note related to the 2014-2020 period and examples concerning the analysis of the problem, measures to address it and monitoring and evaluation of the results) and for EC services involved in EU funds' management on how to monitor and enforce it.

Finally, the **Erasmus+ programme** is also relevant in supporting activities tackling antigypsyism. The EC has the mandate to set out the programme's priorities, targets and criteria to contribute to the objectives of the EU Youth Strategy. In line with its goals (e.g. goal 3 inclusive societies), the EC can, for example, promote Roma youth's participation in the programme's activities along with the mainstream youth, by disseminating information about its possibilities among Roma (in particular Roma from the most marginalised/segregated communities and vulnerable groups among Roma, such as girls, young women, people with handicaps, LGBTI+ and others), encouraging and supporting them in applying, and set up targets concerning Roma participation; strengthening the involvement of Roma (and pro-Roma) civil society organisations to both support Roma individuals' participation and thematic focus of the supported actions; supporting actions that will thematically contribute to targeting the mainstream's racist attitudes, prejudice and stereotypes (for example by informal learning on the Roma history, Roma culture; development of intercultural understanding and sense of an inclusive community; prevention of radicalisation); supporting actions that will empower vulnerable youth (by investments into development of their professional skills, soft and horizontal skills and active citizenship); and supporting the development of marginalised communities (for example by youth work and community organising that can contribute to overall community development).

3. Proposed actions

The 2018 mid-term evaluation of the EUFW considered the absence of a clear goal to counter discrimination and to strategically address antigypsyism/anti-Roma racism among its main weaknesses. This view has been reconfirmed through written submissions, survey responses, the focus group prepared by this report and in the 2019 EC workshop. Aligning with this assessment we propose that a post-2020-EU Roma policy **adds to the social inclusion approach** with addressing **antigypsyism/anti-Roma racism as a self-standing area, but also integrates the objective of countering antigypsyism/anti-Roma racism into thematic social policy actions, specific fields** of social inclusion policies, such as education, employment, health, housing.

In order to operationalise combatting antigypsyism/anti-Roma racism in post 2020 EU policy we propose actions drawn from the numerous recommendations from diverse stakeholders and considering the current legal and policy framework, current political trends and challenges. The proposed actions are organised by the mandate of the different actors that will be involved in the implementation of the future EU Roma inclusion policy: the **EC, Member States and civil society organisations:**

3.1 Address antigypsyism/anti-Roma racism as a stand-alone area

Actions implemented within a separate policy goal to overcome widespread antigypsyism/anti-Roma racism in society should aim to meet the following objectives:

1. Recognition of antigypsyism/anti-Roma racism as a specific form of racism against Roma,
2. Fighting discrimination as a manifestation of antigypsyism/anti-Roma racism,
3. Reinforcing the efforts combatting hate speech and hate crime as specific manifestations of antigypsyism/anti-Roma racism – beyond the general ground already embedded in the EU/national legislation pertaining to “race or ethnicity”.²¹

A number of stakeholders, including EU bodies, civil society or national bodies have already initiated important work in the one or all three areas and this work can be reinforced or intensified in a future post 2020 EU Roma policy. For example, with regard to recognising anti **antigypsyism/anti-Roma racism as a specific form of racism, ECRI, the Alliance against antigypsyism**, and also the IHRA committee on the genocide of the Roma have either offered a working definition or are discussing options to promote a generally accepted definition and promote its recognition. These discussions could be intensified by including relevant human rights bodies, Member States and civil society in defining a more generally accepted definition, including to make it operational for the different relevant national stakeholders to effectively address it. Moreover, giving

²¹ Please note that there were a number of further recommendations addressing other objectives, such as empowering and strengthening Roma leadership and self-organisation, including recognition and support for enhanced representation of Roma arts and culture (cultural rights). The former was not further explored as there is a separate paper addressing Roma participation. The latter was not further explored because the intention seems too ambitious to be realized, as they would require deeper changes in the EU legal framework or institutions' mandate that is currently covered by the Council of Europe observing the implementation of the Framework Convention on national minorities.

full recognition for the plight of Roma under the Nazi rule or occupied territories, in particular their persecution and annihilation during World War II and following the example of the EP in **recognising the 2nd of August as European Roma Holocaust Memorial** is a strong tool to condemn past violations and deepen understanding of experienced injustice and intolerance faced by Roma today. Apart from EU level initiatives, a number of Member States as well as civil society have already engaged in raising awareness and recognising Roma genocide during WWII - including on locally significant days. These experiences can be shared and broadened and should be officially supported more generally within Holocaust education, remembrance and research initiatives. Another important venue for promoting knowledge on the history and persecution of Roma during WWII are educational institutions. In general education offers a great opportunity to deepen understanding and knowledge about **history and culture of Roma** and this way foster respect for diversity and inclusiveness.

Further, increased and regular monitoring of the different **manifestations of antigypsyism/anti-Roma racism is required** to deepen understanding and awareness on their individual and institutional consequences. In this respect monitoring might go beyond the regular EU-Midis reports and also look into intersectionality to understand how antigypsyism/anti-Roma racism affects Roma women and men, children, Roma with disabilities or migrant Roma differently, as well as exploring how to monitor effects, increase or decrease of antigypsyist hate crimes, hate speech or segregation/desegregation trends in the key policy fields (education, employment, housing and health), and, in this regard strengthen the capacity and role of civil society including Roma civil society.

The practice of **inter-institutional collaboration**, including with relevant international human rights bodies, should be further enhanced. National and local level exchange on the findings should also be enhanced in order to ensure ongoing dialogue on lessons learned and ways to overcome persistent forms of antigypsyism/anti-Roma racism. Few Member States have invested in understanding antigypsyism/anti-Roma racism, its causes and consequences. The Swedish example of an Antigypsyism Commission and the recently (2019) established Antigypsyism Commission Independent (*Unabhängige Kommission Antiziganismus*) in Germany - which will present its report by end of 2020 - can give insightful experiences on processes and content to analyse and measures required to address antigypsyism/anti-Roma racism within society in specific national contexts. These practices might inspire other MS to define adequate mechanisms to come to terms with violation of rights of Roma and injustice.

Significant potential for fighting antigypsyism/anti-Roma racism lies within **the national and EU anti-discrimination legislation and directives**, both with regard to monitoring and assisting Roma victims of discrimination. Again, a number of practices and mechanisms already existing at EU or national level can be utilised, reinforced or broadened. For example, in order to use the existing legislation to address discrimination facing Roma, both at EU and national level, further efforts should be undertaken **to increase capacity of national equality and anti-discrimination bodies and lawyers, to promote free legal aid or capacitate and financially support civil society to assist Roma victims of discrimination**. Also, efforts on monitoring and fostering the transposition of RED in order to address discrimination, and particularly antigypsyist manifestations, should be intensified.

Similarly, in order to improve monitoring, investigating and prosecution of hate crimes targeting Roma, existing mechanisms to report on antigypsyist/anti-Roma hate crimes have to be improved and trainings for law enforcement and prosecutors introduced, supported and intensified. There are several tools available at European and international level which could assist in effectively improving hate crime reporting, e.g. by making use of FRA's and OSCE's guidance and assistance. Also with regard to addressing hate crimes at national level, a number of available international tools could serve as effective guidance, such as the EU Code of conduct on countering anti-Roma hate speech by public representatives, the EU Code of Conduct on Countering illegal Hate Speech Online, or the Audiovisual Media Service Directive, and the General Recommendation No. 35 of the UN Committee on the Elimination of Racial Discrimination on Combating racist hate speech. Particular attention is also required to respond to the growing challenge of online hate.

Within the process of fighting discrimination, hate speech and hate crime the crucial role of civil society must be further strengthened with regard to monitoring, taking action and providing victims support.

Detailed actions are recommended as follows:

i. Recognition of antigypsyism/anti-Roma racism as a specific form of racism:

We propose that the new framework recognises antigypsyism/anti-Roma racism as a specific form of racism and recommends EU Member States to acknowledge antigypsyism/anti-Roma racism as well as their responsibility to act.

Proposed EU level actions that follow up and continue the existing work of the EC:

- The EU promotes recognition of the racist persecution of Roma and the Roma Holocaust, including by promoting the 2nd of August as European Roma Holocaust Memorial Day.
- The EC requests that FRA further elaborates its monitoring framework in order to regularly monitor manifestations of antigypsyism/anti-Roma racism, including desegregation in education and housing to be able to track progress.
- The EC continues to support and fund CSOs' efforts to inform on antigypsyism/anti-Roma racism, to promote programmes/mechanisms to tackle and monitor its manifestations from the EC Rights and Values Programme.

The new framework **can list further measures** as proposals for actions **at Member State level**. We anticipate that given the diversity of political and social contexts, the ability of the different Member States to take these measures board will likely vary:

- Recommends Member States to officially recognise antigypsyism/anti-Roma racism as a specific form of racism against Roma and provide a guidance how to interpret the concept in legal and administrative systems.
- Recommends Member States to officially recognise racist persecution of Roma during WWII and the Roma Holocaust.

- Recommends Member States to recognise and commemorate the 2nd of August as Roma Holocaust Memorial Day,
- Recommends that information on Roma history, including the Roma Holocaust, and diverse Roma cultures is included in national educational curricula.
- Establishment of facts and understanding of causes, manifestations and impact of antigypsyism/anti-Roma racism through an independent, expert-driven processes of reparations, such as establishment and support to operation of “Truth and Reconciliation Committees” and/or “Independent expert commissions on antigypsyism/anti-Roma racism” for historic injustices such as forced sterilisations or Roma women, school segregation of Roma children and similar injustices based on the specific country context.
- Providing political and financial support for public engagement activities in informing on and deepening understanding of antigypsyism/anti-Roma racism, its nature, manifestations and impact.
- Provide financial and technical support to academic institutions or CSOs to stimulate scientific research on antigypsyism/anti-Roma racism.

Proposed actions that can be undertaken by civil society organisations to support the provisions against antigypsyism of the EUFW:

- Advocacy for recognition, understanding and fighting antigypsyism/anti-Roma racism and its diverse manifestations.
- Undertaking initiatives, campaigns and other actions aimed at combatting antigypsyism/anti-Roma racism.

ii. Fighting discrimination as manifestation of antigypsyism/anti-Roma racism (access to justice)

EU MIDIS II as well as monitoring reports prepared by CSOs (e.g. RCM) continue to show the need for more effective application of existing antidiscrimination law, as Roma continue to face widespread discrimination, including segregation in education and in housing, and many reports of limited access to the justice and protection against the unequal treatment. Results of the EU MIDIS II (data in 9 Member States with largest Romani populations) among others, show that incidents of antigypsyism/anti-Roma racism remain unreported as respondents did not believe something would happen, did not know where to report or considered it to be common (FRA, 2019, p. 35). Competent equality bodies are failing to inform Roma about their rights and provide them with assistance in claiming them.²²

We thus propose the following:

²² Please see in more detail data and analysis included in FRA 2019, p.35-39.

Proposed actions at EU level:²³

- The EC strengthens its monitoring of the implementation of the RED in practice, especially regarding systemic discrimination such as residential segregation and segregation in education and continues to initiate and undertake infringement proceedings against Member States.
- The EC continues to support CSO in their work to challenge manifestations of antigypsyism/anti-Roma racism (symbolically, for example through enabling their participation in diverse policy processes and structures related to antigypsyism/anti-Roma racism and financially, for example through EC's Rights and Values Programme). Also supporting them in their work to fight discrimination as manifestations of antigypsyism/anti-Roma racism, including supporting monitoring activities and enhancing intersectional analysis, strategic litigation, and the provision of aid to victims of discrimination.

The EC can recommend that Member States undertake the following actions:

- To ensure the transposition of the provisions of the RED into domestic legislation, providing adequate protection against discrimination for all citizens, including Roma. Member States can be recommended to introduce tools for strengthening protection against discrimination recommended by the RED, such as public interest litigation, positive action, free-of-charge legal aid, awareness-raising on complaint mechanism to victims and CSOs.
- To improve monitoring of cases of discrimination, for example, by providing the national equality bodies with sufficiently robust legal mandates and resources, and regularly assessing their development.²⁴
- To provide quality, monitored and regularly evaluated training for legal professionals, in particular judges, professional associations of lawyers, as well as civil servants, local governmental officials and other relevant stakeholders involved in the provision of public services, including CSOs, on anti-discrimination legislation and available tools for protection and seeking justice regarding antigypsyism/anti-Roma racism.
- To ensure that Roma people have equal access to appropriate support for victims of discrimination and to justice by mandating and financially supporting public institutions and CSOs that can facilitate this and raise awareness among Roma communities on rights and available remedies, researching the barriers to accessing justice of specific groups and supporting campaigns.
- To financially support CSOs in their activities in the fight against discrimination, involving them in the review of the existing laws and their possible revision.
- To support CSOs in monitoring, including on intersectional discrimination.

²³ Please see also comments regarding the limited viability of option to adopt a new directive at 27, above.

²⁴ In line with the Commission Recommendation (EU) 2018/951 on standards for equality bodies C/2018/3850 of 22 June 2018.

Proposed actions that can be undertaken by civil society organisations:

- To advocate for proper implementation of anti-discrimination legislation in Member States.
- To monitor and report on cases of discrimination (including intersectional discrimination) and on implementation of anti-discrimination legislation with regard to address antigypsyism/anti-Roma racism.
- To assist victims of discrimination in filing complaints, with legal representation and by undertaking strategic litigation and demanding reparations.

iii. Fighting criminal manifestations of antigypsyism/anti-Roma racism: hate crime and hate speech

The FRA's EU MIDIS II data indicate that ethnically motivated harassment in person or in online space remains prevalent, reported by almost every third Roma (30%) in the last 12 months, with such harassment being reported as a reoccurring experience. Data on the prevalence of physical violence due to ethnic background is concerning, as on average 4% of Roma respondents experienced physical violence due to their ethnic background and 13% knew of family members or friends who had been physically attacked. Furthermore, data also suggests that 74% of Roma women and 67% Roma men who experienced violence because of racism (hate crime) did not report this to the authorities, indicating their limited institutional effectiveness (FRA 2019, 22-23 and 40).

We thus propose the following:

Proposed actions at EU level:

- The EC reinforces the implementation of the Framework Decision by utilising the tool of infringement proceedings against Member States when presented with evidence of failure to protect Roma victims.
- The EC enhances monitoring of the implementation of the Framework Decision regarding antigypsyist/anti-Roma racism hate crimes.
- The EC continues to provide financial (through its Rights and Values Programme) support to academics and CSO to research, report and counter antigypsyist/anti-Roma racism hate crimes and hate speech, in order to address the underreporting of hate crimes targeting Roma.
- The EC publicly condemns instances of racist rhetoric and antigypsyist/anti-Roma racism hate speech.

Proposed actions that the EC can recommend that Member States undertake:

- To enhance implementation of the Framework Decision through training of law enforcement officers, legal professionals, judges and judicial clerks and other stakeholders to identify, investigate and prosecute antigypsyist/anti-Roma racism hate crimes.

- To consider improving the implementation of laws to ensure they are effectively applied regarding hate crimes and hate speech directed at Roma.
- To ensure adequate victim support and the victims' access to justice.
- To endorse the "EU Code of conduct on countering anti-Roma hate speech by public representatives".
- To implement the EU Code of Conduct on Countering illegal Hate Speech Online, the Audiovisual Media Service Directive, and the General Recommendation No. 35 of the UN Committee on the Elimination of Racial Discrimination (CERD) on Combating racist hate speech.
- To financially support civil society in monitoring and reporting antigypsyist/anti-Roma racism hate crimes and hate speech and aid victims in reporting on hate crimes and hate speech.
- To train state officials to recognise antigypsyism/anti-Roma racism as bias motivation, including intersectional biases.
- To provide assistance to ensure that Roma victims of hate crimes and hate speech are able to file complaints.

Proposed actions that can be delivered by civil society organisations:

- Conducting advocacy in countering antigypsyist/anti-Roma racism hate crimes and hate speech.
- Monitoring and reporting on manifestations of antigypsyist/anti-Roma racism hate crimes and hate speech and on the implementation of criminal law in relation to hate speech and hate crime.
- Providing legal assistance to victims of criminal acts related to antigypsyism/anti-Roma racism, including strategic litigation.

3.2 Actions to counter antigypsyism/anti-Roma racism within specific policy areas

In view of the limited results of the NRIS with regard to the situation of Roma as indicated by the FRA data and also reconfirmed by the EU mid-term evaluation, particular attention is required **to overcome persistent antigypsyism/anti-Roma racism in social inclusion areas** so as to effectively create condition for change. While the level of knowledge and in-depth analysis differ in the four areas, the **patterns of institutional/structural discrimination** are particularly evident when segregation is visibly present. This is often the case in the area of education or housing (residential segregation) but also identified in the area of health regarding general access to health services or receiving assistance, less so documented in the area of employment.

There are already a number of resourceful initiatives carried out by the EC, national and local actors, including civil society to monitor and combat antigypsyism/anti-Roma racism in the social inclusion areas which should be strengthened in post-2020 EU Framework.

The EU should **continue infringement proceeding** in case where EU law has been breached and follow-up on the proceedings. Within the **monitoring exercise of the transposition of the RED, lessons learned** should be utilised to guide Member States in improving observed shortcomings.

Moreover, particular attention shall be paid to **the EU financial tools and safeguards ensured to condition funding opportunities** by, on the one hand, ensuring that Roma are among the beneficiary group and, on the other hand, carrying out initiatives which do not further create disadvantages or discriminatory effects on Roma (even if unintended) but instead address existing antigypsyism/anti-Roma racism, promote non-discrimination and, where relevant, desegregation.

The **national anti-discrimination bodies have to take a stronger role in regularly monitoring and reporting on discrimination in access to rights and services**, while national and local governments have to provide for resources, including financial means to invest in desegregation, in particular in the area of education and housing and come up with innovations to stimulate change. Civil society have an important role in **raising awareness, monitoring and training of relevant stakeholders and staff and working with communities** which requires sufficient support, including financial support.

Fighting antigypsyism/anti-Roma racism within the four Roma social inclusion areas has to be, however, **horizontally extended to a higher number of relevant policy areas** – such as local/regional development, law enforcement or complex policy agendas such as fight against poverty, children’s rights and others – where the element of fighting antigypsyism/anti-Roma racism should also be integrated.

To that end, we propose in detail the following actions:

i. In education:

Available data from the FRA indicate that addressing segregation in education should remain among the central objectives of the post-2020 EU Framework. From the 9 surveyed countries, none showed a reduction in perceived segregation from 2011- 2016, Bulgaria, Portugal, Greece and Slovakia showed an increase ranging from 13 % in Bulgaria to 8% in Portugal and 5 % in both Greece and Slovakia while the level of segregation remained more less unchanged in the Czechia, Hungary, Romania and Spain (FRA 2019, p.31). Furthermore, efforts combatting bullying and harassment should continue as one third of Roma children in 9 Member States reported to have experienced verbal harassment while in school in the previous 12 months in 2016. The highest prevalence of verbal harassment was experienced by Roma children in Czechia (51%), followed by Slovakia (43%), Greece (35%) and Croatia (33%) (FRA, 2019, p.16-18). Consequently, we propose that particular attention is paid to ending segregation in those Member States where relevant, including spatial segregation or through special schooling also to ending racial harassment and bullying which, is experienced by a significant share of Roma children.

