Roma Civil Monitor pilot project

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 successful implementation*

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*Justice
and Consumers*

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LEGAL NOTICE

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LIST OF ABBREVIATIONS

CEE	Central and Eastern Europe (in the context of this report often referring to the subset of Central and Eastern European countries with the largest Roma populations: Bulgaria, Czech Republic, Hungary, Romania and Slovakia)
CoE	Council of Europe
CSO	Civil society organisations
EC	European Commission
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EEA	European Economic Area
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
EU Framework	EU Framework for National Roma Integration Strategies up to 2020 (COM(2011) 173 final)
EU-SILC	EU Statistics on Income and Living Conditions
FRA	EU Agency for Fundamental Rights
LFS	EU Labour Force Survey
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex
MP	Member of Parliament
NEET	Not in Education, Employment, or Training (young person)
NGO	Non-Governmental Organisation
NRCP	National Roma Contact Point
NRIS	National Roma Integration Strategy
RCM	Roma Civil Monitor pilot project
RED	Racial Equality Directive
ROMACT	European programme aimed at local governments' capacity building for Roma inclusion
ROMED	European programme of Roma mediators

EXECUTIVE SUMMARY

Governance and overall policy framework

Across EU Member States, there is a diversity of approaches to Roma inclusion policies and programmes. The main dilemmas concern the tension between mainstream and Roma-targeted approaches and grasping Roma inclusion through a rights-based approach or addressing socio-economic disadvantage. These different approaches have a significant impact on the effectiveness (or lack thereof) of Roma inclusion policies. Central governments influence Roma inclusion mainstreaming by providing local governments with accessible financial and technical support, as well as legal provisions regulating their competences and statutory duties (the enforcement of which is crucial). At the local level, whether or not Roma inclusion is implemented largely depends on the will of local governments and political leadership.

The findings of the RCM country reports show that the EU Framework has brought progress and a real added value in terms of formulating policy objectives with respect to Roma inclusion policies in some Member States. Nonetheless, across the EU, NRIS implementation seems random and at times contingent upon the political priorities of national governments, specific line ministries or political parties in power, as well as external pressure from the EC. Moreover, the findings of the RCM country reports indicate that certain Member States fail to integrate citizens from other EU countries, including Roma, resident on their respective territories: they exclude EU-mobile persons from accessing public services, social assistance and integration in the labour market, thus effectively preventing them from exercising their right to free movement. This contributes to fuelling anti-Roma sentiments.

In terms of funding, in many Member States (Czech Republic, Slovakia, Hungary, Bulgaria, and Romania, but also in Greece or Italy), Roma inclusion policies rely on ESIF funding. Participation by Roma and pro-Roma civil society in shaping Roma integration-related policies, a crucial pillar of inclusive policy-making, through the ESIF mechanisms is noteworthy. Whilst the linkage to the ESIF gives the EC a stronger mandate to intervene into national programmes, problems regarding policy continuity and vulnerability are not insignificant. As for civil society funding, state budgets (at times associated with acceptance of certain ambiguous values and strategic dependency on public authorities) and EU funding make up the majority of sources of income for Roma and pro-Roma civil society organisations

The EU Framework requires Member States to set up administrative structures for coordinating NRIS development and implementation, and communication with the EC. The former role in terms of the actual capacity to coordinate or at least effectively participate in domestic Roma inclusion policies varies significantly from country to country. The latter role in relation to communication with the EC tends to be fulfilled by national Roma contact points (NRCPs), established in all Member States and characterised by a diversity of institutional placements ranging from strong (Prime Minister's office and/or government presidency, key ministries), medium strong (equality bodies) to weak (institutions with a relatively weak mandate and inadequate resources). Although National Roma Platforms, promoted by the EC as participatory venues modelling the European Roma Platform mechanism, are valued for their political and symbolic potential, these instruments are too young to be assessed.

There is a diversity of approaches to formal recognition, which depends on whether or not the legislature in a given country conceptualises 'ethnic' or 'national' minorities. Some Member States recognize Roma as a distinct social and/or ethnic group (including with respect to the Roma Holocaust) insofar as they recognize other national and/or ethnic minorities. There, formal recognition has been important for symbolic reasons, as well as in terms of unambiguous legal protection from discrimination.

Nonetheless, representing the interests of Roma by way of formal recognition does not automatically translate into having elected Roma representatives at the European, national, regional or local level. And vice versa: the presence of Roma in governments alone does not guarantee the interests of Roma being represented (this also applies to those Member States that guarantee parliamentarian representation to recognised ethnic minorities). Additionally, where Roma have been included into the electoral lists of mainstream political parties, they have seldom succeeded in getting elected.

Across the EU, low political participation by a sizeable number of Roma remains a problem, partially attributable marginalisation and/or alienation from public, social and political life. Despite the ongoing political underrepresentation of Roma at the central level, the past few years have seen the numbers of Roma candidates running in local elections and elected as municipal councillors or mayors increase.

While data on Roma and other ethnic and racial equality data has been generated by the adoption of the EU antidiscrimination directives and the NRIS framework, there remains a stubborn dearth of ethnically disaggregated data in most countries. States tend to view ethnic data collection as a violation of data protection legislation, whereas civil society organisations often argue for gathering anonymized ethnic data to devise effective measures to tackle discrimination and segregation.

As for the issue of intersectional or multiple inequality, Roma women, youth and children are the most developed categories. Additionally, civil society and scholars have recently articulated the specific needs and experiences of migrant Roma. Even though several NRISs acknowledge the relevance of gender in intra-group relations in Roma communities and also in the nexus between Roma and non-Roma, this dimension is much more modest in NRIS implementation, if it appears at all.

Anti-Discrimination

The Race Equality Directive has been transposed into domestic law across the EU. However, 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. The monitoring reports thus concur with the most recent findings of the 2018 report by FRA and come as further confirmation of the EC's opinion relating to the widespread discrimination against Roma 'in all societies, and in all key areas' across the EU. The monitoring reports further confirm that in those countries with the largest Roma populations, discrimination goes effectively unchallenged and has multiple adverse effects on the everyday lives of Roma.

The monitoring reports found that across the EU, the official bodies responsible for combating discrimination are generally deemed to be well intended, and in some cases highly proficient, but too many are circumscribed in terms of independence, resources and mandate. A common feature in all of the reports included a low level of rights awareness among marginalised Roma communities; a lack of trust in institutions; and a widespread scepticism concerning enforcement and the possibility of justice and effective remedy to combat anti-Roma discrimination.

Although education is the sole policy priority area of the EU Framework where the EC's assessments can point to tangible progress, the monitoring reports confirm that Roma children are still segregated by virtue of being denied access to quality integrated and fully inclusive education. This is happening also despite the ongoing infringement proceedings in the Czech Republic, Slovakia and Hungary. Across the EU, discrimination in housing was found to be equally, if not even more pervasive than in education. Housing is linked to forced evictions: across the EU, many municipalities in charge of housing still favour mass evictions and/or demolitions, failing to provide adequate alternative accommodation for those evicted. Not surprisingly, the RCM reports confirm that a disturbingly high share of the Roma population was often systemically discriminated against in their access to water supply and sanitation services. Many segregated settlements and shanty towns lack not

only access to clean water and sanitation, but also basic sewage and/or indoor plumbing, impacting on the ill health of the inhabitants and resulting in higher incidences of outbreaks of various diseases.

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. It also means that police officers often resort to the deployment of excessive force, and remain cavalier about the human rights and dignity of Roma detainees. In some countries, the issues facing Roma with respect to law enforcement are exacerbated by the fact that they lack identity papers. This not only hampers their ability to access services such as schooling, employment, healthcare and/or housing but puts them at risk of homelessness and/or statelessness.

Addressing Antigypsyism

The legal recognition of Roma as a minority is not unitary within the EU, nor is the recognition of antigypsyism as a specific form of racism directed at Roma, despite existence of the Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law as a key legislative document on the EU level. The explicit formal recognition of antigypsyism is not consistent across EU Member States. In most of the countries concerned, there is no explicit recognition of antigypsyism in state policies, legislative or other documents. Despite the Czech Republic using the term 'antigypsyism' 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. Additionally, where some Member States refer to antigypsyism, they typically do not recognize it as a key factor determining inequality and/or social exclusion faced by Roma.