Proposed actions at the EU level:

- The EC continues to monitor the implementation of RED and continues to initiate and undertake infringement proceedings, as required.
- The EC continues to promote desegregation and inclusive education through the programming of EU funds (priorities) with Member States and ensure that Member States do not use such funds in contradiction with the principle of non-discrimination. The EC can also establish clear detailed rules, guidance and checks for EU funds to support desegregation and exclude projects contributing to antigypsyism/anti-Roma racism.
- The EC continues to support CSO efforts to promote access to quality education, desegregation programmes and the adoption of inclusive education, the development of strategies to address ethnic harassment and bullying in the school environment, and the exchange of good practices across and within EU Member States.

The EC can propose that Member States:

- Set out specific measurable objectives, using an established baseline for reducing the share of Roma children in segregated educational environments.
- Provide reparations to the victims of school segregation and racialised misdiagnosis.
- Address manifestations of antigypsyism/anti-Roma racism in education in the NRIS and the national strategic policy frameworks for social inclusion and poverty reduction.
- Mainstream the fight against antigypsyism/anti-Roma racism in the strategic policy framework for the education and training system at all levels.
- Invest in desegregation projects in education and promote inclusive education.
- Gather data on segregation in schools, regularly monitor and evaluate the impact of public measures aimed at desegregation in education.
- To prevent discrimination in education and support victims of discrimination in education.
- To ensure that state bodies overseeing discrimination in education (e.g. state school inspection) have sufficient powers and financial resources to reveal and monitor segregation in education.
- To promote equal opportunities in education at secondary and tertiary education and life-long learning.

Proposed actions to be delivered by CSOs organisations:

- To advocate for equal and quality education for all.

- To monitor and report on the implementation of educational policies and their impact on Roma.
- To support activities promoting equal and quality education for Roma, desegregation in education and inclusive education (including by piloting new models and working with the community and educational staff).
- To raise awareness within schools and Roma communities of the importance of ensuring that Roma pupils benefit from quality and inclusive education.

ii. In employment:

In area of employment, FRA EU MIDIS data indicate positive trends, however, the need to continue addressing this area remains. While the share of Roma experiencing discrimination in the labour market remains high (40% when looking for work and 17% while at work (average 9 EU Member States)), overall there is a reduction by 10 points on the former and by 2 points on the latter indicator since 2011. Similarly, as in other areas, needs differ across the Member States. While there has been a significant drop in the experience of discrimination in Czechia, Bulgaria or Hungary, there has been sharp increase in Portugal (15% to 40% for those at work, 58% to 76% for those looking for job). The perception of discrimination also increased in Slovakia, (43% to 53%, 9% to 18%), Romania (33% to 34%, 9% to 18%) (FRA, 2019, p.19). In proposed actions, the new framework also addresses Roma's lower participation in public administration.

We propose that the EU undertake following actions:

- The EC continues to support CSOs in addressing and monitoring antigypsyism/anti-Roma racism in sectoral policies and support Roma inclusion in employment in the Member States.

Proposed actions that the EC can recommend that Member States undertake:

- To explicitly refer in the NRIS and in the national strategic policy framework for social inclusion and poverty reduction to the need to address antigypsyism in the workplace and labour market.
- To prioritise Roma inclusion in the labour market and include the fight against the discrimination in the programming of EU funds (priorities) during the negotiations for the next programming period.
- To prevent discrimination in accessing employment as well as in the labour market.
- To train employers and employment offices on antigypsyism/anti-Roma racism and enhance skills for non-discriminatory recruitment and treatment of staff.
- To provide support and legal assistance to victims of discrimination in respect to employment and while at work.

- To stimulate positive action by public employers to promote Roma inclusion and prevent antigypsyism/anti-Roma racism in employment, particularly by recruiting Roma women.
- To ensure that state bodies overseeing discrimination in employment (e.g. labour inspection) have sufficient powers and financial resources to identify and monitor discriminatory employment practices.
- To ensure young Roma benefit from national youth employment policies.

Proposed actions that can be delivered by civil society organisations:

- To advocate with national governments to ensure non-discrimination/fighting antigypsyism/anti-Roma racism in employment.
- To monitor and report on the implementation of the sectoral policy regarding promoting Roma inclusion/fighting antigypsyism/anti-Roma racism in employment, including through outreach and monitoring of impact on Roma.
- To pilot new models for Roma inclusion/fighting antigypsyism/anti-Roma racism in the workplace and employment.
- To promote service delivery in cooperation with national institutions on training and employment services.
- To raise awareness of antigypsyism/anti-Roma racism in employment among key stakeholders and target groups.

iii. In housing:

FRA's EU MIDIS II data measuring discrimination reported a drop compared to 2011 (45% to 41%) when looking for housing, with the most visible positive changes in Slovakia (44% to 30%) while the highest increase in Croatia (19% to 53%). Roma in Portugal (67% to 75%) and Czechia (52% to 65%) continue to experience the highest and raising prevalence of discrimination while looking for housing (FRA, 2019, p. 21). While there are no comparable data measuring segregation in housing, CSO reports such as RCM (2018) indicate the need to also address this manifestation of discrimination. Antigypsyism/anti-Roma racism in housing can manifest itself through practices of forced evictions, low quality of accommodation, lack of access to basic utilities, unhealthy environmental conditions, overcrowding or lack of considerations for specific cultural needs. In the area of housing, we propose following measures addressing antigypsyism/anti-Roma racism in this sector:

Proposed actions at EU level:

- The EC should monitor the implementation of RED particularly regarding access to housing (public and private) and segregation and should initiate infringement proceedings against Member States when required.

- The EC should provide guidance to Member States on how to implement housing policies to ensure Roma citizens have equal access to housing and can realise their rights to housing.
- The EC should integrate housing desegregation in the programming of relevant EU funds (priorities), for example, by to support affordable housing schemes, improve the quality of housing stock and resolving environmental hazards affecting Romani communities.
- The EC should establish guidance/rules for the implementation of EU funds in the 2021-2027 programming period to support desegregation in housing (including clear suggestions on how to analyse the problem – identifying segregation or discrimination, what specific measures can be taken to tackle it, how to evaluate proposals and how to evaluate the results). These should exclude projects supporting manifestations of antigypsyism/anti-Roma racism from funding - such as residential segregation or other forms of (direct or indirect) discrimination in this area – and monitor/audit implementation of the guidance/rules by the Member States' Managing authorities.
- Following the adoption of the regulations for the new funding programmes, the EC could verify whether there is a means to financially support CSOs to address, monitor and report on discrimination/antigypsyism/anti-Roma racism in the area of housing quality, including forced evictions and environmental risks.

Proposed actions that the EC can recommend Member States to undertake:

- To address discrimination/antigypsyism/anti-Roma racism in housing, forced evictions, environmental risks, in the NRIS and the national strategic policy framework for social inclusion and poverty reduction.
- To invest in programmes/projects aimed at desegregation in housing and developing inclusive social housing policies.
- To monitor developments in residential segregation and take action to facilitate desegregation in housing.
- To enforce anti-discrimination law regarding access to both private and public housing by monitoring, awareness raising among landlords and supporting victims of discrimination to secure legal remedies; in the case of public housing, to ensure that allocation rules do not include elements of indirect discrimination that would lead to exclusion or segregation of Roma.
- To take appropriate steps to prevent forced evictions, mainly by strengthening their prevention by mediation, early warning of risk of eviction such as debts for housing, diverse forms of aid to people in risk of eviction (e.g. legal assistance in defending their housing, assistance during the execution of forced eviction; development of legal framework for forced evictions that would minimise the most negative impacts of evictions, such as family disintegration, placement of children into institutional care, homelessness; provision of substitute housing or shelter).

- To provide regular monitoring of environmental conditions and risks specifically affecting disadvantaged Roma communities and undertake actions to remedy hazardous or unhygienic conditions.
- To ensure that state bodies responsible for housing and environmental standards, as well as other relevant agencies, have sufficient powers and financial resources to identify and monitor segregation in housing.

Proposed actions that can be delivered by civil society organisations:

- To advocate for non-discriminatory access to suitable and safe housing.
- To monitor and report on the implementation of the sectoral policy, regarding impact on Roma.
- In cooperation with relevant stakeholders, to initiate and implement programmes and projects, pilot new models and deliver services to vulnerable groups to ensure adequate housing, support desegregation and reduce forced evictions.
- To raise awareness among stakeholders and target groups.

iv. In health:

FRA's data mapping discrimination in health care indicate significant differences between nine Member States. Perceived discrimination in accessing health care due to Roma ethnic background in past 12 months was experienced by 8 % of Roma respondents surveyed in 9 EU Member States in 2016. The highest prevalence was in Greece (20%), Romania (12%) and Slovakia (11%). The lowest in Bulgaria (3%), Hungary (4%) and Portugal (5%) (FRA, 2019, p.20). We propose that efforts tackling discrimination continue through all three stakeholders (the EC, Member States and CSOs) and target ethnic discrimination in accessing health care services, harassment by health personnel, segregation in maternity or paediatric services, indirect discrimination of Romani women in accessing reproductive and health care services or in the provision of social benefits associated with giving birth.

Proposed actions at EU level:

- The EC continues to monitor the implementation of the RED regarding discrimination/antigypsyism/anti-Roma racism in the area of healthcare and pursues infringement procedures where required.
- The EC can provide guidance to Member States in the provision of healthcare without discrimination and in addressing antigypsyism/anti-Roma racism in this area. The EC could propose to have a specific focus on the situation of Roma women and children.
- The EC continues to promote access to healthcare without discrimination/antigypsyism/anti-Roma racism in the programming of EU funds (priorities).

- The EC continues to financially support CSOs in addressing, monitoring and reporting on access to healthcare for Roma, including by monitoring and reporting on instances of discrimination/antigypsyism/anti-Roma racism.

Proposed actions at Member State level:

- To mainstream fight against antigypsyism/anti-Roma racism in the strategic policy framework for health and address discrimination and antigypsyism/anti-Roma racism in healthcare, including in their NRIS.
- To take steps to ensure that Roma children, women and men in disadvantaged positions have access to healthcare.
- To review laws and policies regulating access to health care services and social benefits associated with giving birth to avoid indirect discrimination of Roma, particularly Roma women.
- To regularly undertake, monitor and evaluate the training of health care personnel on non-discrimination.
- To prevent and protect from segregation and discrimination in health care services (e.g. segregated, sub-standard maternity wards, under-treatment) and ensure that the sexual and reproductive rights of Roma women are respected.
- To ensure that relevant health care supervisory authorities have sufficient powers and financial means to monitor and resolve complaints on discrimination in health care.

Proposed actions that can be delivered by civil society organisations:

- To advocate, monitor and report on access to healthcare and discrimination/antigypsyism/anti-Roma racism in this area.
- To monitor and report on the implementation of the sectoral policy in the area of health, including by outreach to the community and assessing the impact on Roma.
- To initiate and implement programmes/projects promoting access to healthcare without discrimination/antigypsyism/anti-Roma racism and by piloting new models in this area.

v. Horizontal measures targeting all relevant policy areas:

The EC can recommend that Member States:

- Systematically review their existing laws and other regulations (or policies) to identify cases of direct or indirect discrimination against Roma that promote and reinforce antigypsyism/anti-Roma racism and Roma exclusion.
- Put in place a formal mechanism to regularly scrutinise and assess the impact of laws and regulations regarding equal opportunities of Roma citizens (similar to the

current mechanisms of assessing the impact of policy decisions on public finances, economy, environment and gender equality).

3.3 Indicators to measure progress in fighting antigypsyism/anti-Roma racism

The measures suggested for the post-2020 EU Roma inclusion policy should be accompanied with indicators. The concept paper aimed at starting the discussion on possible indicators for the post-2020 period, presented by FRA at the EC workshop (FRA, 2019) as well as written submissions by the consulted civil society organisations can be used as a starting point for the formulation of indicators for monitoring progress in fighting antigypsyism/anti-Roma racism. Civil society organisations have, however, requested further consultation and cooperation with other stakeholders on the framing, conceptualisation and operationalisation of monitoring and evaluation processes for the future EU and Member States' Roma inclusion policies. Such structured process could improve the future monitoring and evaluation framework, but also increase its legitimacy and wider understanding. Civil society organisations also requested to be further involved in the monitoring of the implementation of EU Roma policy and Member States' national Roma policies/strategies to increase the transparency and accountability of Member States' reporting (public consultation of the draft reports) and encouraging independent policy monitoring and providing more qualitative evaluation of governmental actions (such as the Roma Civil Monitor pilot project).

The FRA reflections are based on the *Structure-Process-Outcome (S-P-O) Indicator Model* recommended by the UN Office of the High Commissioner for Human Rights (OHCHR) for assessing compliance with human rights standards. The appropriateness of this model can be reconsidered and discussed with civil society organisations and experts; for example, to determine its advantages and weaknesses compared to other models, such as the *Input-Output-Outcome-Impact* design used by EC (also within the EU funds), Member States and other stakeholders (such as international donors, such as EEA/Norway Funds, OSF, REF and others) at different levels of the policy making (EU Roma policy – national Roma inclusion strategies/policies). If the current mode is maintained, it should be aligned with a theory of change for the future EU Roma inclusion policy – which should be explicitly articulated – and for a better understanding aligned with the usual monitoring and evaluation frameworks (the above-mentioned *Input-Output-Outcome-Impact* design).

FRA suggests that the "Structure" level of the S-P-O model should not be included in the monitoring as "formal compliance of national legislation with EU primary and secondary law is the exclusive prerogative of the Commission" (FRA, 2019a, p. 4). Civil society organisations, however, challenge this opinion and suggest that monitoring at this level can go beyond the proper transposition of the EU law. However, this remains far from being perfect in the domain of anti-discrimination and fighting racism and xenophobia by means of criminal law, too, as expert reports demonstrate (EC, 2018e, p. 2). Therefore, the existence of other (non-binding or not enforceable) legal measures, including the strengthened mandate of national equality bodies (FSG, 2019) or policy instruments by Member States that can help Roma inclusion (and combatting antigypsyism/anti-Roma racism) still needs to be monitored.

The FRA concept paper concentrates on process indicators aimed at capturing “specific interventions and actions (programmes, projects, measures, etc.) put in place to achieve the goals and targets of the national Roma strategy by implementing the legal and policy provisions” with indicators to be populated by priority, where antigypsyism/anti-Roma racism or its specific manifestations (discrimination, hate crime) as well as measures of empowerment, participation and recognition can be added or specified (Centre for Policy Studies of the Central European University et al, 2019, p. 3). FRA meaningfully suggests a conscious focus on large-scale strategic interventions and separating this monitoring/reporting from small-scale measures. At the same time, FRA suggests monitoring of the number of Roma participants/beneficiaries and of financial allocations for Roma-targeted measures only. In the case of mainstream measures, FRA proposes only accounting for “the extent to which horizontal measures are accessible for Roma and what safeguards are in place to compensate for implicit barriers limiting their access” (FRA, 2019a, p. 5). This approach was criticised by civil society organisations on the grounds that mainstream measures are those that are “often the most effective for combatting poverty and social exclusion” as admitted by FRA, and that one of the main manifestations of antigypsyism is the exclusion of Roma from mainstream measures, service and policies – through different direct or indirect discriminatory practices or because of Roma’s needs not having been taken into account while designing the measures. Civil society organisations recall that the availability of such data is also crucial to identify indirect discrimination as stated by the Race Equality Directive (2000/43/ES) and confirmed by different judgements (Centre for Policy Studies et al., 2019, p. 3). Therefore, civil society organisations have requested development of guidance for data and information to be collected on Roma participants/beneficiaries of mainstream measures, using experiences from international donors such as EEA/Norway Grants, that can use different methods (qualitative, socio-economic proxies, territorial) and techniques (evaluation/feedback instruments of interventions including questions about participation, community-based approaches) (Keller & Tasner, 2019). Civil society organisations also questioned the effectiveness of suggested “safeguards” for Roma people in terms of their inclusion in mainstream policies/measures (as substitute for monitoring of Roma’s participation), as these can be only be reported on formally by Member States with reference to nominal matters, such as the existence of the non-discrimination law, or the general eligibility of citizens for these measures. Instead, for the sake of fighting antigypsyism and to make mainstream policies more inclusive and effective, NGOs suggest the introduction of an assessment mechanism aimed at analysing the impact of indirect discrimination or hidden antigypsyist/racist-bias in mainstream policies, similar to differential regulation impact assessments that are being conducted nowadays (e.g. environmental, gender equality) (Centre for Policy Studies et al., 2019, p. 4).

The most developed part of the FRA concept paper concerns the “Outcome” indicators designed to capture the level of change achieved. Nevertheless, several civil society organisations’ submissions point out that without further development of the process-level indicators, the link between the implemented measures and achieved change would remain weak and so should be developed further (Centre for Policy Studies et al., 2019, Keller & Tasner, 2019). Antigypsyism/anti-Roma racism-related outcome indicators are proposed in specific thematic priorities (fighting antigypsyism/anti-Roma racism mainstreamed as a horizontal concern). However, indicators are missing that would capture one of the most problematic forms of antigypsyism, residential segregation,

which impacts segregation in education, job exclusion, use of high-quality public services and inter-ethnic interactions. Therefore, the NGOs requested for the EC and FRA to assist the Member States in selecting the most appropriate methods for identifying and measuring segregation and progress in desegregation, and in their operationalisation, application and assessment of gathered data (Centre for Policy Studies et al., 2019, p. 5). An additional indicator could be added on access to public transport, as the lack of access to affordable and acceptable public transport contributes to unemployment, education barriers, limited access to health care (Fober, 2019). This indicator could be considered either as part of the horizontal policy priority of poverty reduction or housing policy as it is closely linked to residential segregation and spatial development. The FRA paper also suggests measuring antigypsyism within a stand-alone policy priority “Fighting antigypsyism and discrimination” that, however, includes an indicator (“Early marriage: Share of Roma who got married before the age of 18”) that has been rightly criticised by civil society organisations since the problematisation of early marriages reproduces a racist narrative and is not suitable for measuring the antigypsyism/anti-Roma racism (Matache et al., 2019).

The table summarising the recommended actions to fight antigypsyism/anti-Roma racism in the post-2020 EU Roma inclusion policy includes *illustrative* examples of possible indicators (or areas that deserve monitoring and for which indicators can be developed) as aggregated from the FRA concept paper, written submissions from CSO and the online survey. For the future post-2020 policy they should be, however, duly reviewed and developed in line with the selected objectives, actions, availability of data and standards in development of high-quality indicators (see, for example, EC paper “Indicators to measure Social Protection Performance Implications for EC Programming” from January 2017).

4 Conclusions

The central objective of this report is to propose how the need to reinforce efforts combatting antigypsyism, as identified in the EC's mid-term evaluation of the EUFW, can be translated into specific policy proposals within the new post-2020 Initiative on Roma equality and inclusion.

While drawing on available comparative data, academic and policy studies, responses received from numerous stakeholders, the report's recommendations dwell on the understanding that antigypsyism/anti-Roma racism is an important issue that should be clearly addressed in a new post-2020 Initiative to reinforce and complement the social inclusion approach.