Despite some progress with respect to commemorating the Roma Genocide through at the European and/or national level, the NRISs fail to recognize the multiple dimensions of antigypsyism and the perspective of the historical legacy of exclusion is missing from national policies. Across the EU, there is very little knowledge and acceptance of the Roma genocide, resulting in a lack of recognition of Roma both as victims and those who took part in resisting the Nazi regime.

Additional measures to effectively implement the Framework Decision should be established at the national level to ensure that crimes motivated by antigypsyism are effectively prosecuted. Reported incidents are sometimes not being prosecuted at all. Additionally, a large proportion of acts of antigypsyism are not reported because of lack of trust in institutions. Yet, across the EU there has been a significant increase in anti-Roma sentiments and discourses by majority society, and anonymous antigypsyist speech on social media that goes unchecked. This is compounded by general passivity and a reluctance by state authorities to promote positive narratives about Roma. Anti-Roma discourses by politicians and racist rhetoric by state officials across the political spectrum are widespread; however, there has been a small improvement in some Member States with regard to prosecuting such antigypsyist hate speech. In spite of some progress achieved in the form of a rather limited number diversity and anti-discrimination training initiatives to sensitize law enforcement officials, prosecutors, lawyers and judges, there is still inadequate awareness of antigypsyism and/or its characteristics. Furthermore, police at times 'allow' antigypsyism by not responding to cases of violence against Roma individuals and communities; by the same token, in some Member States, unlike antisemitism, antigypsyism is not reported and/or is conceptualised by law enforcement agencies, prosecutors or judges as hooliganism. Therefore, it is not surprising that examples of promising practices of combating antigypsyist speech and hate crime are rare: rather, they seem to be an exception that proves the 'rule'.

INTRODUCTION

This report explores the roles of two key players in Roma inclusion debates and activities in contemporary Europe. One is EU Member States' national governments, whose duty is to deliver public policies in accordance with the hard and sort laws of the EU and wider international treaties, and in view of the well-being of citizens. The other is the civil society, which speaks on behalf of the wider public or specific groups of people and mobilizes citizens' inspirations to engage in public affairs based on convictions and values. In these endeavours, civil society actors watch, comment on or sometimes assist particular parts of the policy process. Most civil society actors have a unique resource that is specific to their logic of operation: they articulate the experiences of citizens and their enduring and temporary collectives. Their activities are embedded in societal practices and relations which mirror diverse reverberations of decisions, resource allocation, regulations, and other policy activities that governments pursue.

This report presents a synthetic account of a peculiar linkage between governmental and civil society actors, which is referred to as 'shadow reporting' in the broader social justice and human rights circles. Accordingly, civil society actors elaborate critical commentaries on major governmental strategies and interventions initiated by duty or choice to tackle outstanding matters such as inequality, social justice, or human rights. To this end, civil society actors conduct genuine and dedicated monitoring activities by contrasting strategic declarations in a particular field with policy outcomes through tracing actions or a lack thereof in the relevant fields of policy-making. Civil society actors use their manifold engagements with everyday social practices, their deep concerns with the lives and dignity of citizens, and their liaisons with other independent critical thinkers and experts. Their reports address the wider public, their governments, and international stakeholders. The latter segment of the audience is crucial: speaking directly to international bodies and opinion makers through a designated channel makes civil society's voice and insights more salient and makes accountability mechanisms for governmental policy implementation more powerful.

Following the establishment of a European Union framework in 2011, the National Roma Integration Strategies (NRISs) set wider schemes in which Member States pursue their Roma integration strategies and report on their performance. Civil society has always been alerting to the credibility, the appropriateness, and the impactful implementation of these strategies. For example, civil society alliances produced monitoring reports on the NRISs as early as 2012-13 on 11 countries.[1] Those reports have been used as key references by a wide range of actors in policy analysis, academia, and civil society debates until today. The current multi-year initiative helps to prepare civil society monitoring reports in all the 27 EU Member States. These countries largely differ in terms of the number and composition of their Roma citizens; traditions of exclusionary and inclusionary social relations between Roma and the rest of society; and the contents and modes of domestic social policy-making. Therefore, as part of the Roma Civil Monitor project, a comfortably wide framework has been designed to scrutinise, compare, and relate country-specific policy processes, frameworks, legitimation, and accountability mechanisms. This monitoring framework reflects upon the most important domains of actions outlined in the EU strategic framework for Roma integration policies.

In the first cycle of this multi-year initiative, the monitoring and report-writing activities examine three particular domains: governance and policy-making infrastructure, promoting equality and fighting against discrimination and measures against antigypsyism. These are all 'cross-cutting' themes without which one cannot credibly

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[1] These reports are available at: https://cps.ceu.edu/roma-civil-monitor-civil-society-monitoring-reports

address interventions in education, employment, health care and housing as a next step. The synthesis report gathers, relates, and compares the knowledge that the country reports have uncovered. The report identifies major trends across Europe by revealing diverging and coalescing experiences. The authors rely, most importantly, on the findings of the country reports[2] by trying to closely follow what civil society monitors found to be the most relevant and outstanding issues in their own accounts. As in any concise synthesis, the authors shape knowledge by highlighting some themes and trends whilst neglecting others and sharpening conclusive messages accordingly. This inadvertently distorts the landscape that particular country reports have fleshed out on specific issues. For example, some of our summary statements and mentions may misrepresent the degree or severity of a problem in particular countries. For example, if a country report thoroughly reveals all forms of antigypsyist behaviour, it looks as the public in this country is more antigypsyist and its government is more passive than in other ones, whereas a less detailed country report may create an image of a cosier social and political space in this respect. The authors and the editors of the report tried to minimise these distortions by carefully cross-reading and consulting with the country report writers. Yet, these efforts have clear limits. Moreover, the synthesis in this report is biased towards the larger countries with a 'dense' Roma inclusion policy field even though the authors tried to refer to practices pertinent to smaller polities. The latter has become particularly important in terms of revealing that within a negative trend, progressive efforts do emerge; or in reverse, it demonstrated that strong democracies and well-developed social welfare systems show salient imperfections when caring about the vulnerable or the ones who look insignificant from within the mainstream. Yet, imbalances pertaining to the visibility of country-specific experiences remain part of this synthesis.

Finally, it is important to mention that the whole agenda of the first cycle of the Roma Civil Monitor initiative has remained captured by a domestic policy perspective. We are not addressing those aspects of policy-making where foreign policy mechanisms are concerned in relation to the plight of Roma who are on the move and crossing the borders of the EU. For example, the questions of asylum-seeking Roma arriving from outside of the EU, such as the ones escaping from the effects of recent violent attacks and pogroms against the Roma in the Ukraine, are not discussed. Further, even within the dominant domestic policy perspective, we only briefly discuss Roma migrants as subject to particularly hostile environments in some old Member States of the EU and often creating unknown social policy targets and tasks for public authorities in less hostile environments as well. We are committed to creating space for critically monitoring these issues by civil society actors and their international allies linked to this initiative. It is also up to further monitoring efforts to examine the important effects that Roma migration has on the sending societies and communities through family, parental, schooling and housing issues.

An authored and concise report rarely reveals the very process of its production. It is important to share with the readers that the authors of this report are identical with those civil society and academic actors who are serving as the coordinating experts of the Roma Civil Monitor project. They have been deeply involved in working and thinking together with the country report writers in the production of the country reports underpinning this synthesis. Notwithstanding, the content, the findings, the manifold experiences and insights presented in the synthesis report are owned by the country report writers. The draft of this synthesis report has been consulted with the country report writing coalitions and actors. The named authors take responsibility for the formulation of thoughts and the selection of the examples but all relevant knowledge and the critical edge has been hammered by the country report writers.