Taking into consideration both discussions on needs as well as critical voices that caution against unintended results, we propose how the EU can mobilise primarily existing legal, policy and financial tools to address antigypsyism/anti-Roma racism. Several policy measures addressed to the EC, Member States and CSOs include action against antigypsyism/anti-Roma racism both as a self-standing area, as well as a cross cutting issue in the priority areas of education, employment, housing and health.

In conclusion, we propose that the new EUFW should help Member States to understand antigypsyism/anti-Roma racism and develop processes and systems that address the needs of their Roma citizens. We also recommend that the EC mobilises available legal and financial tools to reinforce action in this area, especially against the most blatant and harmful forms of antigypsyism/anti-Roma racism, such as hate speech, hate crimes, discrimination, especially in its systemic form of segregation in education, housing or health. Many of these are explicitly illegal under the current legal EU framework, but still require more public effort in prevention and prosecution. Likewise, measures need to be reinforced that help to transform mainstream institutions in order to ensure equal access to justice in practice for Roma citizens.

Bibliography

- Alliance Against Antigypsyism. (2017). *Alliance Against antigypsyism - A Reference Paper*. Berlin / Budapest. Retrieved from <http://antigypsyism.eu/>
- Alliance Against Antigypsyism. (2019). *Combating antigypsyism in the post-2020 EU Roma Framework Recommendations*. Brussels. Retrieved from <https://www.enar-eu.org/Alliance-against-AG-recommendations-to-combat-AG-in-future>
- Alliance Against Antigypsyism. (2019). *Developing measures to combat antigypsyism after 2020: Guidance for European and national stakeholders [Policy Paper]*. Brussels. Retrieved from <https://www.enar-eu.org/Alliance-against-AG-recommendations-to-combat-AG-in-future>
- Bundestag. (2019). Deutscher Bundestag Antrag - Antiziganismus bekämpfen. Drucksache 19/454, 1-12. <https://www.bundestag.de/dokumente/textarchiv/2019/kw12-de-antiziganismus-630092>
- Carrera, S., Rostas, I., & Vosyliūtė, L. (2017). *Combating Institutional Anti-Gypsyism Responses and promising practices in the EU and selected Member States*. Brussels: CEPS. Retrieved from https://www.ceps.eu/system/files/RR2017-08_AG.pdf
- Carrera, S., Vosyliūtė, L., Rostas, I., Danova-Roussinova, S., Guerin, J., & Brenda Smialowski, S. (2019). *Scaling up Roma Inclusion strategies: Truth, reconciliation and justice for addressing antigypsyism*. Brussels. Retrieved from [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2019\)608859](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2019)608859)
- Centre for Policy Studies of the Central European University et al, 2019, p.3. ERGO Network, Alliance Against Antigypsyism, Central Council of German Sinti and Roma, Roma Active Albania, REDI, ERIAC, ternYpe, Phiren Amenca (2019) *Measuring progress in Roma equality and inclusion post-2020. Civil Society Organisations' comments to FRA's Concept Paper*. Heidelberg.
- Chopin, I., & Germaine, C. (2016). *A comparative analysis of non-discrimination law in Europe*. Brussels. Retrieved from <https://www.equalitylaw.eu/downloads/3987-a-comparative-analysis-of-non-discrimination-law-in-europe-2016-pdf-1-2-mb>
- Chopin, I., Germaine, C., & Tanczos, J. (2017). *Roma and the enforcement of anti-discrimination law. European Commission*. Brussels. Retrieved from http://ec.europa.eu/newsroom/just/document.cfm?action=display&doc_id=47560
- CoE (2011). *Ecri General Policy Recommendation No. 13 on Combating Anti-Gypsyism and Discrimination Against Roma*. Strassbourg. Retrieved from <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.13>
- Conference on Antigypsyism. (2019). *How to address anti-Gypsyism in a post-2020 EU Roma Framework? Expert recommendations*. Vienna. <https://doi.org/10.1097/00000542-196701000-00001>
- Crickley, A. (2019). *Individual submission to the Antigypsyism working paper*.
- EC (2008) Proposal for a Council Directive on implementing the principle of equal treatment outside the labour market, irrespective of age, disability, sexual

- orientation or religious belief, COM(2008)0426 - 2008/0140(CNS).
- EC (2010). *The social and economic integration of the Roma in Europe - COM (2010) 133*. Brussels. Retrieved from <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52010DC0133>
- EC (2011a). *An EU Framework for National Roma Integration Strategies up to 2020 - COM(2011)173*. Brussels. Retrieved from <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52011DC0173>
- EC (2011b). *Guidance Note on the Implementation of Integrated Housing Interventions in Favour of Marginalised Communities under the ERDF*. Brussels. Retrieved from https://ec.europa.eu/regional_policy/en/information/publications/guidelines/2015/guidance-for-member-states-on-the-use-of-european-structural-and-investment-funds-in-tackling-educational-and-spatial-segregation
- EC (2012a). *National Roma Integration Strategies: a first step in the implementation of the EU Framework - COM(2012) 226*. Retrieved from <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52012DC0226>
- EC (2014a). *Report on the implementation of the EU Framework for National Roma Integration Strategies COM(2014)209*. Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0209&from=EN>
- EC (2014b). [Report from the Commission to the European Parliament and the Council on the implementation by the Member States of Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings](#). COM(2014)0313 final. Brussels.
- EC (2015) [Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation](#). Brussels.
- EC (2017) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Establishing a European Pillar of Social Rights*. COM(2017) 259 final. Brussels, 2017.
- EC (2017b). *Midterm review of the EU framework for national Roma integration strategies - COM(2017)458*. Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0458>
- EC (2018a). *EU High Level Group on combating racism , xenophobia and other forms of intolerance guidance note on the practical application of the EU Framework Decision on combating racism and xenophobia 2008 / 913 / JHA*. Brussels. Retrieved from https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025
- EC (2018b). *Evaluation of the EU Framework for National Roma Integration Strategies up to 2020 - SWD(2018)480*. Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1544109661990&uri=CELEX%3A52018SC0480>
- EC (2018c). *Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020 - COM(2018)785*. Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1544112037077&uri=CELEX:52018DC0785>
- EC (2018d). Commission Recommendation of 22.6.2018 on Standards for Equality Bodies. C(2018) 3850 final. Brussels. Retrieved from https://ec.europa.eu/info/sites/info/files/2_en_act_part1_v4.pdf

- EC (2018e) *Guidance Note on the Practical Application of Council Framework Decision 2008/913/JHA on Combatting Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law.*
- EC (2018f) [Commission Recommendation of 22.6.2018 on Standards for Equality Bodies.](#) C(2018) 3850 final. Brussels
- EC (2018g) [Proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund](#) and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument COM(2018) 375 final
- EC (2018h) Proposal for a Regulation: Multiannual Financial Framework: Rights and Values programme 2021-2027. Available at: https://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-383_en
- EC (2019a). Report on the implementation of National Roma Integration Strategies - 2019 (COM XXX). Brussels.
- EC (2019b). *Roma inclusion measures reported under the EU Framework for NRIS - Report on the implementation of National Roma Integration Strategies - 2019 (SWD XXX).* Brussels.
- EC (2019c). *Special Eurobarometer 493, Discrimination in the European Union: Roma.* Retrieved from <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/87621>
- ECHR (2019) [Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights. Right to education.](#) Council of Europe.
- End, M., & Cortéz Gómez, I. (2019). *Dimensions of antigypsyism in Europe.* Brussels: European Network Against Racism (ENAR) and the Central Council of German Sinti and Roma. Retrieved from <https://www.enar-eu.org/Book-Dimensions-of-AG-in-Europe>
- EP (2008). European Parliament resolution of 31 January 2008 on a European strategy on the Roma EP P6_TA(2008)0035
- EP (2011b). *Resolution of 9 March 2011 on the EU strategy on Roma inclusion.* Retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0092+0+DOC+XML+V0//EN>
- EP (2013). *Gender Aspects of the European Framework of National Roma Inclusion Strategies.* Brussels.
- EP (2015). *European Parliament resolution of 24 November 2015 on cohesion policy and marginalised communities [2014/2247(INI)].* Strasbourg.
- EP (2015a). *European Parliament Resolution of 15 April 2015 on the occasion of International Roma Day – Anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II (2015/2615(RSP)).* Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0095+0+DOC+XML+V0//EN> (5 p)
- EP (2017). Report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism. (2017/2038(INI)) Committee on Civil Liberties, Justice and Home

Affairs.

- EP (2018). *Equality and the Fight against Racism and Xenophobia: Cost of Non-Europe*. Brussels / Strasbourg: European Parliamentary Research Service. <https://doi.org/10.2861/1791>
- EP (2019). *European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism (2019/2509(RSP))*. Strasbourg / Brussels. Retrieved from http://www.europarl.europa.eu/doceo/document/TA-8-2019-0075_EN.html
- EP (2019a) Anti-discrimination Directive. Legislative Train 11.2019. Available at: <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-anti-discrimination-directive>
- EP (2019b) [Amendments adopted by the European Parliament on 16 January 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus \(ESF+\)](#) (COM(2018)0382 – C8-0232/2018 – 2018/0206(COD)).
- ERGO (2019b). *Towards a more holistic approach to Roma inclusion in the EU: stronger policy mainstreaming and focus*. Brussels. Retrieved from <http://ergonetwork.org/2019/06/towards-a-more-holistic-approach-to-roma-inclusion/>
- ERGO, & FSG (2017). *Equality Bodies: Promoting equality and fighting against discrimination of Roma*. Brussels / Madrid. Retrieved from http://ergonetwork.org/wp-content/uploads/2017/05/Equality-Bodies-Joint-Report_ERGO.pdf
- ERIAC (2019) Cultural inclusion as a Pre-condition for Social Inclusion: Towards a New European Roma Strategy Post-2020, Position Paper.
- ERIO (2017). *ERIO position paper on the EU Framework for National Roma Integration Strategies and a post-2020 strategy as a contribution to the midterm review of the European Commission*. Brussels. Retrieved from: http://cloud2.snappages.com/ecc3fa83da15cf423fe3aaa342f545fa355b24f3/ERIO_position_paper_Midterm_assessment_EU_Framework_FINAL.pdf
- ERTF (2019). *ERTF - Written Submission to the EU consultation on a post-2020 initiative for Roma equality and inclusion*. Brussels.
- EU Council (2009). *Council Conclusions on Inclusion of the Roma. 2947th Employment, Social Policy, Health and Consumer Affairs Council meeting (included Annex on Common Basic Principles on Roma Inclusion)*. Luxembourg. Retrieved from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/108377.pdf
- EU Council (2013). *Council recommendation on effective Roma integration measures in the Member States - (10 Dic 2013)* (Vol. 13). Brussels. Retrieved from [http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013H1224\(01\)](http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013H1224(01))
- EU Council (2016). *Accelerating the Process of Roma Integration – Draft Council Conclusions* (Vol. 2016). Brussels. Retrieved from: <http://data.consilium.europa.eu/doc/document/ST-14294-2016-INIT/en/pdf>
- EU Council (2019). *Note 7003/19 of the Council of the European Union on the High Level Conference on EU Framework on National Strategies for Roma Inclusion (Bucharest,*

- 4-5 March 2019). Brussels. Retrieved from: <https://data.consilium.europa.eu/doc/document/ST-7003-2019-INIT/en/pdf>
- EU HLG (2017a). *Antigypsyism: Increasing its recognition to better understand and address its manifestations*. Brussels. Retrieved from: https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55652
- EU HLG (2017b). *Hate crime training for law enforcement and criminal justice authorities: 10 key guiding principles*. Brussels.
- Eurocities (2017). *Roma in cities in Europe*. Brussels. Retrieved from: http://nws.eurocities.eu/MediaShell/media/Mapping_of_the_situation_of_Roma_in_cities_FINAL_REPORT.pdf
- Eurodiaconia (2017). *Guidelines on tackling Anti-Gypsyism*. Brussels.
- Eurodiaconia (2019). *Addressing EU mobile Roma in a post-2020 EU Framework for National Roma Integration Strategies*. Brussels. Retrieved from: <https://www.eurodiaconia.org/es/2019/04/statement-addressing-eu-mobile-roma-in-a-post-2020-eu-framework-for-national-roma-integration-strategies/>
- Eurofound (2012). *Living conditions of the Roma: Substandard housing and health*. Dublin. Retrieved from: https://www.eurofound.europa.eu/sites/default/files/ef_files/pubdocs/2012/02/en/1/EF1202EN.pdf
- EuRoma (2009). *FINAL REPORT Working Group on Employment EURoma Spain*. Madrid.
- EuRoma (2013). *Brief on Ethnic Data Collection*. Brussels / Madrid. Retrieved from: <https://www.euromanet.eu/euroma-pub/euroma-network-brief-on-ethnic-data-collection/>
- EuRoma (2014). *How to monitor and evaluate Roma-related initiatives under Structural and Investment Funds Reinforcing Policy Learning for Roma Inclusion*. Brussels / Madrid. Retrieved from: http://ec.europa.eu/justice/discrimination/files/romainitiatives_esi_en.pdf
- EuRoma (2014). *Promoting the use of Structural Funds for Roma inclusion in the European Union - A glance at EURoma's eight years of work and how Roma inclusion is considered in the 2014-2020 programming period*. Brussels / Madrid. Retrieved from: http://www.gitanos.org/publications/Euroma.Final.Report.2007_2013.Programming.Period.pdf
- EuRoma (2018a). *Assessment of the mid-term review of the EU Framework for National Roma Integration Strategies up to 2020*. Madrid, Brussels. Retrieved from www.euromanet.eu
- EuRoma (2018b). *How the future 2021-2027 European Social Fund Plus (ESF +) can better contribute to Roma inclusion and equality*. Madrid, Brussels. Retrieved from www.euromanet.eu
- European Committee of Social Rights. (2011). *European Roma Rights Centre vs. Portugal*. Complaint No. 61/2010. Strasbourg: Council of Europe
- European Court of Auditors. (2016). *EU policy initiatives and financial support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground - Special Report*. Luxembourg. <https://doi.org/10.2865/5721>

- European network of legal experts in gender equality and non-discrimination (2017) [A comparative analysis of non-discrimination law in Europe 2017](#).
- European Ombudsman (2015) [Decision of the European Ombudsman closing her own-initiative inquiry OI/8/2014/AN concerning the European Commission](#)
- European Roma Rights Centre (2010). *Standards Do Not Apply: A Report by the European Roma Rights Centre Inadequate Housing in Romani Communities*.
- Farkas, L. (2017). *Analysis and comparative review of equality data collection practices in the European Union Data: Data collection in the field of ethnicity*. Brussels: European Commission - DG Justice. <https://doi.org/10.2838/447194>
- FEANTSA. (2020). *The EU Roma Framework beyond 2020 A homelessness service providers perspective Housing issues and homelessness among Roma*. Brussels.
- Ferreira, N. (2019). A Roma European Crisis Road-Map: A Holistic Answer to a Complex Problem. In T. Magazzini & S. Piemontese (Eds.), *Constructing Roma Migrants: European Narratives and Local Governance* (pp. 31–49). Cham. https://doi.org/10.1007/978-3-030-11373-5_3
- Fober, R. (2019). Individual submission to FRA working paper.
- FRA (2009). *The situation of Roma EU citizens moving to and settling in other EU Member States*. Vienna. <https://doi.org/10.2811/34658>
- FRA (2014). *Education: the situation of Roma in 11 EU Member States. Roma survey - Data in focus*. European Union Agency for Fundamental Rights. <https://doi.org/10.2811/53012>
- FRA (2016). *Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Roma - Selected findings*. Vienna. <https://doi.org/10.2811/15331>
- FRA (2018). *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion*. <https://doi.org/10.2811/423901>
- FRA (2018). *Handbook on European Non-Discrimination Law 2018 edition*. Vienna / Brussels: European Union Agency for Fundamental Rights. <https://doi.org/10.2811/58933>
- FRA (2019). *Roma women in nine EU Member states, Second European Union Minorities and Discrimination Survey*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-minorities-survey-roma-women_en.pdf
- FRA (2019a) *Post-2020 indicator framework – Roma equality and inclusion Concept paper for the workshop on future policies for Roma*. Vienna
- FSG (2019). *A future EU framework for National Strategies for Roma Equality and Inclusion 2021-2030 – Submission to the EU consultation*. Madrid
- Keller, S.E. & Tasner, Cs. (2019) *Roma indicators for the next EU Roma Framework*. Brussels
- Kóczé, A., & Rövid, M. (2017). Roma and the politics of double discourse in contemporary Europe. *Identities*, 24(6), 684–700. <https://doi.org/10.1080/1070289X.2017.1380338>
- Kostka, J. (2015a). *Going beyond Political Commitments: Explaining Diverging Outputs in the Use of European Structural Funds for Roma Inclusion Strategies in Spain and*

Slovakia, 281. Retrieved from <http://pds.ceu.edu/sites/pds.ceu.hu/files/attachment/basicpage/478/kostkajoannap.p.pdf>

- Kostka, J. (2015b). Implementation of Roma Inclusion Policies: Why Defining the Problem Matters. *Social Inclusion*, 3(5). <https://doi.org/10.17645/si.v3i5.231>
- Kovats, M. (2019). *Lessons of the EU Roma Framework with reference to October's Workshop on future policies for Roma Background Papers - Submission to the EU consultation. Brussels.*
- Kühlbrandt, C. (2019a). Confronting racism in family planning: a critical ethnography of Roma health mediation. *Sexual and Reproductive Health Matters*, 27(1). <https://doi.org/10.1080/09688080.2019.1571324>
- Law, I. & Kovats, M. (2018). *Rethinking Roma: Identities, Politicisation and New Agendas.* Springer International Publishing. <https://doi.org/https://doi.org/10.1057/978-1-137-38582-6>
- Magazzini T. (2020) Integration as an Essentially Contested Concept: Questioning the Assumptions behind the National Roma Integration Strategies of Italy and Spain. In: Hinger S., Schweitzer R. (eds) Politics of (Dis)Integration. IMISCOE Research Series. Springer, Cham. Retrieved from https://doi.org/10.1007/978-3-030-25089-8_3
- Magazzini, T., & Piemontese, S. (2016). Roma migration in the EU: The case of Spain between "new" and "old" minorities. *Migration Letters*, 13(2), 228–241. <https://doi.org/10.33182/ml.v13i2.304>
- Magazzini, T., Chiozza, E., & Rossi, M. (2019). Conformism or Inadequacy of Roma Inclusion Policies? Missed Opportunities at the European and Local Levels (Chap 4.). In T. Magazzini & S. Piemontese (Eds.), *Constructing Roma Migrants: European Narratives and Local Governance* (pp. 51–67). Cham. https://doi.org/10.1007/978-3-030-11373-5_4
- Magazzini, T., Piemontese, S., & Narratives, E. (2019a). Constructing Roma Migrants. In T. Magazzini & S. Piemontese (Eds.), *Constructing Roma Migrants: European Narratives and Local Governance* (pp. 175–194). Cham. <https://doi.org/10.1007/978-3-030-11373-5>
- Magazzini, T., Piemontese, S., & Narratives, E. (2019b). *Constructing Roma Migrants.* <https://doi.org/10.1007/978-3-030-11373-5>
- Marushiakova, E. & Popov, V. (2018), Roma Labelling: Policy and Academic, Slovenský národopis, 66
- Marushiakova, E., & Popov, V. (2015). European Policies for Social Inclusion of Roma: Catch 22? *Social Inclusion*, 3(5). <https://doi.org/10.17645/si.v3i5.241>
- Matache et. al (2019). *Written comments to the European Commission's background paper „ISSUE PAPER for session three and four - antigypsyism, participation, diversity“.*
- Mc Garry, A. (2017). *Romaphobia: The Last Acceptable Form of Racism.* London.
- Messing, V. (2019). Conceptual and Methodological Considerations in Researching "Roma Migration" (Chap. 2). In T. Magazzini & S. Piemontese (Eds.), *Constructing Roma Migrants: European Narratives and Local Governance* (pp. 17–30). Cham. <https://doi.org/10.1007/978-3-030-11373-5>

- Messing, V., & Bereményi, B. Á. (2017). Is ethnicity a meaningful category of employment policies for Roma? A comparative case study of Hungary and Spain. *Ethnic and Racial Studies*, 40(10), 1623–1642. <https://doi.org/10.1080/01419870.2016.1213402>
- Mirga-Kruszelnicka, A. (2017). *Revisiting the EU Roma Framework: Assessing the European Dimension for the Post-2020 Future*. Brussels. Retrieved from <https://www.opensocietyfoundations.org/reports/revisiting-eu-roma-framework-assessing-european-dimension-post-2020-future>
- Mirga-Kruszelnicka, A. (2018). Challenging Anti-gypsyism in Academia. *Critical Romani Studies*, 1(1), 8–28. <https://doi.org/10.29098/crs.v1i1.5>
- Mirga, A. (2018). Those Who Count: Expert Practices of Roma Classification. *Critical Romani Studies*, 1(1), 114–126. <https://doi.org/10.29098/crs.v1i1.14>
- Nicolae, V. (2006). Towards a Definition of Antigypsyism. Retrieved from http://ergonetwork.org/wp-content/uploads/2019/01/Valeriu-Nicolae_towards-a-definition-of-AG.pdf
- Oprea, A. & Matache, M. (2019). Reclaiming the Narrative: A Critical Assessment of Terminology and the Fight for Roma Rights. In: Cortés, I. & End, M. *Dimensions of antigypsyism in Europe*. ENAR.
- OSCE (2015). *Teaching about and Commemorating the Roma and Sinti Genocide*. Warsaw. Retrieved from www.osce.org/odihr
- OSCE (2018). *Third Status Report - Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*. Warsaw. Retrieved from <https://www.osce.org/odihr/roma-sinti-action-plan-2018-status-report>
- OSCE (n.d.). *Effective and Human Rights-Compliant Policing in Roma and Sinti Communities*.
- Post, S., & EP. (2017). *Report on fundamental rights aspects in Roma integration in the EU: fighting anti- Gypsyism (2017/2038(INI))*. Strasbourg / Brussels. Retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2017-0294&language=EN>
- Ringelheim, J. (2016) [Discrimination in Housing](#). Presentation from Seminar organised by ERA on behalf of the European Commission 6 June 2016.
- Roma Civil Monitor (2018) *A synthesis of civil society's reports on the implementation of national Roma integration strategies in the European Union: Focusing on structural and horizontal preconditions for a successful implementation*. Budapest. Retrieved from <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-synthesis27-2017-eprint-fin-2.pdf>
- Roma Civil Monitor (2018b). *Instrumentalising fighting antigypsyism and its differentiation from antidiscrimination*. Budapest / Brussels.
- Roma Civil Monitor (2018c), [Civil society monitoring report on implementation of the national Roma integration strategies in Germany Focusing on structural and horizontal preconditions for successful implementation of the strategy](#), European Commission.
- Rorke, B., Matache, M., & Friedman, E. (2015). *A lost decade? Reflections on Roma inclusion 2005-2015*. Budapest.

- Ruiz Torres, G. (2017). *Countering antigypsyism in Europe*. Brussels. [https://www.academia.edu/35814965/Countering AG in Europe Ed.](https://www.academia.edu/35814965/Countering_AG_in_Europe_Ed)
- Slovak Republic/Ministry of Interior (2018) [Výzva zameraná na zlepšené formy bývania pre obce s prítomnosťou marginalizovaných rómskych komunit s prvkami prestupného bývania - OPLZ-PO6-SC611-2018-2. Príloha 10 - Podmienky súladu projektu s princípmi 3D.](#) Bratislava.
- Slovak Republic/Ministry of Interior (2019) [Výzva zameraná na zlepšené formy bývania pre obce s prítomnosťou marginalizovaných rómskych komunit s prvkami prestupného bývania - OPLZ-PO6-SC611-2018-2. Príloha 10 - Podmienky súladu projektu s princípmi 3D v znení Zmeny č. 1.](#) Bratislava
- Surdu, M., & Kovats, M. (2015). Roma Identity as an Expert-Political Construction. *Social Inclusion*, 3(5). <https://doi.org/10.17645/si.v3i5.245>
- van Baar, H. (2014). The Emergence of a Reasonable Anti-Gypsyism in Europe; in: Agarín, Timofey, eds, When Stereotype Meets Prejudice. Stuttgart, retrieved from :[https://www.academia.edu/8170981/The Emergence of a Reasonable Anti-Gypsyism in Europe 2014](https://www.academia.edu/8170981/The_Emergence_of_a_Reasonable_Anti-Gypsyism_in_Europe_2014)
- van Baar, H. & Vermeersch, P. (2017). The Limits of Operational Representations. *Intersections*, 3(4): 120–139. <https://doi.org/10.17356/ieejsp.v3i4.412>
- van Baar, H., Ivasiuc, A., & Kreide, R. (Eds.) (2019) *The Securitisation of the Roma in Europe*. New York: Palgrave Macmillan.
- Vermeersch, P. (2012). Reframing the Roma: EU Initiatives and the Politics of Reinterpretation. *Journal of Ethnic and Migration Studies*, 38(8), 1195–1212. <https://doi.org/10.1080/1369183X.2012.689175>

Annex 1 – Synopsis EUFW, Council Recommendation, Post-2020 Initiative on Roma equality and inclusion

	EUFW (COM 2011)173	Council Recommendation 2013/C378/01	Post-2020 EU Framework proposed recommendations	Examples of possible indicators or areas of monitoring related to the antigypsyism/anti-Roma racism (as suggested by FRA's and civil society organisations' position papers)
Preamble	<ul style="list-style-type: none"> Member States "need to ensure that Roma are no discriminated against"; social inclusion reinforces non-discrimination; Member States are free to adopt positive action. 	<ul style="list-style-type: none"> recalls TEU, the Charter's, RED commitment regarding the need to take action to combat discrimination; Roma used as umbrella term for numerous groups; recognition that many Roma still face discrimination. 	<ul style="list-style-type: none"> recognise antigypsyism/anti-Roma racism as a specific form of racism against Roma; antigypsyism/anti-Roma racism as an umbrella term. 	<p>Structure:</p> <ul style="list-style-type: none"> recognition of Roma as (national/ethnic) minority or community with protected characteristics (CSO) recognition of antigypsyism/anti-Roma racism as a specific form of racism (CSO) established processes and structures for the analysis of antigypsyism/anti-Roma racism in the society such as, for example, "Truth and Reconciliation" process (CSO) recognition of Roma Holocaust and memorial days of its remembrance (CSO) explicit prohibition of ethnic profiling in police practice (CSO) <p>Process:</p> <ul style="list-style-type: none"> recognition of historic injustice against Roma by institutions/Member States (CSO) Roma-inclusive school curriculum used, or Roma included in the canon of formal education (CSO) programmes of democratic education including prevention of antigypsyism/anti-Roma racism (CSO)
Education	<ul style="list-style-type: none"> Member States should ensure that all Roma children have access to quality education and are not subject to discrimination or segregation, regardless of whether they are sedentary or not. 	<ul style="list-style-type: none"> eliminating any school segregation; putting an end to any inappropriate placement of Roma pupils in special needs schools. 	<p>EU level:</p> <ul style="list-style-type: none"> EC continues to monitor the implementation of RED and continues to initiate and undertake infringement proceedings, as required. EC should promote desegregation and inclusive education through the programming of EU funds (priorities) with Member States and ensure that Member States do not use such funds in contradiction with the principle of non-discrimination. EC can also establish clear rules for EU funds to support desegregation and exclude projects contributing to antigypsyism/anti-Roma racism. 	<p>Structure:</p> <ul style="list-style-type: none"> existence of consultation mechanisms with (pro-)Roma civil society organisations in the field of education (CSO) existence of any monitoring of segregation of Roma in education (CSO) <p>Process:</p> <ul style="list-style-type: none"> budget allocated for combatting antigypsyism/anti-Roma racism and discrimination in the field of education (CSO) <p>Result:</p>

			<ul style="list-style-type: none"> • EC continues to support CSO in efforts to promote access to quality education, desegregation programmes and the adoption of inclusive education, the development of strategies to address ethnic harassment and bullying in the school environment, and the exchange of good practices across and within EU Member States. <p>Member States:</p> <ul style="list-style-type: none"> • set out specific measurable objectives, using an established baseline for reducing the share of Roma children being in segregated educational environment, • provide reparations to the victims of school segregation and racialised misdiagnosis, • address manifestations of antigypsyism/anti-Roma racism in education in the NRIS and the national strategic policy frameworks for social inclusion and poverty reduction, • mainstream the fight against antigypsyism/anti-Roma racism in the strategic policy framework for the education and training system at all levels, • invest into desegregation education projects and promote inclusive education, • gather data on segregation in schools, regularly monitor and evaluate the impact of public measures aimed at desegregation in education, • to prevent discrimination in education and support victims of discrimination in education, • to ensure that state bodies overseeing discrimination in education (e.g. state school inspection) have sufficient powers and financial resources to reveal and monitor segregation in education, • to promote equal opportunities in education at secondary and tertiary education and life-long learning. 	<ul style="list-style-type: none"> • share of general population who would feel comfortable with Roma as classmates of one's children (Eurobarometer) (FRA) • share of Roma who felt discriminated against because of being Roma in the past 12 months, when in contact with school authorities (as a parent/guardian or a student) in the past 12 months, respondents, 16+ (%) (FRA) • share of Roma children, 6-15 years old, attending classes where 'all classmates are Roma' as reported by the respondents, household members 6-15 in education (%) (FRA) • prevalence of hate-motivated bullying/harassment of Roma children while in school in the past 12 months, out of all respondents who are parents/guardians of school-age children, respondents, 16+ (%) (FRA)
Employment	<ul style="list-style-type: none"> • Member States should grant Roma people full access in a non-discriminatory way to vocational training, to the job market, and to self-employment tools and initiatives. 	<ul style="list-style-type: none"> • providing equal access to mainstream public employment services, alongside services to support individual jobseekers, focusing on personalised guidance and individual action planning and, where appropriate, promoting employment opportunities within the civil service; • eliminating barriers, including discrimination, to (re)entering the labour market. 	<p>EU level:</p> <ul style="list-style-type: none"> • EC continues to support CSOs in addressing and monitoring antigypsyism/anti-Roma racism in sectoral policies and support Roma inclusion in employment in Member States, <p>Member States:</p> <ul style="list-style-type: none"> • to explicitly refer in the NRIS and in the national strategic policy framework for social inclusion and poverty reduction to the need to address antigypsyism in the workplace and 	<p>Structure:</p> <ul style="list-style-type: none"> • existence of consultation mechanisms with (pro-)Roma civil society organisations in the field of employment (CSO) <p>Process:</p> <ul style="list-style-type: none"> • budget allocated for combatting antigypsyism/anti-Roma racism and discrimination in the field of employment (CSO) <p>Result:</p>

			<p>labour market,</p> <ul style="list-style-type: none"> • EC can request the Member States to prioritise Roma inclusion in the labour market and include the fight against the discrimination in programming of EU funds (priorities) during the negotiations for the next programming period, • to prevent discrimination in accessing employment as well as at the labour market, • to train employers and employment offices about antigypsyism/anti-Roma racism and enhance skills for non-discriminatory recruitment and treatment of staff. • to provide support and legal assistance to victims of discrimination in respect to employment and while at work, • to stimulate positive action by public employers to promote Roma inclusion and prevent antigypsyism/anti-Roma racism in employment, particularly by recruiting Roma women, • to ensure that state bodies overseeing discrimination in employment (e.g. labour inspection) have sufficient powers and financial resources to identify and monitor discriminatory employment practices, • to ensure young Roma benefit from national youth employment policies. 	<ul style="list-style-type: none"> • share of general population who would feel comfortable with Roma as a colleague at workplace (Eurobarometer) (FRA) • share of people who find it acceptable to not hire a Roma because of concerns how customers might react (Fundamental Rights survey) (FRA) • share of Roma who felt discriminated against because of being Roma in the past 12 months, when looking for a job, respondents, 16+ (%) (FRA) • share of Roma who felt discriminated against because of being Roma in the past 12 months, when at work, respondents, 16+ (%) (FRA) • number of self-declared Roma in management or decision-making positions in national governments or in institutions active in the Roma inclusion (CSO) • number of Roma in key positions in institutions forming the public narrative on Roma (such as media, bodies to supervise media), equality bodies, police and others (CSO) • Roma police officer hired (CSO)
<p>Health</p>	<ul style="list-style-type: none"> • Member States should provide access to quality healthcare especially for children and women as well as preventive care and social services at a similar level and under the same conditions to the Roma as to the rest of the population. 	<ul style="list-style-type: none"> • removing any barriers to access to the healthcare system accessible for the general population. 	<p>EU level:</p> <ul style="list-style-type: none"> • EC continues to monitor the implementation of RED regarding discrimination/antigypsyism/anti-Roma racism in the area of healthcare and should pursue infringement procedure where required, • EC can provide guidance for Member States in the provision of healthcare without discrimination and for addressing antigypsyism/anti-Roma racism in this area. • EC should promote healthcare without discrimination/antigypsyism/anti-Roma racism in programming of EU funds (priorities).The EC can propose to have specific focus on the situation of Roma women and children. • EC continues to promote access to healthcare without discrimination/antigypsyism/anti-Roma racism in programming of EU funds (priorities) • EC continues to support CSOs to address, monitor and report on access to healthcare for Roma, including by monitoring and reporting on instances of discrimination/antigypsyism. 	<p>Structure:</p> <ul style="list-style-type: none"> • existence of consultation mechanisms with (pro-)Roma civil society organisations in the field of healthcare (CSO) <p>Process:</p> <ul style="list-style-type: none"> • budget allocated for combatting antigypsyism/anti-Roma racism and discrimination in the field of healthcare (CSO) <p>Result:</p> <ul style="list-style-type: none"> • Share of Roma who felt discriminated against because of being Roma in the past 12 months, when accessing the health services, respondents, 16+ (%) (FRA)

			<p>Member States:</p> <ul style="list-style-type: none"> • to mainstream fight against antigypsyism/anti-Roma racism in the strategic policy framework for health and address discrimination and antigypsyism/anti-Roma racism in healthcare, including in their NRIS, • to take steps to ensure that Roma women and men in disadvantaged position have access to healthcare, • to review laws and policies regulating access to health care services and social benefits associated with giving birth to avoid indirect discrimination of Roma, in particular of Roma women, • to regularly undertake, monitor and evaluate the training of health care personnel in respect of non-discrimination, • to prevent and protect from segregation and discrimination in respect of health care services (e.g. segregated, sub-standard maternity wards, under-treatment) and ensure that the sexual and reproductive rights in particular of Roma women are respected. • to ensure that relevant health care supervisory authorities have sufficient powers and financial means to monitor and resolve complaints on discrimination in health care. 	
Housing	<ul style="list-style-type: none"> • Member States should promote non-discriminatory access to housing, including social housing. 	<ul style="list-style-type: none"> • eliminating any spatial segregation and promoting desegregation; • promoting non-discriminatory access to social housing. 	<p>EU level:</p> <ul style="list-style-type: none"> • EC should monitor the implementation of RED particularly with regard to access to housing and non-discrimination and should initiate infringement proceedings against Member States where required • EC should provide guidance to Member States on how to implement housing policies to ensure Roma citizens have equal access to housing and can realise their rights to housing, • EC should integrate housing desegregation in the programming of relevant EU funds (priorities), for example, by to support affordable housing schemes, improve the quality of housing stock and resolving environmental hazards affecting Romani communities, • EC should establish guidance/rules for the implementation EU funds in 2021-2027 programming period to support desegregation in housing (including clear suggestions on how to analyse the problem – identify segregation or discrimination, what specific measures can be taken to tackle it, how to evaluate 	<p>Structure:</p> <ul style="list-style-type: none"> • existence of consultation mechanisms with (pro-)Roma civil society organisations in the field of housing (CSO) • existence of any monitoring of segregation of Roma in housing (CSO) <p>Process:</p> <ul style="list-style-type: none"> • budget allocated for combatting antigypsyism/anti-Roma racism and discrimination in the field of housing (CSO) <p>Result:</p> <ul style="list-style-type: none"> • share of general population who do not feel comfortable with having Roma as their neighbour (FRA) • share of Roma living in households with the listed problems in their accommodation: Pollution, grime or other environmental problems in the local area such as: smoke, dust, unpleasant smells or polluted water, household members, (%) (FRA) • share of people who felt discriminated against because of being Roma in the past 5 years,