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[2] Available at: https://cps.ceu.edu/roma-civil-monitor-reports

This report is not the only or the first one to present a comprehensive account (in our case, limited to the specific topics of a larger inclusion agenda) of national governments' performance in the implementation of the NRISs. Several civil society partners involved in the Roma Civil Monitor have also contributed to the discussions backing the report titled *Revisiting the EU Roma Framework* (2017).[3] The wider civil society coalition co-authoring this report believe that its structured statement will contribute to promoting the implementation of Roma integration policies by their monitoring work and sharpening accountability mechanisms for national governments. It is also hoped that the insights presented in this report will inform the formation of a strategic vision for the post-2020 period for the European Union and its Member States.

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[3] Available at: https://www.opensocietyfoundations.org/reports/revisiting-eu-roma-framework-assessing-european-dimension-post-2020-future

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in parliaments

The interests and representation of Roma in national Parliaments can be regarded from two main perspectives. Firstly, the issues can be seen from the vantage point of considering Roma as a specific social group particularly vulnerable to poverty, social exclusion and discrimination in Parliaments' law-making and control of the executive power, particularly through the reinforcement of elements of social solidarity, inclusiveness and equal treatment in public policies. Secondly, they can be viewed from the perspective of symbolic recognition of Roma as an ethnic group with collective rights, culture and history.

These two ways of representing the above two types of interests are not necessarily connected. In many countries which have recognised the symbolic interests of Roma – such as in Germany where the Bundesrat commemorates the Nazi genocide of Roma and Sinti – or have developed effective mechanisms of consultation and cooperation with Roma civil society (Germany, Sweden), there are no elected Roma MPs. Countries with more robust welfare policies such as Germany or Sweden, where Roma do not have to face such extreme forms of social exclusion as in some CEE countries and where human/civil rights discourses and democratic structures and processes involving civil society have been taking place for a longer period of time, seem to be more willing to undertake steps towards symbolic recognition and reconciliation. Yet, there are also countries such as Romania where the Parliament has been promoting combating antigypsyism within the context of a major social and economic gap between non-Roma and Roma, and the attendant exclusion of Roma.

In all of the CEE countries with the largest Roma populations, Roma representatives have sat in Parliaments. In the Czech Republic and Slovakia, Roma MPs were elected only once. Several countries such as Hungary or Romania guarantee parliamentarian representation of recognised ethnic minorities, including Roma; this applies also to Croatia, a country with a much smaller Roma population. In other countries, Roma are included into the electoral lists of mainstream political parties, but they are seldom successful in getting elected into the respective legislative bodies. One of the reasons for this is that during elections, Roma run as candidates for political parties, including Roma ethnic political parties, that are often rather marginal; and because the parties for which Roma candidates run often place them low on their lists. This has been interpreted by some commentators as tokenism or even an attempt to attract Roma voters rather than actually promote political participation by Roma.

However, the presence of Roma in national Parliaments alone does not necessarily guarantee the interests of Roma actually being represented. For example, the Roma 'minority advocate' in the Hungarian Parliament has been criticised for being passive in terms of defending Roma's interests, including with respect to a lack of response to attacks against Roma by extremists, and for supporting the governing populist party instead. Moreover, the very existence of mutually exclusive options to vote for either mainstream political party or ethnic minority representation to the Parliament – and similarly, to vote in local elections for either the municipal government or the so-called Roma minority self-government – symbolically confirms the gap that exists between the majority society on the one hand and Roma on the other, along with their respective political interests. In Slovakia, for example, in the 2012-2016 Parliament, the first and only elected Roma MP since the country's independence was promoting strong anti-Roma measures (e.g. making access to basic social aid conditional upon participation in unpaid public labour, often qualified as forced labour). However, in other countries like Romania or Croatia, civil society considers Roma MPs – elected through special affirmative mechanisms for the parliamentary representation of ethnic minorities and/or in open competition among mainstream political parties – effective representatives and advocates of Roma's interests.

In several countries such as Germany, Greece, Poland or the UK, or Slovakia and Spain in the past, 'Roma issues' have been debated in specialised parliamentary committees/commissions; all-party parliamentary groups that represent the interests of Gypsies, Roma and Travellers, such as in the UK; or are a matter of special hearings with the involvement of Roma civil society. Such representation with the active and critical engagement of civil society can be considered an effective tool for promoting Roma's interests. This is because a dedicated Parliamentary committee has a much stronger position in relation to public administration or other structures than civil society alone. Roma inclusion has become the agenda of Hungarian ethnic minority parties such as *Most-Híd* in Slovakia or Hungarian Democratic Union in Romania. In exceptional cases such as Sweden, national parliaments or its structures implement Roma inclusion policies in a systematic way. However, in most countries, the Roma cause remains individual politicians' personal agenda rather than the agenda of political parties as such.

Anti-Roma discourses are widespread across many of the countries concerned; they are often framed either as the prevention of misuses of the welfare system, or as fight against intra-EU mobility and exploitation of social security systems in Western and Northern Europe. While in countries such as Denmark, Germany, Greece or Italy, anti-Roma rhetoric is driven by extremist parties, in CEE countries with the largest Roma populations such as the Czech Republic or Slovakia, explicit anti-Roma programmes and/or measures are promoted by mainstream political parties, too. The most extreme examples were identified in Bulgaria where governmental representatives (e.g. the deputy Prime Minister and MPs) publicly address Roma in dehumanising and vulgar terms. The east-west divide however is not absolute as mainstream political parties in western some European countries have followed the CEE example: in the UK, with antigypsyist statements made across the political spectrum; in Germany with antigypsyist statements made by the Social Democrats and the Christian Democrats, as well as in France with overtly racist statements from the President (2010) from the centre right Republican party and the Minister of Interior (2013) and from the centre left Socialist party.

Despite the ongoing political underrepresentation of Roma at the central level, the past few years have seen the numbers of Roma candidates elected as municipal councillors or mayors in areas with a high share of Roma increase in CEE countries with the largest Roma populations. This has also been the case in Austria which has seen an increase in the number of candidates running but only one has been elected thus far. However, there is not enough data available to suggest that this might be a trend.

Regardless of the actual size of the respective Roma populations, the Hungarian, Dutch, Slovakian, Bulgarian or Spanish monitoring reports identify low political participation by Roma as a problem. They give as an explanation Roma's detachment from the political discourse, coupled by their alienation from political life and mainstream political agendas. In CEE countries with the largest Roma populations that face the most acute challenges with respect to Roma exclusion, low political participation, compounded by social and political marginalisation, leads to electoral bribery, manipulations or even blackmailing by local politicians in power. Such practices were reported by the Czech, Hungarian and Slovakian monitoring reports, and previously by other reports from Bulgaria and Romania.

Mainstreaming Roma inclusion at the central level

The EU Framework has brought progress in the planning, coordination and implementation of Roma inclusion policies in some Member States. Most of the countries with large Roma populations such as CEE countries, Greece or Spain had their Roma integration strategies or other special policies in place prior to the introduction of the EU Framework. This also applies to a few of the countries with smaller Roma populations, such as Finland or Poland where Roma inclusion programmes have had special budget allocations. Following the EU Framework, in the majority of cases, existing strategies and/or policies were reviewed, further developed and linked to existing EU policy and financial tools such as the EU Semester review mechanism and/or ESIF, which formally strengthened their political

importance. However, in reality, NRIS implementation seems random and depends on the political priorities of national governments, specific line ministries or political parties in power. It is also contingent upon external pressure from the EC. This is the case particularly in the area of education due to the application of legal tools by the EC such as the ongoing infringement proceedings against the Czech Republic, Hungary and Slovakia for discrimination against Roma children; and funding being available from the ESIF, which remains the main source of financing Roma inclusion in CEE countries with the largest Roma populations.

In a number of Member States, the EU Framework brought a real added value, at least in terms of formulating policy objectives. For example, the NRIS adopted by the Netherlands acknowledges that existing mainstream social inclusion measures targeting Dutch citizens, EU nationals and third country migrants must be complemented by Roma-targeted measures; and that the state is primarily responsible for their successful inclusion. The Portuguese NRIS extended previous Roma-targeted policies focused on local mediation to a wide range of objectives ranging from the four traditional policy areas – housing, employment, education and health – to awareness-raising initiatives on Roma history and society, gender equality, justice or Roma participation. Whilst the Portuguese RCM report acknowledges that the NRIS has been fulfilled successfully, it also calls for stronger coordination. Similarly, the Swedish report considers the NRIS very ambitious and does not report shortcomings in its implementation. Nonetheless, given Sweden's tradition of strong civil participation, it criticises civil society's weak involvement in the strategy's formulation. In Italy, the adoption of the NRIS meant a paradigmatic shift from regulation of Roma's assumed nomadism towards a more integrated social inclusion approach focused on the EU Framework's four priority policy areas. Yet, this change has not fully materialised in practice; only some regions in charge of Roma inclusion started to plan implementation of the NRIS. In other Member States such as CEE countries, Greece or Ireland, the NRISs included new ambitious measures; however, the RCM does not report any significant results.

Several Member States did not adopt any new measures aimed at Roma inclusion and presented existing policies as the NRIS. This includes, for example, France where the strategy summarises both previously existing social inclusion policies (deemed ineffective by civil society), and ongoing repressive policies aimed at fighting illegal encampments, or expulsions of EU citizens from France. Other countries with more effective welfare and social inclusion policies in place such as Denmark or the UK consider their existing policies sufficient for addressing Roma's needs.

It is worthy of note that several countries with relatively robust social protection policy, such as Denmark, Germany or France, but also the UK (where the welfare system is shrinking due to austerity, but still effective, compared to the CEE, for example) face challenges in integrating EU-mobile populations, Roma in particular. In Denmark, authorities responsible for processing personal identification numbers (CPR) fail to address the unintentional barriers caused by the civil registration system, or to find ways to open the labour market to low-skilled labour force, including Roma. These countries have also adopted special measures to restrict EU citizens' access to public services, including social assistance and the labour market. The RCM country reports state that these countries factually limit EU citizens' exercise of their right to free movement. Moreover, this gap contributes to an increase in anti-Roma sentiments. Even though Austria included 'local' Roma, as well as Roma coming from other EU Member States and third countries like Serbia into its NRIS following calls by NGOs, many municipalities do not pay enough attention to vulnerable Roma migrants from other EU Member States nor are they willing to support them.

The EU Framework requires Member States to set up administrative structures for coordinating NRIS development and implementation, as well as for communication with the EC. While the latter role in relation to the EC seems to be fulfilled by national Roma contact points (NRCPs) established in all Member States, the actual capacity to coordinate

or at least effectively participate in domestic Roma inclusion policies varies significantly from country to country. It is also linked to a diversity of the NRCPs' respective institutional placements in terms of providing political leverage, formal mandate and capacities necessary for their exercise.

Placing the Roma inclusion agenda under a key ministry with political leverage such as the Ministry of Labour, Social Security and Social Solidarity in Greece or the Ministry of Human Capacities in Hungary can give a higher political relevance and leverage to the coordination of Roma inclusion. Nevertheless, in reality, it strongly depends on the political leadership's commitment and willingness, which may change during new political or electoral cycles, and/or political influence. In some cases, these units possess reasonable human resources, engage in political decision-making with a relatively strong mandate (i.e. they have opportunities to comment on strategy or regulatory proposals, monitoring the implementation of Roma inclusion programmes by using ESIF, etc.), and conduct consultation with NGOs and/or local governments. Some RCM reports such as the Romanian or the British, however, uncover weak capacities preventing NRCPs from influencing other line ministries. In Slovakia, a rather unique coordination machinery is mastered by the Plenipotentiary Office under the Ministry of Interior, which is a relatively well-resourced body even if formally not belonging to the cabinet. Other cases such as Italy where the NRIS is part of national anti-discrimination unit, or France where the NRIS is part of an inter-ministerial delegation for emergency housing and access to housing, demonstrate a risk that Roma inclusion objectives may be co-opted by the central agenda or the traditional sectorial interests of the ministry involved.

In other Member States, institutions with a relatively weak mandate and inadequate resources are entrusted with the formal roles of the NRCP and fulfil mostly a technical, policy communication role toward the EC and, in some cases, communication with Roma civil society. At the same time, however, other stronger institution(s) coordinating social inclusion or Roma inclusion at the governmental level are in place. Such a setting was identified in the Czech Republic where the Agency for Social Inclusion is actively engaged in policy-making at the national level, ESIF design and implementation at both national and local level; or in Romania where the National Agency for Roma is active in Roma inclusion policy-making at the national level and cooperates with local governments. In some countries with large Roma populations, NRCPs with a weak mandate and capacities are present but no other, stronger body coordinating Roma inclusion exists. Examples of such settings were identified in Bulgaria; the UK; Germany where federal ministries are responsible for drafting national policies and programmes while policy-making at the regional and municipal level is independent from the federal government; and the majority of Member States with smaller Roma populations. In these countries, such institutions are at times represented by a single person with a part-time engagement. Such weak NRCPs are only in charge of political communication with the EC and no real coordination and Roma inclusion mainstreaming is present.

In some countries, NRCPs' weak and/or rather formal administrative position got temporarily strengthened at the beginning of the current ESIF programming period when Member States were required to report the fulfilment of Roma-specific ex-ante conditionality to the EC as a prerequisite for ESIF implementation. EU funding appears to be a particularly strong incentive for giving attention to Roma inclusion.

It is worth noting how various mainstream sectorial agencies are opening up to equality policy agendas. For example, the Czech School Inspection has started to address the discrimination against Roma children in education. Also, the Czech Ombudswoman has recently embarked on systematically investigating discrimination against Roma in education and housing thanks to championing the policy of using all available institutional capacities. In the UK, three key national health governance units/agencies have developed an equality auditing tool and consultation mechanism to guide policy regarding four marginalized groups, including the Roma.

Certain actions in equality mainstreaming in public administration embody empowerment efforts as well. In countries such as Spain, training and hiring Roma as public officials, teachers, financial managers or directors of public amenities is reported as a major achievement (e.g. in Catalonia). Some reports mention initiatives to train public administration staff to become more inclusive and conscientious with respect to the barriers Roma face (ROMED programmes in Greece or the UK). In Spain, some municipalities have Ombudspersons who safeguard the human rights of citizens, as well as non-residents (Barcelona) while others have installed advisory bodies working with Roma communities, the so-called Roma municipal bodies. Lastly, the civil patrols programme in Slovakia (an ESF-funded call by the Ministry of Interior) allowed municipalities to employ mostly Roma on the basis of personal competencies, without the requirement of proof of the level of education completed.

Effectiveness of Roma inclusion programmes

The RCM reports illustrate a diversity of approaches to Roma integration policies across the EU. The main differences – and dilemmas – concern mainstream approaches versus Roma-targeted ones; and framing Roma inclusion as part of addressing socio-economic disadvantages or through a rights-based approach.

In countries with still relatively robust welfare and effective social inclusion policy, such as the UK, the NRISs rely on mainstream social inclusion measures targeting socially vulnerable Roma as one of the target groups. Conversely, for example, the German RCM report assumes that promoting the mainstream approach is aimed at hiding the ineffectiveness of Roma inclusion. Other countries with strong mainstream integration policies, such as Netherlands or Finland, designed complementary targeted measures as part of a rights-based approach to Roma inclusion. The RCM country reports from countries with universal welfare policy focus on problems related to antigypsyism (Germany), equality (Finland) and civic participation (Sweden).

The aforementioned efforts by a number of Member States such as Germany and the UK to restrict access by EU citizens to mainstream social security have negative consequences on the effectiveness of social inclusion policies in place. For example, in Germany, until the restriction of access to social benefits by EU citizens entered into force, the EU-mobile Roma, benefited from language and literacy courses, which would have also increased their chances within the labour market. Similar adverse effects can be seen in the UK, especially since the government's welfare reform that removed access to benefits for many intra-EU mobile populations and excluded the children of EU-mobile Roma from funding for pupils from poor families. There are examples of whole programmes that failed, e.g. Sheffield or Leeds Local Enterprise Partnerships (LEP): on one hand, they explicitly targeted EU-mobile Roma, but, on the other, only participants without paid employment are eligible, thus excluding many Roma who are ineligible for social security and are required to take any work, including "zero hours contracts" (under this type of contract the employer is not obliged to provide any minimum working hours and the worker is available for work on call when required by the employer; at the same time, the worker is not obliged to accept any work offered). It is difficult to estimate the exclusionary effects of the welfare reform policy since both countries lack ethnically disaggregated data to show the impact of social policy on specific ethnic groups.