			<p>proposals and how to evaluate the results) and that will exclude from funding the projects supporting manifestations of antigypsyism/anti-Roma racism such as residential segregation or other forms of (direct or indirect) discrimination in this area, monitor/audit its implementation by the Member States' Managing authorities,</p> <ul style="list-style-type: none"> • Following the adoption of the regulations for the new funding programmes, the EC could verify whether there is a means to financially support CSOs to address, monitor and report on discrimination/antigypsyism/anti-Roma racism in the area of housing quality, including forced evictions and environmental risks. <p>Member States:</p> <ul style="list-style-type: none"> • to address discrimination/antigypsyism/anti-Roma racism in housing, forced evictions, environmental risks, in the NRIS and the national strategic policy framework for social inclusion and poverty reduction, • to invest into programmes/projects aimed at desegregation in housing developing inclusive social housing policies, • to monitor developments in residential segregation and take action to facilitate desegregation in housing, • to enforce antidiscrimination law in respect of access to both private and public housing by monitoring, awareness raising among landlords and supporting victims of discrimination to secure legal remedies; in the case of public housing, to ensure that allocation rules do not include elements of indirect discrimination that would lead to exclusion or segregation of Roma, • to take appropriate steps to prevent forced evictions, mainly by strengthening prevention of forced evictions by mediation, early warning of risk of eviction such as debts for housing, diverse forms of aid to people in risk of eviction (e.g. legal assistance in defending their housing, assistance during the execution of forced eviction; development of legal framework for forced evictions that would minimise the most negative impacts of evictions, such as family disintegration, placement of children into institutional care, homelessness; provision of substitute housing or shelter), • provide regular monitoring of environmental conditions and risks specifically affecting disadvantaged Roma communities and 	<p>when looking for housing, respondents, 16+ (%) (FRA)</p> <ul style="list-style-type: none"> • an indicator (to be developed) to capture residential segregation (CSO) • access to public transport (CSO)
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			<p>undertake actions to remedy hazardous or unhygienic conditions,</p> <ul style="list-style-type: none"> to ensure that state bodies responsible for housing and environmental standards, as well as other relevant agencies, have sufficient powers and financial resources to identify and monitor segregation in housing. 	
antigypsyism and non-discrimination as a self-standing category	<ul style="list-style-type: none"> Member States to promote the full equality of Roma in practice, take effective policy measures to ensure their equal treatment and the respect of their fundamental rights, including equal access to education, employment, healthcare and housing. This goal could be achieved either by means of mainstream measures or by means of targeted measures, including specific measures to prevent or compensate for disadvantages, or by a combination of both, paying special attention to the gender dimension. 	<p>EU level:</p> <ul style="list-style-type: none"> EC strengthens its monitoring of the implementation of the RED in practice, especially with regard to systemic discrimination such as residential segregation and segregation in education and continues to initiate and undertake infringement proceedings against Member States. EC continues to support CSO in their work to challenge manifestations of antigypsyism/anti-Roma racism (symbolically, for example through enabling their participation in diverse policy processes and structures relating to antigypsyism/anti-Roma racism and financially, for example through EC's Rights and Values Programme) CSO in their work to fight discrimination as manifestations of antigypsyism/anti-Roma racism, including support to their monitoring activities and enhancing intersectional analysis, strategic litigation, and the provision of aid to victims of discrimination. EC reinforces the implementation of the Framework Decision by utilising the tool of infringement proceedings against Member States when presented with evidence of failure to protect Roma victims, EC enhances monitoring of the implementation of the Framework Decision with regard to antigypsyist/anti-Roma racism hate crimes, EC provides guidance to Member States in monitoring/reporting and fighting antigypsyist/anti-Roma racism hate crimes, EC continues to provide financial (through its Rights and Values Programme) support to academics and CSO to research, report and counter antigypsyist/anti-Roma racism hate crimes and hate speech, in order to address the underreporting hate crimes targeting Roma. EC can publicly condemn instances of racist rhetoric and antigypsyist/anti-Roma racism hate speech. <p>Member States:</p>	<p>Structure:</p> <ul style="list-style-type: none"> existence of a strategic document to fight racism, explicitly including the fight against antigypsyism/anti-Roma racism (CSO) adoption and application of possible EU Code of Conduct on Countering anti-Roma Hate Speech by Public Representatives (CSO) <p>Process:</p> <ul style="list-style-type: none"> budget allocated for combatting antigypsyism/anti-Roma racism and discrimination (CSO) trainings for duty-bearers on antigypsyism/anti-Roma racism and anti-discrimination, awareness raising (CSO) monitoring of antigypsyism/anti-Roma racism incidents (CSO) number of municipalities having dedicated staff for Roma inclusion (CSO) mechanisms providing free legal aid to victims of antigypsyism/anti-Roma racism/discrimination in place; number of assisted persons (CSO) number of campaigns fighting antigypsyism/anti-Roma racism (CSO) diverse reports/researches/analyses on antigypsyism/anti-Roma racism (CSO) number of municipalities having dedicated staff for Roma inclusion (CSO) <p>Results:</p> <ul style="list-style-type: none"> share of Roma who feel attached (very) strongly to Europe / country of residence / village/town/city, respondents, 16+ (%) to be developed (FRA) share of people who do not feel comfortable to have Roma married into their family (Fundamental Rights Survey) (FRA) share of Roma who felt discriminated against because of being Roma in any of all areas covered in the survey in the past 12 months, respondents, 16+ (%) (FRA) share of Roma experiencing hate-motivated 	

			<ul style="list-style-type: none"> • To ensure that the transposition of the provisions of the RED into domestic legislation, provide adequate protection against discrimination for all citizens, including Roma Member States can be recommended to introduce tools for strengthening protection against discrimination recommended by the RED, such as public interest litigation, positive action, free-of-charge legal aid, awareness-raising about complain mechanism to victims and CSO. • To improve monitoring of cases of discrimination, for example, by providing the national equality bodies with sufficiently robust legal mandate and resources, and regularly assess the development;²⁵ • to provide quality, monitored and regularly evaluated training for legal professionals, in particular judges, professional associations of lawyers, as well as civil servants, local governmental officials and other relevant stakeholders involved in provision of public services, including CSO on anti-discrimination legislation and available tools for protection and seeking for justice in respect of antigypsyism/anti-Roma racism, • to ensure that Roma people have equal access to appropriate support for victims of discrimination and to justice by mandating and financially supporting public institutions and CSOs that can facilitate this and raise awareness among Roma communities on rights and available remedies, researching the barriers in access to justice of specific groups, supporting campaigns, • to financially support CSO in their activities in the fight against discrimination, involve them in the review of the existing laws and their possible revision. • to support CSO in monitoring, including on intersectional discrimination • to enhance implementation of the Framework Decision through training of law enforcement officers, legal professionals, judges and judicial clerks and other stakeholders to identify, investigate and prosecute antigypsyist/anti-Roma racism hate crimes, • to consider amending national laws to 	<p>harassment (overall-5 acts) because of being Roma in the 12 months before the survey, respondents, 16+ (%) (FRA)</p> <ul style="list-style-type: none"> • share of Roma who were physically attacked because of being Roma (out of all respondents) in the past 12 months, respondents, 16+ (%) (FRA) • share of Roma who were stopped by police in the past 12 months and they think they were stopped because of being Roma, respondents, 16+ (%) (FRA) • share of Roma who did NOT report the most recent incident of harassment because of being Roma (of those experiencing harassment), respondents, 16+ (%) (FRA) • share of Roma who felt discriminated against and NOT reported the last incident of discrimination because of being Roma, respondents, 16+ (%) (FRA) • share of Roma who NOT reported the most recent incident of physical attack because of being Roma, respondents, 16+ (%) (FRA) • share of Roma who heard of at least one equality body, respondents, 16+ (%) (FRA) • share of Roma who are aware of a law that forbids discrimination, respondents, 16+ (%) (FRA) • share of Roma who tend to trust the police and/or the judicial system, respondents, 16+ (%) to be developed (FRA) • cases of sanctioned/reported antigypsyist hate crime (CSO) • Cases of sanctioned/reported antigypsyist hate speech (CSO)
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²⁵ In line with the Commission Recommendation (EU) 2018/951 on standards for equality bodies C/2018/3850 of 22 June 2018.

			<p>strengthen to ensure that are effectively applied in respect of hate crimes and hate speech directed at Roma,</p> <ul style="list-style-type: none"> • to ensure adequate victim support and the victims' access to justice, • to endorse the "EU Code of conduct on countering anti-Roma hate speech by public representatives" • to implement the EU Code of Conduct on Countering illegal Hate Speech Online, the Audiovisual Media Service Directive, and the General Recommendation No. 35 of the UN Committee on the Elimination of Racial Discrimination (CERD) on Combating racist hate speech. • to financially support civil society in monitoring and reporting antigypsyist/anti-Roma racism hate crimes and hate speech and provide assistance to victims in reporting about hate crimes and hate speech. • to train state officials to recognise antigypsyism/anti-Roma racism as bias motivation, including on intersectional biases. • to provide assistance to ensure Roma victims of hate crimes and hate speech are able to file complaints. 	
<p>antigypsyism and anti-discrimination as a horizontal policy issue</p>		<ul style="list-style-type: none"> • Continue their efforts to ensure the effective practical enforcement of Directive 2000/43/EC, in particular by ensuring that their national, regional and local administrative regulations are not discriminatory and do not result in segregation practices. The relevant case-law of the European Court of Human Rights should serve as a point of reference for the human rights compatibility of provisions and practices in this context. • Implement, where relevant, desegregation measures concerning Roma both regionally and locally. Policies and measures to combat segregation should be accompanied by appropriate training and information programmes, including training and information on human rights protection, addressed to local civil servants and representatives of civil society and Roma themselves. • 2.3. ensure that forced evictions are in full compliance with Union law as well with other international human rights obligations, such as those of the European Convention on Human Rights. • 2.4. implement measures to combat 	<p>Member States:</p> <ul style="list-style-type: none"> • Systematically review their existing laws and other regulations (or policies) to identify cases of direct or indirect discrimination against Roma that promote and reinforce antigypsyism/anti-Roma racism and their exclusion, • Put in place a formal mechanism to regularly scrutinize and assess impact of laws and regulations in respect of the equal opportunities of Roma citizens (similarly to the current mechanisms of assessing the impact of policy decisions on public finances, economy, environment and gender equality). 	<p>Structure:</p> <ul style="list-style-type: none"> • existence of a formal mechanism to assess policies' and regulations' impact on Roma inclusion • existence of consultation mechanisms with (pro-)Roma civil society organisations (CSO) <p>Process:</p> <ul style="list-style-type: none"> • Number of reviewed policies and regulations (CSO) <p>Results:</p> <ul style="list-style-type: none"> • Modifications to policies and laws made to address the problems of discrimination and antigypsyism (CSO)

		<p>discrimination and prejudice against Roma, sometimes referred to as anti-Gypsyism, in all areas of society. Such measures could include:</p> <p>(a) raising awareness about the benefits of Roma integration both in Roma communities and among the general public;</p> <p>(b) raising the general public's awareness of the diverse nature of societies, and sensitising public opinion to the inclusion problems Roma face, including, where relevant, by addressing those aspects in public education curricula and teaching materials;</p> <p>(c) taking effective measures to combat anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising language or other behaviours that could constitute incitement to discrimination against Roma.</p>		
Funding		<ul style="list-style-type: none"> • promotion of social inclusion and combating poverty and discrimination, including, inter alia, the socio-economic integration of marginalised communities such as Roma, should be facilitated by the allocation of at least 20 % of the total ESF resources in each Member State to investment in people as set out in Articles 3 and 4 of Regulation (EU) No 1304/2013 	Included in measures tackling antigypsyism as a self-standing area and as a horizontal issue.	
Funding		<ul style="list-style-type: none"> • promotion of social inclusion and combating poverty and discrimination, including, inter alia, the socio-economic integration of marginalised communities such as Roma, should be facilitated by the allocation of at least 20 % of the total ESF resources in each Member State to investment in people as set out in Articles 3 and 4 of Regulation (EU) No 1304/2013 	Included in measures tackling antigypsyism as a self-standing area and as a horizontal issue.	

Annex 2– Civil Society Submissions

1. Sources

CEU EU Youth Policies

European Public Health Alliance - EPHA (2019): Leaping forward. Adapting the post-EU Framework to the real needs of beneficiaries

Ergo Network - Proposal for Policy option 7

European Institute for Arts and Culture e.V. - Cultural inclusion as pre-condition for a social inclusion: Towards a new EU-Roma Strategy post-2020 position paper by the European Roma Institute for Arts and Culture (ERIAC)

European Roma Rights Center (ERRC) - ERRC: A child rights approach to strengthening the post-2020 EU Framework for National Roma Integration Strategies

European Roma and Traveller Forum (ERTF) - Consultation of European Commission Future Roma Policies

Eurodiaconia - Workshop: "Future policies for Roma"

EURoma - European Network on Roma inclusion under ESI Funds: Proposals for an EU Framework for Roma equality and inclusion post-2020

Fakali - Federation of Gypsy Women's Associations FAKALI

Fundación Secretariado Gitano - A future EU framework for National Strategies for Roma Equality and Inclusion 2021-2030 Proposals from the Fundación Secretariado Gitano

Dr. Martin Kovats - Lessons of the EU Roma Framework with reference to September's Workshop on future policies for Roma Background Papers – Dr Martin Kovats

Misto Avilem - Consortium composed of Terre des hommes Foundation Fundación Secretariado Gitano in Spain and Afeji in France

UN OHCHR - Submission for an EU post-2020 Roma policy of the European Commission by UN Human Rights Regional Office for Europe

Spanish Ministry of Health - Comments regarding future policies

2. Combatting antigypsyism/Roma-phobia/racism and discrimination in key social inclusion areas

European Public Health Alliance:

EU institutions need to look closer at antigypsyism in all its forms. It is one of the main reasons for the particular vulnerability of this population and it should be tackled in parallel with the social and economic aspects of the next Roma inclusion framework.

- To improve institutional and policy frameworks, data collection and state response to antigypsyist incidents, but also call on them to: enable access to justice and legal protection for victims of hate crimes and to eliminate structural discrimination, such as restricting the right to free movement within the EU, which present an obstacle to developing Roma agency and self-realisation.

Ergo Network:

Adopting a working definition of antigypsyism by the European Commission and recognising antigypsyism as a specific form of racism including all its dimensions and manifestations.

Exploring the feasibility of a 'combating antigypsyism directive' and of including manifestations of antigypsyism in the new anti-discrimination directive, as well as putting it at the heart of the future EU Roma Strategic Framework.

Respecting rights-based approach and ensuring implementation of the Rule of Law.

Besides the 4 policy areas (education, employment, health and housing), adding Combating Antigypsyism and Arts, Culture and History in the next EU Roma Strategic Framework as stand-alone areas too.

Addressing currently unaddressed and under-addressed areas, such as cross-cutting poverty, material deprivation, evictions, discrimination, protection of children's rights, gender, diversity within Roma groups.

Acknowledging the need for and establishing functional Truth and Reconciliation Commissions and/or Commissions on Combating Antigypsyism.

European Roma and Traveller Forum (ERTF):

ERTF demands: a) Positive narratives, b) strong and comprehensive policies to combat structural racism and antigypsyism, c) measure progress towards equality, d) end State discrimination and violence against Roma Travellers and other related groups and other minorities, e) promote remembrance and f) redress for histories of enslavement and holocaust of Roma and Travellers. The European Roma and Travellers calls upon the European Union States and candidacy States:

1. To recognise antigypsyism as a specific form of racism, which constitutes the root cause of the exclusion of Roma and Sinti and a key barrier to their political participation;
2. To monitor antigypsyism as part of the EU Framework on Roma Integration and National Roma Strategies (NRIS), and to respond on institutions.
3. To establish national Truth and Reconciliation Commissions, or Expert Commissions on Antigypsyism in order to analyse the long-lasting, structural barriers to the equal public and political participation of Roma and Sinti, and in order to develop counterstrategies;
4. To sanction antigypsyism as well as antisemitism with all available legal and political tools.

The European Roma and Travellers calls upon the Members of EU Parliament of the Participating States and political parties

5. To endorse and respect the revised Charter of European Political Parties for a Non-Racist Society;

6. To establish a Parliamentary Coalition for Combating Antigypsyism in order to confront antigypsyism by condemning prejudice, discrimination, hate speech and hate crimes in the public discourse, in particular by refraining from and condemning stigmatisation of Roma and Sinti during electoral campaigns;

7. To consider establishment of independent European Ombudperson Insitute for Roma, which must be consulted whenever policies or decisions on the fundamental rights or on Roma of Member States' citizens are drawn up; the activities of the Ombudsperson should be resourced so that it can establish a permanent and regularly consulted mechanism for Roma and Travellers, regardless of the lack of financial resources of the NGOs themselves.

8. To strengthen diverse leadership by engaging in dialogue and networks between political parties and Roma civil society; also by reaching out to Roma to be politically active and to become members and candidates of political parties."

Eurodiaconia:

Written comments to the background papers

Fakali:

Pay greater attention and incorporate the fight against discrimination and antigitanism. The European Union's response to these discriminatory attitudes must be blunt from the point of view of their criminal prosecution, since the right to freedom of expression cannot serve as a shield or justification to allow the mass dissemination of certain types of speech that aims to hurt the collective dignity of an entire social group. In that sense it is undeniable (as the data shows) that there is a significant increase in the proliferation of hate speech against social groups at risk of social exclusion.

Expand the scope of action and emphasize the need to act in especially sensitive Roma population groups such as the Roma children, the Roma immigrants, the Roma women... In that point, it is important to make an effort about gender measures, to realize equality policies that are more effective and obtain more eloquent results in various areas (wage gap, fight against gender violence...), an issue that is especially relevant in the case of Roma women who, due to their status as women and gypsies, suffer double discrimination.

Fundación Secretariado Gitano:

Widening and reinforcing areas that were missing: antigypsyism and non-discrimination, together with poverty. A focused investment on 6 core areas. In addition to the 4 pillars (education, employment, housing, health) that the current framework already established, we consider essential to establish two more areas that have not been explicitly taken into account so far and that are key to advancing

UN OHCHR:

Equality and non-discrimination – the new policy should include reinforced anti-discrimination measures which should be strengthened by the effective implementation of anti-discrimination instruments in the Member States, including the Racial Equality directive, the Employment Directive and the 2008 Council Framework Decision on Racism and Xenophobia. In line with the increasing attention paid in the international human rights system to the role of stigma in giving rise to patterns and practices of human rights abuse³, explicit recognition of anti-Gypsyism and action to advance its recognition and removal from policy and practice could play a powerful element in advancing Roma inclusion in the new framework.

3. Education

European Public Health Alliance:

Valorisation of Romanes, spoken by Roma communities in its communication and linguistic aspects, would help build knowledge on Roma culture and history, ensure society's acceptance of Roma, and combat stereotypical representation of the community -thus eliminating.

European Roma Rights Center (ERRC):

While most social inclusion projects succeeded at the local level over the past five years, they mostly failed in terms of mainstreaming in national and local systems precisely because they did not sufficiently address institutional blockages, probably because their anti-discrimination/social inclusion balance was skewed. But the value of these projects to local Roma families and communities has been adequately demonstrated and, rather than abandon the model entirely, the discussion should be around how to institutionalise their learning, and fully and completely integrate their successful models. This will necessitate a conscious and open programme, shared by both sectors, to address institutional discrimination against Roma and challenge professional and organisational attitudes, practice and behaviour.

This should not exclude the need for a specific anti-gypsyism element within all NRIS. The need – and it relates to Roma men, women and children – is clear. However, it requires a particular set of responses that are not necessarily the best option to address institutional discrimination within services, where training, technical support and community advocacy may be more effective than legal advocacy."

4. Health

European Public Health Alliance:

Ensure "access to preventative health measures for all Roma" through an integrated and intersectional approach

Develop policies to "enable all Roma enjoy their right to safe drinking water and sanitation" in formal and informal settlements by recognising "the access to water and sanitation as a human right"

Promote “accessibility and affordability of water supply and services () for socially excluded and ethnically discriminated groups” to challenge limited access to potable water through data collection, legislation and funding

Spanish Ministry of Health:

We consider that work should be done on antigypsyism and discrimination as a cross-cutting approach, without leaving behind the lines of work in the different core areas (health, education, housing and employment).

5. Housing

European Roma and Traveller Forum (ERTF):

5. Fighting anti-Gypsyism, discrimination and residential segregation should form part of any housing strategy. The main reason for the substandard housing conditions of Roma and Travellers is racial discrimination, both direct and indirect. Sometimes local authorities deny access to social housing through measures that are directly or indirectly discriminatory against Roma and Travellers. Landlords sometimes refuse to let housing to Roma even if the accommodation is sought by the welfare services:

1. Anti-Gypsyism and structural discrimination are the roots to those barriers that inhibit Roma and Travellers from accessing their right to decent housing. Even when Roma and Travellers can access housing, they are often the victims of residential segregation. Therefore, there is a need for institutional recognition of antiGypsyism and anti-nomadism, which should be recognised within the legal arguments of rights claims and remedies, and on an equal basis with anti-Semitism.