CEE countries with the largest Roma populations tend to develop Roma-targeted measures aimed at improving access by Roma to basic public services and the labour market, logically linked to the actual size of Roma communities. Additionally, this can be due to external pressure by EC or other EU countries that became the destinations of intra-European mobility of Roma to increase efforts to integrate Roma; or attempts to make up for the respective state's less effective mainstream welfare and social inclusion policies. Countries with sizeable and deeply marginalised Roma populations, such as the CEE states with the largest Roma populations or Greece, have developed ambitious NRISs, but significant improvement in the field of Roma inclusion is not visible. Whilst in some cases,

the strategies remain on paper, in others, they lead to the establishment of new structures and processes rather than results. Unfortunately, because of a weak evaluation culture in public policy, the effects of Roma-targeted programmes are seldom assessed, and findings used for improvements in policy-making or the very existence of Roma-focused actions are considered success. Lack of evidence on the impact of Roma inclusion initiatives was, however, reported as a challenge also by other countries, such as Ireland. Austria, for example, applies result-based funding, which allows control over project impact but lack of overall projects' impact assessment has been reported, too.

Roma inclusion policies in CEE countries with the largest Roma populations, but also in France are typically grasped through (alleged) socio-economic disadvantage and cultural difference leading to social exclusion, while remaining silent on discrimination on the grounds of race/ethnicity, including antigypsyism, and/or gender. For example, the Romanian NRIS aims to increase the levels of education achieved by Roma. It hopes to do so by closing social gaps that enhance the risk of dropout and illiteracy through providing material support to Roma pupils and affirmative action in their admissions to secondary and university education. Nevertheless, Roma continue to suffer from worse quality of primary education.

Some countries note a positive impact of mainstream inclusion policies and instruments on Roma (please, see information on the initiatives of the Czech School Inspection in the previous section). Despite the risk that mainstream programmes without any Roma-specific targets, affirmative elements or quotas would not include Roma, this has not been the case. For example, the Bulgarian report notes that the government's current mainstream policies in education present a real opportunity to accelerate Roma integration; and that the quality of pre-school education in particular has been rising not only as a consequence of semi-populist, punitive measures, but also due to paying attention to and providing support for schools teaching Roma children. Moreover, programmes targeting the long-term unemployed in municipalities reach a significant share of Roma who meet several non-ethnic eligibility criteria: something that is regarded as a positive achievement. In Romania, a mainstream cadastral survey and land registry programme included Roma by acknowledging that many places where Roma live are privately or publicly owned land that the occupants have not been legally authorized to inhabit. Conversely, the Czech report, for example, points out that the ethnic-blind approach to providing systemic expert and financial support for the development of mainstream social inclusion measures at the local level often excludes Roma as possible stakeholders and target groups.

In CEE countries with the largest Roma populations, but also in Greece and Italy, Roma inclusion policies rely on ESIF funding. This has, on the one hand, negative consequences on the continuity of policies, while, on the other, it makes them vulnerable to the problems associated with management on the national level (i.e. delays in implementation of the ESIF, absorption capacity and complicated administrative rules). Simultaneously, the linkage to the ESIF enables the EC to have a stronger mandate to intervene into national programmes: for example, if properly enforced, the EC guidelines on ESIF used for desegregation in education and housing require Member States to develop indicators and monitoring systems to track policy impact on Roma, which was part of the ESIF ex-ante conditionality 9.2. Additionally, the partnership principle in ESIF management, requiring the presence of civil society and the EC in monitoring committee and working groups, can improve the effectiveness of Roma-inclusion measures. Greece, for example, has established by law a national mechanism for the monitoring and evaluation of social cohesion policies. It is expected to explicitly focus on Roma-targeted policies and to have positive impact on their effectiveness.

Roma inclusion at local level

All of the RCM reports agree that regardless of the quality of the NRIS, actual Roma integration largely depends on local governments and local political leadership. Central

governments influence Roma inclusion mainstreaming on the local level by providing accessible financial and technical support, as well as legal provisions regulating the competences and statutory duties of municipalities. The reports also show that their enforcement is crucial. As regards the role of municipalities, the quality of designing and implementing Roma inclusion policies is equally determined by the leadership's political will and available resources, including financial and administrative capacities and expertise. Not surprisingly, as a rule of thumb these capacities correlate with the size of municipalities. Thus, Roma inclusion on the local level is strongly connected to governance design, particularly to the degree of decentralisation and autonomy of local governments, as well as to the quality of public administration, which varies largely across the EU.

Slovakia can be presented as a typical example of an amalgam of almost 3,000 small, under-resourced, largely autonomous self-governed municipalities fully responsible for the provision of almost all public services relevant to Roma inclusion. They do not receive any additional budget, technical or expert support from the central government. Despite these barriers, there are a few examples of successful local Roma inclusion policies driven by mayors with pragmatic rather than human rights concerns.

The situation is similar – yet less extreme in terms of local governments' autonomy – in other CEE countries with the largest Roma populations: they show little connection between the intentions stated in the NRIS and the reality on the local level. Central governments seldom use the available legal and policy tools to combat such practices or to enforce Roma integration and anti-discrimination policies. For example, in the Czech Republic, many municipalities intentionally segregate Roma in housing and education, create discriminatory barriers in accessing national social inclusion policies (i.e. new legislation enables them to exclude the inhabitants of socially excluded localities from housing benefits) or enforce so-called 'zero-tolerance' policies, including over-policing public spaces and the behaviour of socially excluded persons. Such practices make an otherwise robust welfare system (compared to other post-communist countries) exclusionary. On the other hand, the Czech central government provides interested local governments with robust support in the strategic planning of social inclusion measures and funding for their implementation through ESIF (Coordinated Approach to Socially Excluded Localities managed by the Agency for Social Inclusion).

Local-level planning is far less effective in other CEE countries with the largest Roma populations such as Bulgaria, Hungary, Romania or Slovakia where municipalities are formally required to develop diverse strategies, but in general, their quality and correlation with the NRIS tend to be low and funding for their implementation is not guaranteed or even available. Importantly, the RCM reports demonstrate that the situation concerning the alignment of the NRIS with local policies/practices and success in Roma inclusion is not dramatically different in most West European countries with large Roma populations. Spain can be considered a positive exception, where cooperation between public authorities and civil society on the regional and local levels leads to effective planning and successful implementation of Roma inclusion measures. Despite more robust welfare systems and comparatively more developed public administrations, the central government has little control over local governments' policy practices towards Roma, which depend on the political will of local leaderships. In France and Italy, despite NRISs' desegregation and inclusive objectives, local governments continue to segregate and/or to undertake forced evictions and only seldom engage in more progressive solutions. To illustrate this trend, the French RCM reports states that the budget for evictions of 'illicit camps' is ten-times higher (30-40 million EUR) than the NRCP's grant scheme for local actions aimed at social inclusion (3-4 million EUR). In Italy, only 11 out of 20 regions (with the exception of Emilia Romagna and Tuscany) actually set up structures for NRIS

implementation and continue to maintain Roma-targeted policies based on the 'nomadic theory'[4] and to segregate Roma in camps.