2. Adequate housing/accommodation for Travellers is intrinsically linked to the right to pursue a nomadic or semi-nomadic way of life. National and local authorities should refrain from applying policies, legislations or practices leading to induced or forced sedentarisation of nomadic or semi-nomadic citizens, as well as refrain from general off-limit policies addressing mobile accommodation. Halting and stopping of Traveller mobile accommodations should be authorized throughout the national territories except in specifically forbidden areas. Access to quality education and training, as well as health care services should not be conditioned by mandatory prolonged settlement but adapted to a nomadic or semi-nomadic way of life. The legal protection and the notion of decent housing applied to brick and mortar dwellings should be extended to other homes, namely traveller mobile accommodation.

3. Securing access to all rights, including access to housing and decent living conditions, can only be achieved through political commitment and stronger tools for rights defenders to enforce the laws and standards. Even when court judgements are made, there is a weakness of enforcement. There is an urgent need for the appointment of an EU Ombudsman for Roma and Traveller Rights and a Special Representatives of the Secretary General of the Council of Europe for Roma Issues as political representatives and promoters of Roma equality.

4. The Council of Europe through its legal instruments and bodies such as the European Court of Human Rights and the European Committee for Social Rights, as well as its

other monitoring bodies, should recognise antiGypsyism and anti-nomadism within their mandate. In particular, the ECtHR should incorporate the term antiGypsyism and evoke Article 14 while examining applications from Roma and Travellers.

5. The collective complaints mechanism of the European Social Charter is a dynamic human rights procedure which can bring to the surface the violation of Roma and Travellers' rights, particularly in the area of housing. Unfortunately, many Member States have not yet ratified 9 the additional protocol on the collective complaints procedure within the Charter. In a joint initiative, the European Roma and Travellers Forum (ERTF) and Caritas Europe should publish a statement and send to Member States who have not yet ratified the collective complaints procedure. The European Social Charter Secretariat should publish the list of NGOs which can launch collective complaints.

6. As collective evictions are a serious human rights violation, there should be an alert system in place with emergency responses from the Council of Europe.

7. Roma and Traveller integration is a shared responsibility and all actors, including Roma and Traveller civil society, should take a vital role in it. It is important that civil society voices form part of the mandatory consultation process within the instruments of the Council of Europe. The Dialogue meetings between the Council of Europe and Roma and Traveller civil society should form part of a coherent strategy of incorporating their voice into the mandate of all sectors of the Council of Europe, thus ensuring a wider dialogue and a transversality of Roma and Traveller issues from a grassroots perspective.

8. Taking into consideration the shrinking financial capacities of member States to seek solutions to the housing and accommodation issues, Roma and Traveller NGOs should take on a more active role and mediate between Roma and Traveller communities and local/national authorities. To this effect, Roma and Traveller NGOs should receive financial and structured support.

9. Sharing best practices in housing and accommodation and its effects on its members should form part of the knowledge sharing practices of the Council of Europe. An innovative sharing mechanism should be developed for sharing best practices regarding Roma and Traveller family life issues. Existing tools for sharing good practices should be made more visible.

10. In order to increase the visibility of the work of Roma and Traveller civil society organisations, they should seek to become members of the Council of Europe INGO Conference by applying for 'participatory status' with the organisation.

11. Tenure security is connected to security of life choices. Roma and Traveller civil society should seek collaborative initiatives to support the legalisation of ownership of homes through various legal, technical support, financial and micro credit schemes.

12. Ensure relevant and effective mechanisms by the Council of Europe for adequate and timely implementation of decisions issued on the ground of article of the European Convention on Human Rights. In spite of the fact that a monitoring mechanism is in place, rulings and judgements are often not respected by Member States. Efficient sanction mechanism should be put in place in order to secure adherence to judgements in cases of human rights violations.

13. A balanced position to overcoming housing segregation is required, ensuring the protection of the right of communities to reside/live together, if this is their desire. However, establishing active measures to improve access to public services and social as well as technical infrastructure should not be directed towards further segregation.

14. Policy development regarding housing conditions for Roma and Traveller communities should take place at European level in addition to the national level. Thus, the opportunity to replicate successful practices of different countries in the framework of Council of Europe Member States would be enforced.

15. Housing solutions should work to overcome cost and spatial inequalities. This requires both policy change and investment. The Council of Europe Development Bank (CEB) should prioritise Roma and Traveller issues into its housing projects by targeting investment access to property ownership, rented accommodation and urban renewal through municipal housing-related infrastructure.

6. Other

CEU EU Youth Policies:

Antigypsyism has a long term impact in diminishing Roma youth confidence, and setting higher aspirations for themselves, but also their self-exclusion from society in general. Roma youth are generally 1-2 years behind in terms of aspirations, interest, potential and social development compared to their non-Roma peers of the same age (i.e., the word gap, the achievement gap).

In terms of research the concrete situation of Roma youth should be assessed in different countries and contexts (i.e., women, segregated areas, possible barriers on Roma youth political participation, etc.)"

European Public Health Alliance:

"diversity and intersectionality must become integral features of the post-2020 Roma framework. This requires the collection of much more comprehensive data about individuals' lived experience and the protection of their rights through legislation that explicitly references multiple discrimination and intersectionality."

Ergo Network:

"In relation to the policy and crosscutting areas listed above, preparing new policy goals, which offer concrete ambitious targets and concrete objectives, with measurable EU and national indicators for all National Roma Strategies, to be monitored on an annual basis.

Overcoming the operational weaknesses of the current EU Roma Framework, by creating conditions for implementation of corresponding initiatives, by strengthening monitoring of its implementation and increasing policy learning via cross country cooperation.

Ensuring concrete implementation synergies between the new Roma Strategic Framework and other key economic and social processes, such as the successor of Europe 2020, the European Semester, the European Pillar of Social Rights and the Sustainable Development Goals.

Ensuring earmarked financial support for the implementation of the new Roma Strategic Framework by ringfencing specific amounts in the post 2020 Multi Annual Financial Framework, e.g. in case of programs under shared management (ESF+, Erasmus +) and direct management (EaSI).

Involving Roma CSOs through meaningful consultation processes and engagement in the post 2020 Roma Strategic Framework and any post NRIS at all stages of the processes – needs assessment, design, implementation, data collection, monitoring and follow-up.

Building on the enlargement experience and on the successes of neighbouring countries, while acknowledging its specificities.

Continuing EU commitment towards the Western Balkans and Turkey by using the Instrument for Pre-Accession Assistance to combat Roma exclusion, by supporting the organisation and implementing the conclusions of the Roma Seminars as well as by monitoring the implementation of Poznan Declaration (Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process).

Ensuring institutional accountability (e.g. by ensuring access of Roma to reports from NRCs), as well as increased participation of Roma themselves in public institutions.

Including the following chapters into the future EU Roma Strategic Framework, at minimum: Addressing Antigypsyism; Education; Employment; Housing; Health; Roma Arts, Culture and History; Governance; EU funding; Leadership, Participation and Empowerment of Roma Population; Data, Monitoring and Evaluation; Diversity of Roma; Intersectionality; Enlargement."

European Institute for Arts and Culture e.V.:

The way forward: Roma arts, culture and history as a separate policy area in the next EU Roma Framework:

1. The EC needs to use its available cultural policies and financial support, or develop new ones, and thus target the challenges Roma cultural heritage faces.
2. The EC should make sure that all EU initiatives in the fields of arts and culture, especially those launched and promoted by the EC, are always inclusive of a Roma dimension.
3. The EC should support the establishment of Programs for Roma recognition in the majority cultural spaces, and use existing Roma organisations as mediators.
4. The EC should support the establishment of cultural spaces and institutions where Roma art is in the permanent and primary position.
5. The EC need to consider exploring the inclusion of Romanes language as one of the official languages of the EU, so as to reach out to Roma in their mother tongue and fostering the official recognition and promotion of Romanes language.
6. The EC should consider working in close cooperation with other international and intergovernmental organisations with expertise in the fields of arts, culture and history in

order to promote strategic, coordinated and complementary actions across the continent in this field.

Suggested indicators (not exhaustive list)

- Share of MS that officially recognise Roma as a minority and/or have established institutional acts of recognition of Roma culture and history
- Share of MS that officially recognise the Roma Holocaust
- Share of MS that established other institutional dates to symbolically recognise and commemorate Roma history
- Share of MS that teach Romanes in schools
- Share of measures and initiatives supported by MS in the field of language (including publishing activities)
- Share of MS that support Roma media and press
- Share of MS that allocate airtime to Roma in public media outlets
- Budget allocation for measures promoting Roma arts and culture
- Share of MS that include Roma in the canon of formal education (textbooks)
- Share of MS that provide support to Roma cultural organisations and foster establishment of local Roma cultural centers
- Share of MS that provide support to public events promoting Roma arts and culture (such as festivals, exhibition in majority spaces etc.)
- Share of MS which provide training opportunities about Roma arts, culture and history to public servants, teachers, police etc.
- Number of MS who engaged in cross-country collaboration promoting Roma arts and culture

European Roma Rights Center (ERRC):

The discussion papers present a balanced picture of the complicated linkages between these three models, but they are not presented as three essential strands of the same approach, and instead 'anti-discrimination' comes across as an option to be placed in either a social inclusion or an anti-gypsyism model. These three models together with gender equality and child focus constitute the weave of Roma integration work and cannot be separated out.

Eurodiaconia:

On the practical level, our members have positive experience with outreach social services set up at local level (through multi-stakeholder initiatives) that provide information on social rights and how to access health and housing as well as education

and employment. Such initiatives could not also provide information but also build trust and empower Roma. Moreover, local initiatives should target hate crime and contribute to tackling anti-gypsyism through awareness raising and reporting of hate crimes against mobile Roma.

EURoma:

Interventions in the four priority areas of the current EU Framework (employment, education, health and housing) should remain at the core, and be strengthened, as they are crucial to ensure that Roma can fully enjoy their fundamental rights on an equal footing with others. Alongside these fields, particular attention should be given to other that have not been widely or specifically addressed in the current Framework, notably the fight against discrimination and the gender perspective. Specific measures and indicators should be foreseen in these fields.

Fundación Secretariado Gitano:

Strengthening: Some issues that have not been sufficiently tackled so far: the fight against antigypsyism and non-discrimination need to be explicitly included as part of the strategy to achieve equality of Roma. Equality needs to be at the centre of the EUFW and National Strategies. Robust legal and institutional frameworks are needed that give teeth to the fight against discrimination and to support action against exclusion and poverty. That also applies to the gender perspective and the focus on Roma women, too weakly included as a crosscutting aspect in National Strategies. A future Council Recommendation is needed to requests more engagement from the MS.

Dr. Martin Kovats:

The prioritisation of AntiGypsism

27. There are many reasons for the rise of AntiGypsism (AG) as a concept in the Roma policy discourse and its salience reflects serious problems that needs to be addressed. In the context of this discussion about the Framework, AG is considered in terms of a policy response following the unsuccessful focus on conventional social policy areas. In considering the role of AG within the Framework, the EC's should be wary of doubling down on the politicisation of Roma identity by presenting discrimination as the primary frame of public debate, but without having any more impact on reducing inequalities and exclusion.

28. AG is a new concept, inclusion of which within the Framework is specifically to influence European and national policy and practise. If related actions are to be effective, the concept has to be clearly understood, or become another example of the trade off between EU and MS competencies i.e. states will apply AG as they do the 6 other elements of the Framework. MS with the most politically significant Roma populations (and where need is greatest) are unlikely to welcome such a development or enthusiastically apply the concept. There is no reason to believe that an AG based approach would be no more effective than current tools.

29. Prioritising AG also has an ideological dimension in explaining Roma inequality as a consequence of prejudice and discrimination. Accordingly AG is a cause of disadvantage

rather than a symptom. However, this key assumption has not been demonstrated and it conflicts with a more realistic view that it is rather inequality that generates discrimination. Rather than relying on empirically unsubstantiated hopes, the EU future approach towards Roma should recognise that prejudice/discrimination towards Roma will be easier to address if MS social policies reduce inequality and disadvantage.

Misto Avilem:

This gap identified in the former EU framework should be addressed in the upcoming period in order to specifically target the situation of EU mobile Roma so as to guarantee the coverage of their basic needs, and in particular, as regards EU mobile Roma children's access to education in destination countries and upon their return. This foreseen EU framework should encourage Member States to develop further data gathering on the situation of this population, broken down by gender, as well as objectives, measures (including this target group in mainstream policies as well as specific actions targeting precise needs), adequate funding and follow up indicators. (...) The abovementioned explicit approach should also take into account the diversity among this population and at the same time strengthen policies and mechanisms to fight the antidiscrimination and antigypsyism suffered by this minority all over Europe paying special attention to following up on the transposition of existing EU legal framework into the domestic legislation of MS.

Annex 3 – Survey responses

Combatting antigypsyism /Roma-phobia/racism and discrimination as a self-standing category Q1: What specific actions should be included in the new self-standing area focused on fighting antigypsyism? Which monitoring indicators could be defined?

R2 - It should refer specifically to two aspects:

REACTIVE: - when cases of antigypsyism occur - legal dimension - legal operationalisation of the term, formal inclusion in justice system - awareness raising and training of police force, lawyers and judges etc. - training for Roma, how to defend your rights, what can be considered a violation of your rights etc.

PREVENTIVE/ PROACTIVE: - aspect largely overlooked so far - focus not on activating legal procedures when cases of discrimination occur but rather preventing them from happening at all - targeting majority society as beneficiaries, challenging ignorance and prejudice among the majority Current policy-solutions rely on existing ant-discrimination legislation which is applied reactively when cases of discrimination occur. However, not enough is being done to challenge antigypsisms at its root using preventive and proactive approaches. Prejudice and ignorance about Roma needs to be diminished proactively through measures which contribute to changing public perceptions on Roma and educating majority societies. This includes, among other areas:

- Awareness-raising campaigns promoting knowledge about the Roma history, culture and identity
- Reinforcing the notion of belonging of Roma as part of national cultures and histories, highlighting in particular the Roma contributions and achievements; likewise, inclusion of Roma in the narratives of European identity, history and culture is needed
- Inclusion of Roma histories as part of the canon of national and European historical narratives
- Self-representation of Roma through stories told in first-person, to communicate passionately and authentically the Roma experience
- Highlighting the diversity of Roma identities, cultures and lifestyles as well as the common elements of shared cultural histories and traits
- Highlighting realities of heterogeneity as well as intersectionality
- Inclusion of Roma in the arts and culture institutions, initiatives, spaces of the majority
- Creation of European and national institutions which visibilize and promote Roma arts and culture(s)
- Development of teaching materials and textbooks at all levels of education

- Development of Roma media and inclusion of Roma presence in mainstream media Adoption of measures and tools to safeguard, preserve and develop diverse expressions of Roma arts and culture
- Legal and symbolic acts of recognition of Roma culture, history and arts
- Assignment of resources for Roma arts and culture

R3 - (1) Access to justice: The post-2020 Agenda for Roma inclusion should embrace the Sustainable Development Goals (SDGs), and in particular Goal 16: "to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

(2) There is a need when it comes to justice for Roma to move beyond ad hoc observations that things ain't what they ought to be; and routine denials from governments that anything is amiss. As a background UN paper states: "Despite the burgeoning literature on socio-economic indicators, the development of performance indicators for human rights and democratic development, in general, and access to justice, in particular, are at an incipient stage." The study asserts that for a rights-based approach to access to justice "qualitative and quantitative measurements are far from being incompatible, and are in fact complementary in assessing access to justice." Main broad categories: existence of remedy; capacity to seek remedy; capacity to provide effective remedies.

(3) Useful papers from which to draw relevant indicators: Council of Europe: Guidance note framework for measuring access to justice including specific challenges facing women <https://rm.coe.int/168069cf4e> ; UNDP: Background Paper on Access to Justice Indicators in the Asia-Pacific Region <https://www.un.org/ruleoflaw/files/Access2JusticeIndicators.pdf> Just Governance Group: Measuring access to justice: <http://justgovernancegroup.org/wp-content/uploads/2019/04/6-1.pdf>

(4) As covered in the anti-discrimination section in Roma Civil Monitor Reports, topics that need to be covered include forced evictions; access to clean water and sanitation; access to other public utilities and essential services; freedom of movement; police misconduct and brutality, malpractices and ethnic profiling. For initial discussion on possible indicators, please see the synthesis and individual country reports: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-synthesis-cluster-1-2017-eprint-fin.pdf>

(5) Annual anti-discrimination monitoring could be coordinated with, and structured to complement ECRI, UNCERD and OSCE/ODIHR country reports. It seems odd that government reports which are often inaccurate and sometimes mendacious are reproduced verbatim and unchallenged in annual communications. The European Commission needs to assume responsibility for the content of its communications and there needs to be an institutional expert review, perhaps from ECRI and/or OSCE/ODIHR, concerning the claims made by Member States and accession countries when it comes to anti-discrimination, anti-Roma racism, and access to justice. Currently, the only challenge to government assertions comes from the Roma Civil Monitor pilot and fact-finding visits carried out EC staff."

R4 – Paraphrasing the Y1 RCM Synthesis report, additional measures to effectively implement the Framework Decision 2008/913/JHA should be established at the national level to ensure effective prosecution of crimes motivated by antigypsyism, including antigypsyist hate speech on social media. Antigypsyist hate speech is the cause, as well as the direct result of increasing anti-Roma sentiments and discourses by majority society. Antigypsyist hate speech, including by politicians and state officials, is compounded by general passivity and a reluctance by state authorities to promote positive and non-stereotypical narratives about Roma. Additionally, there is still inadequate awareness of antigypsyism and its characteristics among law enforcement officials, prosecutors, lawyers and judges. At times, police ‘allow’ antigypsyism by not responding to cases of violence against Roma individuals and communities and in some Member States, unlike antisemitism, antigypsyism is not reported at all, is underreported due to lack of trust in law enforcement or is conceptualised by law enforcement agencies, prosecutors or judges as hooliganism. Additionally, where some Member States refer to antigypsyism, they typically do not recognise it as a key factor determining inequality and/or social exclusion faced by Roma. Roma are subject to ethnic profiling and stop and search. Compounded by failures to properly investigate racial motivation in many cases of violent attacks on Roma, a lack of accountability verging on impunity in some countries does not foster trust in law enforcement.