In the UK and Germany, central governments have a very limited mandate to intervene in actions by local governments or choose not to enforce powers they possess in theory. Additionally, there is very little effort in terms of NRIS mainstreaming at the local level; something that applies to Austria, too. In the UK, due to a strong emphasis on localism and the absence of clear statutory duties regarding integration, most councils have steered away from adopting any integration strategies or initiatives focused on Roma. Out of 39 LEPs through which ESF funding is implemented, only four refer to 'Roma' or 'Gypsy, or Roma and Traveller communities or individuals' in their projects or as potential project beneficiaries. Moreover, due to austerity measures, state budgets allocated to municipalities have been reduced by 40 per cent since 2010; regardless, municipalities are still responsible for providing a wide range of social services. This has resulted in Roma inclusion not being a priority. However, there are a number of bottom-up driven initiatives for Roma integration, such as the National Roma Network (NRN); single municipalities, like Manchester, have developed strategies for Roma migrants. In Germany, the federal government supports local actions aimed at fighting antigypsyism implemented in cooperation with Sinti and Roma. Nonetheless, the German RCM report criticises the policy of restricting access by intra-EU mobile Roma to an otherwise robust welfare system. There are, however, some committed cities with sufficient resources, such as Berlin, Munich or Dortmund, which contest the national policy and develop local actions to support their inclusion.

Several EU Member States with smaller Roma populations, such as Belgium, Finland Netherlands, Portugal or Sweden, invest into capacity-building for local governments to empower them in designing and implementing Roma inclusion actions. Such investments often take the form of pilot projects, with the involvement of central public authorities, such as public employment services, and NGOs. Such pilot projects are aimed at tackling actual problems in municipalities with Roma populations and also enable the testing of new solutions that can be scaled-up and mainstreamed. The involvement of Roma in the design and implementation (i.e. going beyond the role of Roma as simply a target group) seems to be crucial for the public's positive reception of such initiatives regardless of their actual effectiveness.

Empowerment and participation

Roma participation in policy-making can take place in two fundamental ways: through involving civil society organizations in the policy process; and by involving Roma as experts and officials in governmental structures. Participation can be formal and informal; and exercised at all levels (local, national, regional, European). While inclusive policy-making can benefit a great deal from non-formal participation, which also enhances the empowerment of a politically marginalized group (e.g. by means of temporary actions groups, social media activism, informal networks, etc.), supporting and advancing formal participation is a priority for policy-making.

Participation by Roma and pro-Roma civil society in shaping Roma integration-related policies is a crucial pillar of inclusive policy-making. Civil society participation is a soft norm in EU policy mechanisms but a hard requirement in ESIF planning and distribution. Most NRISs refer to the significance of Roma participation in public affairs and decision-making processes; yet the weight that empowerment efforts are given in the respective NRIS implementation plans differs substantially. The RCM monitoring reports acknowledge that even though formal processes of representing the voice of Roma are often established, the empowerment of Roma civil society requires additional attention and resources.

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[4] See Italian RCM report for further information on the 'nomadic theory' on which Italian Roma inclusion policies have been based.

However, these tend to be modest and/or insufficient in most of the countries concerned. The *power imbalance* between public authorities and civil society actors and expert groups is rarely acknowledged by consultation mechanisms. The RCM reports contend that even where the formal processes of participation are established, they rarely entail the actual power to make decisions. Most civil society actors expect involvement in actual decision-making and thus necessarily view consultation schemes as structures that are limiting rather than enabling.

Participation in the policy process can take place in platforms of a regular *council type*, various other regular and ad hoc *consultation mechanisms*, or *partnership schemes* in policy experiments and implementation (for example, in Austria, a "Roma Dialogue Platform" is established). Almost all EU Member States have the council type of platforms for Roma equality in place; such platforms enable the state, civil society organisations, expert groups, municipalities and other stakeholders to be involved in policy dialogues. For example, in Portugal, the Consulting Group for Roma Communities Integration is formed by the representatives of seven line ministries, the Regional Governments of Madeira and Azores, Municipalities and Civil Parishes, civil society organisations and Roma associations, research institutions and experts. In Spain, a State Council for the Roma Community (CEPG) is established to oversee the cooperation with Roma NGOs. These bodies embrace the voice of Roma and facilitate interest representation; they also contribute to generating knowledge on equality policy, but can rarely have genuine impact in forming policy strategies and measures. As the Italian RCM report notes, these council types of organisations could also become the spaces for political competition and conflicts over credibility and voice within the Roma communities. Other reports mention the transparency of the selection of civil society representatives in consultation committees as a problem; or the differential rules that central authorities follow when inviting civil society groups for consultation. These drawbacks emerge when councils conflate various forms of political and policy participation in one single body. This seems to weaken rather than enhance the potential for policy dialogue.

National Roma Platforms are promoted by the EC as major participatory venues modelling the European Roma Platform mechanism. The RCM reports value the political and symbolic potential of this instrument with a caveat concerning its genuine policy-making outcomes. It is fair to argue that these consultation platforms are too young to be seriously assessed. Wider equality or ground-specific consultation schemes also embrace Roma participation, most commonly in councils of minority affairs, but often to the low satisfaction of the Roma civil society monitors. For example, in Luxembourg, the National Council for Foreigners is an advisory body to the government embracing representatives of foreigners, refugees, the main trade unions and civil society. More chances for genuine policy debates and strategy formation through civil society consultation emerge along sectorial issues, like special commissions of task force for labour market, health, education and/or other policies.

Consultation mechanisms between governmental and Roma civil society actors are in place in most countries concerned; yet the operation of these mechanisms often appears as superficial due to irregular meetings, lack of serious participation by public authorities, or irrelevant agendas. Civil society's *access to knowledge and resources* conducive to meaningful participation in policy planning is a major concern. Elementary prerequisites as financial resources for travelling to meetings or remuneration for participation in consultative bodies are often lacking on the side of Roma civil society organisations. In local policy-making, where the opportunity to comment on policy plans arises, socially excluded Roma have varying capacities, networks, and confidence to do so. The lack of genuine participation of local Roma civil society is especially salient in countries such as the Czech Republic, France, Italy, Slovakia and the UK where municipalities are the very bodies that actively produce segregation and forced eviction; or remain silent in the face of racist attacks on Roma settlements (for example, in Hungary).

Participation by Roma and pro-Roma civil society in policy-making through the ESIF mechanisms is noteworthy in the new Member States.[5] To highlight the case of Romania where the National Agency for Roma (NAR) has developed the consultative mechanism in spite of there being no functioning national Roma Platform: despite the weakness of the formal channels for policy participation, there are a number of significant advocacy platforms to debate and shape policy agendas, such as the Non-Discrimination Coalition and the NGO Structural Fund Coalition. In Bulgaria, the Council of Ministers has recently proposed to establish a permanent Roma Integration Subcommittee to the Partnership Agreement Monitoring Committee (ESIF mechanisms) which is hoped to re-establish the policy dialogue between the government and Roma civil society.

Empowerment and participation can also be ensured by state/municipality and civil society *partnership arrangements* in policy implementation, often with an empowerment component. Health mediators in Slovakia are one of the most successful programmes for local empowerment of the Roma, providing better access to healthcare services. It stems from the understanding that health mediators only need elementary education and some additional training instead of formal education. In the old Member States, tangible empowerment impact is reported through two multi-year flagship initiatives sponsored jointly by the EU and the CoE, namely ROMED and ROMACT. In Portugal, ROMED is viewed as an outstanding programme delivering empowerment outcomes for Roma civil society and inclusive local democracy. In Barcelona, the 'Roma municipal council' (the oldest in Spain) is in the process of establishing a municipal action plan to ensure the participation of a wide range of stakeholders from across the city. However, this cherished partnership arrangement is watched with a critical eye due to possible dependency outcomes and limiting the possibilities for a critical voice.

Several RCM country reports mention bottom-up civil society *empowerment and alliance building* initiatives. In 2017, in the Czech Republic, a group of Roma and pro-Roma NGOs established an independent coalition *Romanonet*, which has been active in high-level advocacy challenging new laws with negative impacts on Roma via strategic litigation and striving to launch a debate on ethnic data collection and increased involvement in the planning and monitoring of the ESIF. In Greece, the Pan-Hellenic Federation of Greek Roma Associations (POSER), an initiative of young Roma scientists and educated Roma, helps to establish local civil society groups which can foster cooperation with municipal authorities. In Spain, group-specific mobilization by youth and women is seen as facilitating empowerment for Roma, especially when organized through the non-hierarchical structures of social media. In Belgium, several key nationwide non-Roma equality organizations strive to ensure the participation of Roma and Travellers organizations/spokespersons in their collective actions. On the contrary, in the Netherlands, human right initiatives are promoted by mainstream civil society structures which are not sensitive to the problems that Roma communities are confronting. In some of the 'old' democracies in the EU, participation by Roma is lagging or slowly developing due to missing recognition of Roma as a distinct ethnic group. Likewise, Nordic countries with well-developed welfare states and extended citizenship rights are not necessarily open to the recognition of Roma, which makes the participation of Roma civil society in policy-making difficult.

This synthesis highlights the relevance of Roma participation in the policy process. All citizens participate in various public matters that stretch beyond the immediate conditions of their lives. Furthermore, being a member of a particular social group which claims collective identity and history but also suffers various forms of marginalization contributes to developing particular capacities and positions, from which individuals assess public

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[5] For further details, please, see: Central European University, *A synthesis report on implementation of national Roma integration strategies in Bulgaria, Czech Republic, Hungary, Romania and Slovakia*. European Union, 2018. Available at: 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

affairs. This is why it is essential for Roma to be involved not only in narrowly defined 'Roma issues', but also in a wider range of topics and policies. This may help to contribute to the de-stigmatisation of Roma inclusion matters and improving policy makers and citizens' understanding of other vulnerable groups and/or their experiences of marginalisation.

In terms of sustainability, working on the issue of Roma participation is difficult given the very frequent short-term involvement of Roma (e.g. internships for young Roma), as opposed to the more desirable long-term engagement of Roma; and in terms of going beyond the narrative of Roma working specifically on Roma-related issues.

Funding for civil society

Several of the RCM country reports note that seeking funding support is not an easy target for civil society organizations and/or movements driven by equality and human rights. The aftermath of the 2008 financial crisis in Europe has shrunk resources for civil society activities, especially for maintaining their independent operation. Accessible resources for service provision in the field of social inclusion are increasing, whereas the ones enabling critical voices, policy diagnosis, and participation in policy dialogue are often decreasing; this is the case in the new Member States in particular. The EU framework generates continued attention to Roma civil society actors, who have to face these unfavourable general conditions in terms of funding. State budgets and EU funding make up the majority of sources of income for Roma and pro-Roma civil society organisations (they are complemented by the EEA/Norwegian and Swiss Financial Mechanisms in the new Member States, and private or charity donations and funds in some of the old Member States).

The RCM country reports reveal that civil society actors assign different expectations and meanings to state funding in equality affairs. In the new democracies of CEE countries with the largest Roma populations, state funding tends to be associated with acceptance of certain dubious values, dependency for strategic decisions, and even ultimate capture. Across CEE countries, such as Bulgaria, the Czech Republic and Slovakia, but also in Spain, the country reports argue that the dependency trap is more salient for local NGOs. These fears and actual experiences are less pronounced in the old Member States. On the other end of the spectrum, in Sweden, civil society is expected to be sharply critical towards public authorities despite state funding. In some countries where centrally administered tax-based revenues are available for independent civil society activities, large and established charities (the Red Cross and the Caritas in Bulgaria and Spain) often crowd out smaller NGOs such as the Roma ones. In other countries with a reasonably transparent and stable funding system for civil society organisations such as the UK, Roma are not seen as a target group in distribution of funds; the typically smaller Roma NGOs often stay behind in competition with mainstream organizations in Finland. In a few countries where the funding of regular and transparent civil society organisations is accessible for Roma organisations as well, such as Austria, the value of the annual net amount distributed is critiqued. In Greece, only a few donors such as the Open Society Foundations offer the possibility of low threshold criteria funding to help NGOs learn how to apply and build capacity. In Slovakia, the state has started to reduce the administrative burden for civil society organisations' funding applications by introducing e-governance, thus significantly easing the pressure put on smaller grassroots NGOs.

The RCM country reports concur with other sources of information claiming that funding for civil society activities through contracting out public service provision has obvious drawbacks. NGOs often become dependent on public authorities and good relations with them may curtail their critical voice. NGOs that intend to provide local social services are able to compete for regional or local government funding, unlike local grassroots organisations with lower capacities, including those serving disadvantaged Roma, whose chances of winning and surviving in these competitive or clientele-based arenas are much lower. Opportunities do not necessarily widen steadily for civil society organisations' funding despite various incentives tied to the use of the ESIF. In France in 2015, the Ile-

de-France region with the highest number of shanty towns practically excluded NGOs from accessing ESIF funds which could be used for the inclusion of marginalized people, including Roma. In Italy, the exclusion of Roma civil society organisations from the ESIF's special fund for large city social inclusion measures may result in the funds remaining in the hands of those local authorities that champion segregation and forced evictions. In Bulgaria where the ESIF has helped to facilitate NGOs' participation, one of the main advocacy claims of Roma civil society organisations is that the distribution of NRIS measures through open calls for proposals would facilitate a process whereby NGOs can also become beneficiaries (partnership with NGOs being a requirement for non-NGO beneficiaries).

Ethnic data collection

Civil society and expert voices agree that European anti-discrimination principles and wider social inclusion policy goals cannot be implemented without collecting equality data. The need for data on Roma and other ethnic and racial equality data has been generated by the adoption of the EU antidiscrimination directives and the NRIS framework. While state authorities typically argue that ethnic data collection would be a violation of data protection legislation, civil society organisations often call for gathering anonymised ethnic data to devise effective measures to tackle the discrimination and segregation of Roma (in Slovakia, for example).[6] In the majority of CEE countries, the collection of ethnic data is still resisted; where it is promoted, it is a highly debated topic, especially with regard to the preferred method: ethnic data collection through the regular census (based on self-identification), through surveys based on ascribed ethnic identity, and through data collection by public institutions or research bodies by using proxies. Except for the Czech Republic and Hungary which allowed double identification for ethnicity and mother tongue, in the 2011 censuses, single and exclusive identifications were applied by most Member States, failing to capture the widespread mixed ethnic identity patterns among Roma. In domestic contexts, mainstream social inclusion policies are frequently opposed to ethnic targeting, including data generation, either for political reasons or out of efficiency concerns. In the Czech Republic, the colour-blind approach to social inclusion and the reluctance to use the available data on Roma makes it difficult to estimate the impact of social inclusion policy on Roma. In Hungary, interventions along an integrated approach to social groups affected by poverty do not evaluate the impact on Roma. These examples reveal that ethnic data collection serving policy design and evaluation is a contested and slowly evolving instrument even in countries that have acted as pioneers in their latest census.

There have been some noteworthy developments across the EU: they represent promising steps towards generating professionally and ethically sound ethnic data for promoting and measuring interventions in the field of inclusion. The confluence of expert and civil society advocacy and knowledge, FRA's devoted professional networking and a number of domestic policy innovations have contributed to this progress. The 2011 census in the UK included for the first time the Gypsy or Irish Traveller among the ethnic group categories but neglected the specific category of Roma ('Roma' is currently being considered as an additional category for the 2021 census). The National Statistical Office in Hungary introduced questions on ethnic identity in the EU Labour Force Survey (LFS), resulting in a slightly higher ratio of Roma in the total population than in the 2011 census. In 2014, a similar experiment in the EU-SILC survey generated an even higher Roma ratio among the total population, which shows that the collection of ethnically disaggregated data is not resisted by Roma. Coordinated by the Italian Institute of Statistics (ISTAT), a Roma/Sinti/*Caminanti* National Statistical Table was set up by involving ministries and Roma representatives to craft a conceptual framework for identifying indicators for

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[6] RCM 2018 observations largely underscore the spirit and the findings of the report *Data collection in the field of ethnicity* commissioned by EC DG Justice and Consumers and authored by Lilla Farkas (2017).

monitoring and evaluating the outcomes of inclusion policy against the objectives of the strategy.