R5 - Actions / Objectives: Two general level of actions/objectives should be distinguished, i.e. legal and preventive actions;

A. As for legal actions and objectives:

- Antigypsyism should be legally recognised as a separate and distinct (well-defined) form of racial discrimination, and included adequately in legal instruments to combat racial discrimination on the basis of belonging to Roma/Gypsy/Traveller communities;
- Those who have been seriously affected by manifestations of antigypsyism should have access to justice at several institutional levels (local, regional, national):
- the access to report manifestations of antigypsyism against persons, collectives or in media, cultural or political representations should be possible at low-threshold institutions at local and national levels;
- those who report manifestations of antigypsyism should have the guarantee that they are legally protected (e.g., through anonymous reporting) and legally assisted;
- in cases that those who report do not have the financial means to receive or organise legal assistance, they should have the right to access such legal assistance freely, both in the form of advice and counselling;
- at the national level, there should be an institutional body where manifestations of antigypsyism can be reported. Ideally such a body is one that, more generally, is dedicated to the defence of constitutional and fundamental rights. This could be an Ombudsperson or likewise, but should be a politically independent body with enough authority to report regularly on the state of affairs in a country and that

could initiate or delegate legal action where necessary and without political hindrance or interference;

B. As for preventive actions and objectives:

- education on the history and phenomenon of antigypsyism should be included in school curricula.
- education on the history and phenomenon of antigypsyism, and how to combat it actively, should be included in the education of professionals in the field of justice, police, customs, migration and asylum, social work, labour and job offices, education, health care, public transport, public media, and culture;
- where necessary public campaigns should make audiences aware of the damaging effects of antigypsyism, perhaps targeted at specific publics (such as youngsters in schools);
- measures should be taken to remove all possible barriers that enable the racialisation of Roma identity in the issuing of identity papers/cards (such as CIPs in the Romanian system of issuing identity cards); no specific identity papers should be issued that, due to the ways in which they are practiced, could lead to the discrimination of those who use them (in Romania, so-called ""CIPs"" are issued for people with no clear residence status; in actual fact, this means that these are only used for people who live in segregated shantytowns, with a majority of Romani inhabitants)
- bodies that assess advertisements, cultural or media programs or the material used for election or public campaigns should be trained to make them aware of direct or indirect manifestations of antigypsyism;
- border guards, police officers and custom officers should be particularly trained to avoid any kind of racial profiling based on antigypsyism during checking or registering persons who cross borders or are involved in stop and search procedures or other measures where the identity of persons is checked;

Monitoring indicators: These are already more or less directly implied in the actions and objectives mentioned above

R6- For the purpose of this submission, we use the definition of antigypsyism contained in ECRI General Recommendation 13 on "Combatting anti-Gypsyism and discrimination against Roma", adopted on 24 June 2011: "a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination". This definition has also been used in several documents and resolutions issued by EU institutions, including the recent European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism (cfr. Whereas A). A new self-standing area focusing on "Fighting Antigypsyism and Discrimination Against Roma" should be added in the new post 2020 Policy Framework, in order to include the actions

that should be carried out by both the (i) EU institutions and (ii) the Member States with regards to this issue. Actions to be carried out by EU institutions to fight antigypsyism and discrimination against Roma (and indicators):

1. (The Commission and other EU bodies should foster a better monitoring of the transposition and real implementation of the Race Directive (43/2000), with a particular focus on the fight against antigypsyism and discrimination suffered by the Roma, as well as the intersectional discrimination faced by Roma women. While carrying out this monitoring, there should be a particular focus on:

a. The adaptation of the national legal frameworks to assure the effective implementation of the Directive (including, inter alia, the swift of the burden of the proof).

b. The establishment of independent bodies for the promotion of equal treatment (equality bodies), with resources and capacity to accomplish with the competences provided in the Directive. Special attention should be given to the assistance to victims of discrimination in pursuing their complaints about discrimination provided by these equality bodies.

Indicator: number of Commission reports on the implementation of the Directive by EU Member States

2. The EU institutions should also consider the review of the Race Directive (43/2000), adopting a new Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin in order to implement the most recent non-discrimination standards issued by the Council of Europe and the UN bodies. In particular, a new Directive should:

a. Include a reference to antigypsyism, as a particular form of ethnic or racial discrimination

b. Refer to the problem of intersectional discrimination, addressing specifically the problem of women belonging to ethnic minorities.

c. Broaden the scope of the Directive, in order to include, inter alia, institutional discrimination and ethnic profiling.

d. Extend the competences of the equality bodies, to address effectively ethnic discrimination (including antigypsyism), including strategic litigation in paradigmatic cases.

Indicator: New Directive on ethnic discrimination, with a focus on antigypsyism, is approved.

3. The Commission and the EU bodies should foster a better monitoring of the implementation by EU Member States of the (i) Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law; and the (ii) 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, with a particular

focus on antigypsyism, discrimination against Roma and the protection of Roma victims of hate crimes.

Indicator: number of Commission reports on the implementation of the Council Framework Decision and the Directive 2012/29, with a particular focus on antigypsyism.

4. The EU High Level Group on combating racism, xenophobia and other forms of intolerance should continue its efforts to implement adequately the EU Code of conduct on countering illegal hate speech online, with a particular focus on anti-Roma hate speech.

Indicator: References by the EU High Level Group on combating racism, xenophobia and other forms of intolerance to antigypsyism.

5. The EU institutions should consider the adoption of a EU Code of Conduct on countering anti-Roma hate speech by public representatives.

Indicator: EU Code of Conduct on countering anti-Roma hate speech by public representatives is adopted

6. Invest in monitoring and understanding anti-Gypsyism. Questions that would yield robust data for estimating the severity of anti-Gypsyism, should be asked regularly in the EU surveys (as the Eurobarometer).

Indicator: number of questions addressing antigypsyism in EU surveys Actions to be carried out by EU Member States to fight antigypsyism (and indicators): EU Member States should be called to adopt a series of measures to address the concrete ethnic discrimination faced by the Roma community (antigypsyism), according to ECRI General Recommendation 13, CERD General Recommendation 27 and (2018) FRA report "A persisting concern: anti-Gypsyism as a barrier to Roma inclusion".

In particular, EU Member States should:

1. Improve the national legal framework against discrimination, with a particular focus on antigypsyism and intersectional discrimination, in order to implement the Race Directive (43/2000) as well the European and International human rights standards on the issue.

Indicator: number of national laws on discrimination addressing antigypsyism

2. Strengthen the equality bodies, assuring its independence and its real capacity to address antigypsyism, with an intersectional approach. In particular, equality bodies should:

a. Provide independent assistance to Roma victims of discrimination in pursuing their complaints about antigypsyism.

b. Conduct independent surveys concerning antigypsyism.

c. Publish independent reports and making recommendations on antigypsyism.

d. Improve the knowledge by the Roma community on their rights in cases of antigypsyism.

e. Take judicial action in strategic litigation cases of antigypsyism.

Indicator: Number of equality national bodies with effective capacity to address antigypsyism.

3. Invest in monitoring and understanding antigypsyism. Questions that would yield robust data for estimating the severity of antigypsyism, should be asked regularly in the national surveys. In-depth research applying comparable methodologies across countries should be encouraged to understand the complex drivers of antigypsyism to inform policies to effectively address it.

Indicators:

- Number of questions addressing antigypsyism in national surveys.
- Number of researches on antigypsyism carried out.

4. Ensure the training and awareness of key stakeholders in the fight against all forms of antigypsyism, including hate crimes against Roma people, with an intersectional approach. These stakeholders should include, inter alia:

- a. Judges
- b. Public prosecutors
- c. Law enforcement officers
- d. Lawyers
- e. Public employees
- f. Teachers

Indicator: number of training and awareness activities with key stakeholders.

5. Develop concrete measures to tackle hate crime and hate speech motivated by anti-gypsyism. Such measures should include:

- a. Ensure that law enforcement applies effective hate crime recording practices based on the principles endorsed by the EU High Level Group on combating racism, xenophobia and other forms of intolerance.
- b. Foster an environment where Roma feel confident about reporting incidents of hate crimes, in the knowledge that their complaints will be taken seriously and followed up by the competent authorities.

c. Create specialized hate crimes agencies within the public prosecutor offices and the law enforcement authorities.

Indicators:

- Number of specialized hate crimes agencies within public prosecutors and law enforcement authorities.

- Number of National Reports of hate crimes including antigypsyism as specific category of bias

6. Take measures to address specifically the problem ethnic profiling and other discriminatory practices by law enforcement officers suffered by Roma people, including:

a. Introducing a legal prohibition of ethnic profiling practices.

b. Implementation of internal mechanisms to prevent ethnic profiling, such as stop forms.

c. Establishment of independent oversight bodies within the law enforcement agencies.

d. Promotion of the hiring of Roma officers.

e. Establishment of dialogue mechanisms to improve the relations between the law enforcement officers and the Roma community.

Indicators: - Number of EU Member States prohibiting expressly ethnic profiling in their legislations. - Number of EU Member States using stop-forms. - Number of independent police oversight bodies established. - Number of Roma law enforcement officers hired

7. Widely disseminate public awareness campaigns to dismantle the social construct of the "Gypsy" and the association of Roma with marginalisation.

Indicators: number and audience results of public awareness campaigns to challenge antigypsyism""

R7- Specific actions: Please see the specific actions suggested here http://ergonetwork.org/wp-content/uploads/2019/06/2019_05_31-Antigypsyism-Guidance-to-combat-antigypsyism.pdf specifically bullet points under all the recommendations. ""See the specific recommendations for the national and EU level in the paper "Developing measures to combat antigypsyism after 2020: Guidance for European and national stakeholders" of the Alliance against Antigypsyism, in particular Rec 1, 2, 4, 5, 6, 7, 8, 12. In particular, this area should include preventive measures, awareness-raising, as well as measures linked to Roma empowerment, mobilisation and empowerment. Indicators: Structural indicators (general anti-racism policy, recognition of antigypsyism, mainstreaming of "addressing antigypsyism", working definition..), process indicators (establishment of expert commission on antigypsyism / Truth commission; establish data collection and monitoring processes, ...) and outcome indicators (societal attitudes, hate crime statistic, evictions, segregated areas/facilities, monitoring data regarding antigypsyist incidents). The development of indicators requires a serious process with all stakeholders. Recommendation 1: Recognise the existence

of antigypsyism EU institutions and national governments should officially recognise the existence of antigypsyism as a specific form of racism against Roma, Sinti and others stigmatised as 'gypsies'. EU institutions and national governments should:

- officially use the working definition on antigypsyism proposed by the Alliance against Antigypsyism and follow-up on the recommendations created by (pro-) Roma civil society and the European Parliament, as well as the evaluation results of the European Commission;
- explicitly name antigypsyism among the different grounds of discrimination and as a form of racism prohibited at EU level. National governments should:
- operationalise the term 'antigypsyism' at all levels of public institutions;
- educate law enforcement officers, teachers, judiciary and civil servants, social workers and other state employees in close collaboration with Romani and anti-racist civil society organisations, experts and activists to identify antigypsyism in order to effectively prevent and counter antigypsyism.

Recommendation 2: Recognise the historical responsibility EU institutions and national governments should recognise the historical dimension of antigypsyism and demonstrate responsibility of the institutions towards Romani communities. EU institutions and national governments should:

- recognise the racist and systematic character of the Roma genocide;
- recognise and promote 2 August as Roma Holocaust Memorial Day;
- include Roma and other groups persecuted during WWII in all remembrance activities;
- establish Truth and Reconciliation Commissions in order to achieve a recognition of the historical responsibility and create awareness and remembrance of structural violence and exclusion.

Recommendation 4: Collect data and monitor antigypsyism EU institutions and national governments should strengthen the research and monitoring of antigypsyism to investigate the causes, manifestations and effects of antigypsyism. EU institutions and national governments should:

- support European, governmental, academic and civil society structures that research, collect data and monitor antigypsyism at all levels; invest financial and other resources to strengthen the role of civil society as watchdog organisations of fundamental rights and empower civil society to advocate for changes and feed into relevant policy and legislative processes; National governments should:
- establish expert working groups on antigypsyism that make proposals and recommendations to policy-makers;
- encourage and support national human rights institutions, equality bodies and ombudspersons in equality data collection and reporting on cases of antigypsyism;

- establish an obligation of the relevant institutions at national and local level to collect disaggregated data on hate-speech and hate crimes committed with antigypsyist motivation, including intersectional data, to allow analysis of trends.

Recommendation 5: Condemn and fight hate speech in the public discourse and media
EU institutions and national governments should counter and sanction hate-speech in public discourses: in the media, academia, among politicians, state authorities and civil servants, in particular by fostering counter-narratives for inclusive society and by ensuring the meaningful participation of Roma in supervisory structures.

Recommendation 6: Sanction and punish hate crime
National governments should apply all available tools and mechanisms to prevent and/or prosecute hate crimes.

Recommendation 7: Support victims and enable access to justice
National governments should ensure access to justice for Roma facing discrimination, hate speech and hate crime and support the victims.

Recommendation 8: Improve and implement anti-discrimination legislation
EU institutions and national governments should improve the anti-discrimination legislation and policies aiming at fostering equal treatment of Roma. Roma are particularly affected by the lack of effective implementation of court judgements and infringement procedures.

Recommendation 12: Strengthen Roma leadership, participation, empowerment and self-organisation
EU institutions and national governments should treat Roma, Sinti and other groups experiencing antigypsyism as equal partners, support self-organisation and other forms of empowerment, including promoting leadership and recruiting Roma for high-level positions in public administrations at all levels."

R8 - To look forward, we need to learn from and build on what has been done. The EC ""Report on the implementation of national Roma integration strategies-2019"" includes a section on ""Fighting discrimination and antigypsyism."" While reporting on the focus of measures and actions implemented by various Members States in this area, the EC refers not only to diversity, hate speech, multiple discrimination, but also to trafficking in human beings, domestic violence, and begging with children. The report lists as promising measures three types of actions: a) recognition of antigypsyism and establishment of related commissions; b) recognition of the Roma victims of the Holocaust and commemorations; and c) anti-discrimination with a focus on hate speech and hate crimes.

The EC report has some very serious gaps and inaccuracies:

a) It includes a focus on "discrimination and antigypsyism." If antiG/gypsyism is recognised as a form of racism, the EC misunderstands "racism" conceptually, as discrimination against Roma is a manifestation, a product of anti-Roma racism. Thus, there is no need to separate "discrimination and antigypsyism," unless the EC believes and implies that antigypsyism is solely prejudice, not racism, which seems to be the case (based on previous reports and statements).

b) It reports the commemoration of the Holocaust in the “fighting discrimination and antigypsyism” section. The recognition of the Roma experience during the Holocaust is morally and legally needed. However, although it can lead to a decrease of anti-Roma prejudice, memorializing the history of anti-Roma racism is a moral right rather than an anti-racist measure per se. As Timothy Garton Ash argues, “victims and their relatives have a moral right to know at whose hands they and their loved ones suffered. “Moreover, anti-racist measures and actions should target not only race prejudice but also social and institutional power, racist policies and actions.

c) It includes trafficking in human beings, domestic violence, and begging under the umbrella of antigypsyism (or anti-Roma discrimination). This statement makes the EC definition of antigypsyism even more confusing, unethical, and wrong. It implies that trafficking in human beings and begging are “behaviors” of those “stigmatized as ‘gypsies,’” (see the Alliance against Antigypsyism reference paper) and thus should be addressed through antigypsyism measures. It implies that “behavior” is the reason of anti-Roma racism, and therefore, by stopping begging and trafficking, Roma would not be the objects of racism. It thus places the burden and the weight of racism on the victims of racism. And such frameworks and interpretations are not only very dangerous but are also rooted in the damaging definition of antigypsyism (see the Alliance against Antigypsyism reference paper) and its focus on “social groups identified under the stigma ‘gypsy.’” That is why the anti-Roma racism is a much more powerful and accurate framework, as it clarifies that the target of racism is a racialised people – the Roma (as defined by the EC, thus, inclusive of other subgroups).

d) It recommends a “gradual closing of segregated schools by educational authorities,” suggesting that the right to not be discriminated against is a progressive right, although is not. Segregation, along with any other form of discrimination, requires prompt action. This recommendation is extremely dangerous and unethical. In view of the gaps listed below, there is a strong need that the EC and the MSs recognise anti-Roma racism in its full meaning and target the agents of racism as opposed to merely its victims. Moreover, the EC needs to underline and clarify that the target of racism are Roma people (as defined by the EC, thus, inclusive of other subgroups) not “social groups identified under the stigma ‘gypsy,’” respectively beggars, people involved in trafficking in human beings, as the EC reported in 2019.

To avoid or to not leave room for other erroneous interpretations of antiGypsyism as a concept, the EC needs to either change the terminology to anti-Roma racism or to use the two concepts together – anti-Roma racism/antiGypsyism. Furthermore, the new self-standing area - anti-Roma racism/antiGypsyism – should focus on anti-racist measures and actions that also involve a focus on the agents of racism – institutions, laws and policies, societies, cultures, and ideology. For instance, if we were to take school desegregation (barely targeted previously as underlined by the 2019 EC report) as an example, the new EU policy should target concurrently:

- school personnel (formal anti-racist training; clear sanctions for segregating or discriminating against Romani children; offender accountability for segregation, including by participating in restorative justices processes);
- children (anti-racist & anti-bias courses);

- communities (participate in restorative justice processes regarding school segregation; events for Roma and non-Roma to jointly participate in creating a shared sense of social responsibility and solidarity for past and present injustice; awareness-raising regarding segregation and discrimination);
- national and European laws and policies (prompt measures and actions to stop segregation; reparations mechanisms for all Romani children racialised, misdiagnosed, and placed in special schools or segregated schools
- compensations, apology, truth-telling, offender accountability);
- cultures (fair, robust, and unbiased portrayal of Romani children and their families in the media, literature, films; involvement of Romani children as TV, book, film characters and implement other programs to decolonize the so-called white norms and standards; journalistic investigations on segregation, especially in MSs where state televisions exist);
- ideology (decolonize and dismantle schoolbooks that portray Roma in a racist, negative way & ensure a fair and robust representation of Roma in schoolbooks and curricula; support the establishment of Critical Romani Studies programs in universities to prevent and critique racist research and studies about Roma education; involve Roma critical theorists in analyzing educational laws and policies and point out at biased or racist ideology in the measures proposed or implemented at the national or European level; formal anti-racist & anti-bias training of students studying journalism, sociology, anthropology, history, economy, public policy, public administration, etc.; anti-racist & anti-bias training of journalists, historians, social science researchers, etc.).

Such concurrent measures and actions targeting various axis of racism should be envisioned for other areas, including discrimination in access to health or discrimination in mainstream schools.

Anti-Roma racism measures should continue focusing on non-discriminatory access to education, health, housing, and employment, but should also take a justice perspective. The EU policy should focus on developing concepts, policies, measurement, and practice of Roma social justice, racial justice, restorative justice, economic justice, and environmental justice. The interconnected axis of power and racism (institutional, ideological, interpersonal), as well as racialised poverty, intergenerational wealth, and racialised neighborhoods, constitute fundamental elements in the post-2020 Roma inclusion agenda. Indicators should be measurable, clear, unambiguous, and precise to avoid reporting similar to the 2019 EC report."

R10 - EU institutions and national governments should officially recognise the existence of antigypsyism as a specific form of racism against Roma, Sinti and others stigmatised as 'gypsies' and recognise antigypsyism as a main obstacle for equal societies and include Roma people in designing effective measures to combat antigypsyism. - First of all we have to create one common working definition of antigypsyism, - Collect data and monitor antigypsyism: EU institutions and national governments should strengthen the research and monitoring of antigypsyism to investigate the causes, manifestations and effects of antigypsyism, - Roma people are often not aware of their rights and the all those mechanisms which are affecting negatively their every day lifes, that is why it is

not enough just to educate mainstream societies and engage EU and national institutions to fight against antigypsyism but also the Roma themselves - Develop tools to report antigypsyist cases, tools and mechanisms to sanction, punish and prevent hate speech, hate crime, discriminative cases, accessible for Roma and Roma civil society organisations as well

R11 - The next Commission document needs to ask Member States to include mechanisms to prevent antigypsyism in their national legal framework and include them as a horizontal issue in the NRIS, as CSOs have already recommended. The EC and governments need to raise awareness about complaints of alleged ill-treatment by police officers, including complaints with a possible racial motive. These should be investigated by a fully autonomous body outside the structures of the Interior Ministry or the police. Victims or witnesses of police ill-treatment should be provided with protection against harassment and victimisation

Q2: If a post-2020 EU policy is to pay greater attention to combatting antigypsyism, what objectives and indicators should be set to counter institutional and structural antigypsyism?

R2 - It is important to operationalize and quantify discrimination/ antigypsyism through more innovative approaches to data collection and more aspects should be included/ measured:

- Quantify not only individual cases of discrimination (we know Roma rarely report on discrimination cases)
- Monitoring presence of hate speech, especially by public officials, in public discourse and the media
- Indicators to measure institutional discrimination – operationalize and quantify
- The gap in access between majority and minority as a manifestation of antigypsyism
- Police profiling, over-representation of Roma in criminal system, unproportional and inadequate sentencing

R3 - The starting point is Mac Pherson's 1999 definition of institutional discrimination: ""The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."" For the purposes of separating direct racism from indirect structural discrimination this working definition of institutional racism was designed to make organisations focus on positive action:

- Institutional racism is an ecological form of discrimination.
- It refers to inequitable outcomes for different racialised groups.

- There is a lack of effective action by an organisation or organisations to eradicate the inequitable outcomes.
- Roma face direct and indirect racism from public institutions; much of it is wilful, deliberate and very direct rather than unwitting and indirect. Post-2020 we need to push for much more robust measures to counter discrimination in healthcare, housing, education and employment. Equitable services must be offered and organisations and institutions must prove that the services they offer are equitable, organisations need to document disparities based on race and do something about them.
- The emphasis needs to shift away from producing armies of mediators and 'integrating Roma' to a rights-based approach: the institutions need to prove they have taken the necessary measures to combat witting and unwitting prejudice and racism; to put dissuasive sanctions and penalties in place to counter such practices; to provide anti-racist training so no staff can be in doubt about their obligations to provide appropriate, professional and non-racist service to all people.

R4 - Relevant policies, including the NRISs and mainstream policies such as National Action Plans Against Racism, should reflect the impact of antigypsyism more clearly and specifically; and to take into account institutional antigypsyism, the position of women, youth and LGBTIQ Roma persons, marginalised Roma, Roma with migration status and Roma people with disabilities. They must also include indicators relating to the specific groups and concerns above based on high quality data; and to allocate specific budgets for combating antigypsyism. For example, in the Czech Republic, despite the term 'antigypsyism' being used in a number of government documents, the lack of formal recognition and failure to incorporate it into human rights agendas make it impossible to develop specific indicators or to commit resources to fight all manifestations of the phenomenon. It also results in institutions and civil society's inability to properly monitor acts of antigypsyism and evaluate the impact of state policies.

It is key for the EU to develop indicators and monitoring mechanisms on social equality and equity, including in the specific areas of education, employment, healthcare and housing, including access to water and sanitation, in Member States and task the FRA to conduct regular (ideally annual) data collection, in accordance with Article 4(1)(c) and/or (d) of Regulation 168/2007; and to earmark funds to tackle the specific issues such as segregated education, limited access to water and sanitation supply services for socially excluded and ethnically discriminated groups etc.

R6 - In addition to the above-mentioned actions and indicators to address antigypsyism by EU institutions and Member States, a post EU policy should pay attention to other human rights standards applicable to the Roma community:

– Participation rights: Both EU Member States and EU institutions should establish advisory groups formed by Roma civil society to assure its dialogue with public authorities and other key stakeholders. Indicator: number of advisory groups established in the EU and its Member States.

– Promotion and protection of cultural rights: Both the EU and its Member States should promote the cultural rights of the Roma community, by:

- a. The creation of bodies for the protection and promotion of the Roma culture and language.
- b. The constitutional recognition of the Roma people.
- c. The recognition of the symbols of the Roma community (including, inter alia, the international Roma day, anthem, and the Roma flag)

Indicators:

- Number of Roma culture bodies created within the EU and its Member States.
- Number of countries recognising institutionally the Roma community.
- Number of countries that recognise Romani as national language, or teach Romani in public education.
- Transitional justice Both the EU and its Member States should adopt measures to guarantee the rights to truth, justice and redress for historical massive human rights violations against the Roma community. These measures should include, inter alia, the establishment of truth commissions and the institutional recognition of these human rights violations.

Indicators:

- Number of truth commissions established in the EU and its Member States.
- Number of institutional initiatives to recognise historical human rights violations against the Roma community."

R7 - Based on the previously mentioned paper, the European Commission should ask the Fundamental Rights Agency to develop appropriate indicators for the actions proposed by the Alliance against Antigypsyism.

R8 - In order to change the existing paradigms and structural forms of antigypsyism, we need the recognition of antigypsyism as a specific form of racism as a basis, which is mainstreamed and operationalized in all policy fields. We need preventive measures (awareness-raising, trust building, knowledge building ...), and reactive measures. A comprehensive system of monitoring has to be established and funded, roles of various stakeholders (equality bodies, civil society, academia ...) should be recognised.

The establishment of a civil society monitoring structure (e.g. see the concept of the Research and Information point on antisemitism in Germany, the DOSTA monitoring body on antigypsyism of Berlin) can help to uncover structural forms of antigypsyism, and uncover structural deficits of institutions and attitudes of duty-bearers (and thus improve the institutional framework, accessibility of programs/services for all citizens).

Particular objectives and indicators should be formulated for some key structural manifestations of antigypsyism, such as forced evictions, residential and educational segregation; monitoring should not just be based on FRA rights-holder survey, but

measure qualitatively and quantitatively the mechanisms, manifestations and outcomes of structural antigypsyism

R9 - To counter institutional and structural anti-Roma racism, the post 2020-EU policy should aim to ensure:

- a focus on the agents of racism - institutions, laws and policies, societies, cultures, and ideology- as opposed to only a narrow focus on the victims of racism.
- universal basic income, just wages and economic justice, healthy environments and environmental justice, restorative justice, redress, and reparations to repair wealth gap and economic and cultural exploitation, rather than just welfare. Such an approach may better address income and wealth poverty, racial injustice, and racial inequalities.
- formal education (at all levels of education) inclusive of anti-racist and anti-bias courses; anti-racist and diversity offices in schools and universities.
- reparations for state-sponsored injustices, such as school segregation or forced sterilisation through compensations, apology, truth-telling, offender accountability, etc.
- immediate desegregation of Roma-only schools and classes as well as immediate dismantling of abusive placement in special schools and sanctioning offenders.
- local and regional mechanisms, local ombuds offices, diversity and anti-racism offices, and other means in schools, municipalities, hospitals to sanction discriminatory actions of teachers, doctors, nurses, employers, public functionaries and promote anti-racism, diversity, and inclusion.
- desegregation of hospital wards and sanctioning offenders.
- sanctions of health personnel neglecting the lives of Romani people who need treatment and support.
- ensure a fair, robust, and unbiased representation of Roma in all areas of public spheres through educational materials or/and symbols reflecting Roma culture, including in public spaces such as schools, local municipalities, hospitals or through other means, such as literature, television, research, etc.
- involve Roma experts in designing Roma related policies as frequently the EC and national policies proved to be rooted in racist ideology. That requires promoting and believing in Roma excellence (as it exists!) and employing Roma with proven expertise, not just token Roma in high-level positions in the EC and national governments. Roma participation in the EC work at the highest level and operational level is a must.
- involve Roma critical theorists in analyzing laws and policies and point out at biased or racist ideology in the measures proposed or implemented at the national or European level.

- fair, robust, and unbiased portrayal of Roma in the media, literature, films; involvement of Roma as TV, book, film characters and implement other programs to decolonize the so-called white norms and standards
- Roma participation and Roma leadership based on excellence not tokenism, political favors, etc.

R10 - In reference on the Alliance against Antigypsyism policy paper on Developing measures to combat antigypsyism

- Double mainstreaming: the fight against antigypsyism has to be mainstreamed in all relevant institutional structures, policies and legislation, including funding instruments
- National governments should educate law enforcement officers, teachers, judiciary and civil servants, social workers and other state employees in close collaboration with Roma and anti-racist civil society organisations, experts and activists to identify antigypsyism in order to effectively prevent and counter antigypsyism
- EU institutions and national governments should enhance and implement institutional and policy frameworks to fight antigypsyism as the root cause of Roma exclusion
- Educate law enforcement officers, teachers, judiciary and civil servants, social workers and other state employees in close collaboration with Roma and anti-racist civil society organisations, experts and activists to identify antigypsyism in order to effectively prevent and counter antigypsyism
- Improve and implement anti-discrimination legislation: EU institutions and national governments should improve the anti-discrimination legislation and policies aiming at fostering equal treatment of Roma.

R11 - Recognize antigypsyism as a specific form of racism in every Member State.

EU institutions and national governments need to strengthen the research and monitoring of antigypsyism to investigate its causes, manifestations and effects in politics and society, with a focus on identifying cases and collecting equality data that could clearly provide information about the progress of the policy measures implemented in different fields.

The fight against antigypsyism cannot only be reactive. It needs to be preventive and pro-active, focused on providing a positive counter-narrative about the Roma, educating the majority and raising awareness about the existence of antigypsyism as a specific form of racism against Sinti and Roma. If people became aware of this prejudice in the same way they acknowledge the existence of anti-Semitism, the future EU Roma Framework could make a real difference for Roma.

Combatting antigypsyism /Roma-phobia/racism and discrimination in key social inclusion areas/ Q3: If antigypsyism is conceived as a cross-cutting issue in a post-2020 EU Roma policy in the four key areas for social inclusion - education, employment, health and housing - what is the added value to the concept of discrimination (direct or indirect)?

R1 - Antigypsyism as a specific form of racism with associated discrimination can provide a sharper annunciation of the concept of discrimination as it applies in each of the areas and thus facilitate a more focused and potentially more impactful approach to addressing the specificities of discrimination both direct and indirect as well as assisting with the development of actions, tools and monitoring mechanisms

R2 -

- We see that the anti-discrimination directive and the tools established are not enough to protect Roma against discrimination. Roma are affected disproportionately
- unequal transposition of the non-discrimination directives across EU
- Roma suffer from multiple and intersecting discrimination
- moral dimension
- against "reasonable anti-gypsyism" (van Baar)
- existing EU legislation does not do enough to prevent discrimination from happening, lack of measures targeting the majority society rather than Roma, awareness raising campaigns etc.

R3 - Added value: One concrete example where the added-value of a focus on anti-discrimination/ anti-Roma racism/antigypsyism is clearly evident, and which was totally neglected up to 2020 is the experience of Roma within the criminal justice system. This is another issue that should be prioritised post-2020

1. Research evidence in a number of EU Member States suggest that Roma are more likely to be ethnically profiled and drawn into the criminal justice system than non-Roma. Further, once drawn in, Roma are more likely to be held in pre-trial detention, receive longer sentences, and endure harsher treatment in prison than their non-Roma counterparts. Reasons for the overrepresentation inside the prison system also include greater incidence of poverty and lack of eligibility for alternatives to sentencing before and during trial and after sentencing.

2. Arrest, detention and conviction not only exclude and damage the life chances of those directly affected but also have a deeply adverse impact upon families and dependents and serve to reinforce negative stereotypes and racist prejudices about criminality being 'in the blood' (a view held by 60% of Hungarians polled in 2011).

3. It is reasonable to assume that in addition to direct prejudice from criminal justice professionals, institutional and indirect discrimination has a significant impact on criminal justice outcomes. Direct and overtly racist actions by judges and law enforcement officers are relatively easy to document and can be directly challenged all the way to

Strasbourg. Far more insidious and far more difficult to measure, monitor and challenge is institutional racism.

4. Criminal justice professionals (lawyers, police, prosecutors and judges) are not immune from the widespread harmful stereotypes and entrenched social attitudes towards Roma people. And most certainly these biases that surface in processes and behaviors, have an impact on criminal justice outcomes.

5. An approach which focuses on antigypsyism, direct and indirect discrimination is more likely better able to identify the key decisions taken by professionals throughout the process that pose the greatest risk of discriminatory outcomes, and provide recommendations that refer to global best practices on how best to prevent discrimination against minorities in criminal justice systems.

6. An approach which focuses on direct and indirect discrimination is better able to focus on the challenges faced by Roma criminal defendants across Europe; devise strategies to tackle the multiple and intersecting forms of discrimination against Roma people in the criminal justice systems; and devise how best to challenge and change public and official attitudes to Roma defendants.

7. The added value of such an approach is to provide a better understanding of the experience of Roma after release from detention, the impact of custodial sentences upon family life, and examine how probationary services operate to assist those released in their reintegration into society.

8. Such an approach can guide policy makers and stakeholders to effectively deal with varied and complex causes of discriminatory outcomes, "it is crucial to challenge societal attitudes more widely, and raise the profile of discrimination in the criminal justice system as a human rights challenge to be prioritized both by criminal justice reformers and Roma activists." Without an approach that prioritises combating racism and prejudice, it would be impossible to devise a Europe-wide agenda for change that tackles the multiple and intersecting forms of discrimination, lessens incarceration rates, improves services to mitigate family hardship, prevent re-offending, and improve options for rehabilitation.""

R4 - The RCM country reports note the failure of the Directive to address structural and institutional racism. This has resulted in Roma continuing to face multiple forms of discrimination in all areas of their lives. Therefore, keeping the concept of direct and indirect discrimination helps to maintain to demonstrate the link to the structural racism and discrimination experienced by other ethnic minority/racial groups whilst the concept of antigypsyism helps to demonstrate and understand the specific forms and manifestations of racism that Roma have been historically subjected to (e.g. the school segregation of Romani children or the coercive sterilisation of Romani women take very specific forms). This is to say that both concepts -- discrimination and antigypsyism -- are important. (It also speaks to the point re tension between the general and specific addressed in my answer below).

R5 - As a cross-cutting issue, the awareness and targeting of antigypsyism will be able to deal with specific issues that are relevant to each to the four key areas for social inclusion and particularly at the intersections of various of these key areas:

- For instance, in the field of housing: - the focus on antigypsyism will particularly be able to reveal so-called "territorial stigmatisation", that is differential treatment based on the fact that housing has been entirely segregation (in itself often a signifier of antigypsyism), thus:
- For instance, in the field of education and at its intersection of housing: - the focus on antigypsyism will particularly be able to reveal territorial stigmatisation where access to adequate education has been hampered on the basis of residence in segregated communities with primarily Romani inhabitants;
- For instance, in the field of health care and at its intersection of housing: - the focus on antigypsyism will particularly be able to reveal territorial stigmatisation where access to adequate health care has been hampered on the basis of residence in segregated communities with primarily Romani inhabitants;
- For instance, in the field of employment and at its intersection of housing: - the focus on antigypsyism will particularly be able to reveal territorial stigmatisation where access to employment has been hampered on the basis of residence in segregated (or separated) communities with primarily Romani inhabitants and, thus, where residence has become a key defining parameter in denying someone access to the labour market;
- For instance, in the field of infrastructure and at its intersection of housing: - the focus on antigypsyism will particularly be able to reveal territorial stigmatisation where access to utilities has been hampered on the basis of residence in segregated (or separated) communities, for instance, in case where the cutting off from electricity has been based on assessing collective rather than individual debts in the payment of electricity bills;
- For instance, in the field of employment: - the focus on antigypsyism will particularly be able to reveal unequal share of Roma in activation works/public works and possible forms of exploitation that manifest itself in this type of underpaid labor in exchange for access to employment

As various of these examples have tried to illustrate, the importance of the focus on antigypsyism is partially laid in revealing intersections between different fields.

R6 - In addition to the area on countering antigypsyism (see actions and indicators under question 1), the post 2020 EU Roma policy should include, under the other five key areas for social inclusion (education, health, employment, housing, and poverty), measures to combat the concrete direct and indirect discrimination or antigypsyism that hamper the equal enjoyment by the Roma community of their rights in these concrete areas. In particular, the EU Roma policy should include the recommendations contained in the 2018 FRA report "A persisting concern: anti-Gypsyism as a barrier to Roma inclusion" in the fields of education (FRA opinions 5 to 11), poverty (FRA opinions 12 to 15), employment (FRA opinions 16 to 18), health (FRA opinions 19 to 21), and housing (FRA opinions 22 to 24).

R7 - One of the main added values is that people should understand the cause and not only sanction consequences. Antigypsyism is an ideology, while discrimination is one of the manifestations of that ideology therefore the combating antigypsyism approach

would tackle the cause. For example, suggested actions such as education on Roma genocide can affect the number of hate-speech and discrimination in schools while people have to understand the origin of the problem to understand why what they are doing is wrong and unacceptable. Combating antigypsyism approach is broader and it includes discrimination as one of its manifestations.

R8 - The "Reference Paper on Antigypsyism" offers a deep understanding of the roots and mechanisms of antigypsyism, and how antigypsyism is manifested (among others) in acts of discrimination, as well as structural forms of discrimination (see manifestations in "Reference Paper"). The mainstream anti-discrimination legislation and anti-discrimination system are a fundamental basis for the social inclusion and rights-based approach. However, a legalistic approach to anti-discrimination is not sufficient to change the institutional antigypsyism, the institutional framework, the behavior and attitudes of duty-bearers. Therefore, we need to understand and address the mechanisms of manifestations of antigypsyism as well, and we need a monitoring system to hold institutions for their services accountable, as well as support structures for rights-holders.

R9 - Discrimination is a manifestation of racism or an action rooted in and justified by racist ideas/beliefs. Anti-Roma racism involves more interrelated axis and actors - institutions, laws and policies, societies, cultures, and ideology. A focus on anti-Roma racism would shift the measures and actions from a focus solely on individuals who experience discrimination/human rights violation in the four areas to the collective experience of Roma with racism, too; it should shift the conversation from discrimination solely to also social justice, racial justice, restorative justice, economic justice, or environmental justice. A focus on anti-Roma racism in each of the four areas mentioned should not tackle only interpersonal or institutional discrimination, but also institutions, laws and policies, societies, cultures, and ideology. However, the concept of antiGypsyism does not have the same power and meaning as anti-Roma racism. As Alexandra Oprea and I argued in a recent paper, the weight of terms such as "racism" and "anti-Romani racism" is found in their sheer solidarity value and the opportunity to learn from existing anti-racist measures and policies.

R10 - This question can be very destructive and it is irrelevant at this point because it might focus on terminology discussion which can be counterproductive. We have to combat antigypsyism in its all manifestations. On the other hand it is not enough to talk about discrimination in nowadays Europe, where because of antigypsyism Roma are drastically marginalised and even lose their lives because of racist motivations. In order to understand what differentiates antigypsyism from other forms of racism and discrimination, the basics of the concept have to be understood.

R11 - Combating antigypsyism through the existing anti-discrimination legislation is not enough. The four key areas of NRIS – education, employment, housing and healthcare, accompanied by other relevant areas mentioned above – should include a clear reference to antigypsyism. Concrete measures to combat all the dimensions and manifestations of antigypsyism must be developed, including measures to prevent and combat hate crime and hate speech, especially online