In several of the countries concerned, various proxies and alternative routes are also developed by experts, academia, civil society actors, and international technical assistance organizations to map, reckon and measure the living conditions of Roma in society. However, these experiments cannot substitute serious, policy-relevant ethnic data. A noteworthy experiment in Romania was implemented by the *SocioRoMap* initiative sponsored by the Research Institute for National Minority Issues and funded through EEA Grants in 2014-2017. The Map has captured segregated and poor communities by means of a combined approach to identification. The initiative is criticized by many domestic policy actors but civil society monitoring report writers see it as a useful and acceptable method for local policy diagnosis and assessment. In some countries, where ethnic data has been collected by proxies, abuse of this data for discriminating and policing purposes also occurred. In Slovakia, the Atlas of Roma Communities helped to target 150 most deprived Roma communities with ESIF-based inclusion instruments, but it was also used by the Ministry of Interior to trace 'Roma criminality'. Civil society organisations in Slovakia are also afraid that right-wing groups might use the freely available Atlas data to plan attacks against Roma communities. In 2016, the Romanian Ministry of Justice published data regarding the ethnic origin of prison inmates on its website. The National Council for Combating Discrimination found this to be an act of discrimination and violation of the right to human dignity. It is feared that especially data collected through 'ascribed identification' can be easily abused. Driven by data protection concerns, the German National Council for Sinti and Roma stands up against ethnic data collection by arguing that policy-making in countries which collect ethnic data is not more efficient than in those that do not.

Addressing the specific needs of vulnerable groups among Roma

Most NRISs identify particular sub-groups, often viewed as specifically vulnerable, or a horizontal axis within the Roma ethnic category. The three most developed intersectional or multiple inequality categories in the wider European policy context concerns *Roma women, youth and children;* in addition, civil society and scholarly discussions have recently articulated the specific experiences of *migrant Roma* as well. In the spirit of the EU Framework and the wider European norms concerning gender equality, several NRISs acknowledge the relevance of gender in intra-group relations in Roma communities and also in the nexus between Roma and non-Roma in EU societies. The perspective of gender, however, is much more modest – if it appears at all – in NRIS implementation and specific policy measures. For example, gender equality is mentioned in the NRISs in Hungary, Italy and Slovakia but implementation proposals are insufficient or missing. Domestic policy plans and provisions embrace some knowledge concerning the intersectional – and/or multiple – disadvantages faced by Roma women. Yet, in Bulgaria and Romania, when addressing early marriage, violence against women and trafficking, they often slip into essentializing generalisations about Roma and their assumed deep-seated 'ethnic traditions'. Furthermore, policy plans and measures, often well-intended, tend to endorse patriarchal norms by conceiving of Roma women's role primarily as caring for the family and children. Pilot projects on women are introduced frequently with weak strategic backing for Roma women's systemic empowerment and equality. In France, early marriage among Roma has been addressed but with no attempt at understanding the subtlety of the contexts. Additionally, the response by public authorities has been exaggerated: setting up a special working group for handling sporadic cases. In contrast, in shanty towns where larger groups of Roma youth live, public authorities are reluctant to intervene by means of active, preventative inclusion measures except for policing.

It is not incidental that the Spanish RCM report was able to raise intersectional and intra-diversity issues throughout their report. Spain stands out thanks to its multifaceted development in gender equality. This has been translated into mainstreaming women's empowerment in council-type organizations dedicated to other equality-related matters

such as Roma inclusion, weaving gender equality measures through regional development planning and machineries, and in the distribution of civil society funding. This progressive approach – something that needs to be acknowledged despite tangible budget cuts in the post-2008 crisis management – is facilitated and supported by bottom-up collaboration among different equality and human rights groups and social movement actors. In Hungary, the NRIS provides a sophisticated diagnosis of gender inequality matters; additionally, a number of recent flagship programmes started to move significant resources to Roma women's empowerment and inclusion. The assessment of the transformative impacts of these programmes, however, is missing. In Romania where the small but resourceful and policy savvy Roma women organizations are highly visible in Roma civil society and equality policy debates, governmental interventions hardly consult with these organizations. Nonetheless, their subtle and complex understanding of gender and ethnic inequalities is revealed in the RCM report. In response to massive activism by Roma women, new consultation and funding mechanisms have been introduced allowing Roma women to be considered a target group for policy interventions. Important gender-sensitive measures in consultation mechanisms, social service delivery, and empowerment efforts are also outlined in the RCM reports on Lithuania, Sweden, and Slovenia. The RCM country report on Austria reveals that thanks to civil society advocacy, the NRIS has recently been upgraded, with a subsequent intervention scheme being planned for women and youth, too.

High level EU policy statements refer to the situation of Roma children in the EU by stressing factors that may make them especially vulnerable. This includes poor health, housing, and nutrition, lack of birth registration and identity documents, and segregating educational services (in addition to exclusion, discrimination, racism and violence against the larger Roma communities). As a major trend, NRISs address children's policy matters in relation to educational services. The socio-economic gap between Roma and non-Roma children is mentioned by the Romanian strategy but few steps have been taken to tackle this in practice. Child poverty, affecting Roma children disproportionally, is an apparent phenomenon in some EU Member States. The issue is not taken into account by the Slovakian strategy whereas it is addressed in the Hungarian and Slovenian strategy. In Ireland, the National Roma Needs Assessment reports acknowledge that Roma children live in overcrowded houses without basic supplies for new-born babies; children go to school hungry and without lunch. A recent UN report was the only one cited, saying that the necessary budget allocation is missing. Disproportionate numbers of Roma children in state care, largely related to poverty among Roma families and institutional racism, is a major societal problem in terms of social exclusion in CEE countries with the largest Roma populations. This problem is hardly mentioned in NRISs. The widespread problem of youth Not in Education, Employment or Training (NEET) is not addressed by the RCM reports, but it is likely to get more attention in the second year of reporting. It is telling that even in Swedish society with a long tradition of supporting and funding youth initiatives and activities, young Roma need much more targeted support to be able to access such initiatives in order to take part in society. It is noteworthy that consultation mechanisms in Spain are opening up to youth groups in Roma platforms and youth platforms are opening up to Roma groups, respectively.

The inner diversity of Roma communities presents inclusion policy challenges in some countries. In the UK, where policies towards Roma are dominated by the 'nomadism theory', policy conceptions can have a negative effect on particular groups within the category Gypsies, Roma, and Travellers. For example, the revised definition of 'Gypsy/Traveller' in Planning Policy to Traveller Sites that requires people to be nomadic in order to qualify as 'Gypsy' for planning purposes has a knock-on effect on the types of occupations people are able to enter. It forces individuals to choose between living traditionally with their family or having to move into a house to pursue their desired employment, thus restricting the community to low paid manual work. In Bulgaria, the RMC report advocates for the disaggregation of the general category of Roma in relation to matters such as family, gender equality, and school attendance since applying certain

traditions that are observed by one of the sub-groups only to the whole Roma community may have obvious detrimental effects.

The RCM reports reveal that intra-European migration and circular migration between European countries – and at times between Europe and North-America – are not understood as particular challenges by national policy documents with respect to, for example, the educational advancement of Roma children. The Danish report argues that the right to free movement is not formally infringed by the national authorities; however, in reality, destitute citizens of other EU Member States living in Denmark experience such challenges that they frequently end up homeless and/or working in the informal economy. The RCM reports reveal that issues relating to LGBTQI, elderly, or single parents are not addressed by the respective NRIS strategies and interventions.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

While in all of the RCM countries, the Race Equality Directive has been transposed into domestic law, this has yet to make any discernible impact on reducing discrimination against Roma in the priority areas. In countries with significant Roma populations, the bodies responsible for tackling discrimination were described as ineffective when it came to anti-Roma discrimination: proficient in dealing with minor cases, but 'avoids dealing with more serious cases and cases involving public authorities and shies away from challenging structural discrimination against Roma' (for example, in Bulgaria). Equality bodies in Slovakia and Italy have been widely criticised for having limited capacities, low efficacy, inadequate resources, being generally inactive on anti-Roma discrimination, and lacking autonomy from government; or worse still, as in the case of Spain's Council of Equality and Non-Discrimination (CERED) at a virtual standstill without leadership, a work plan or strategy to combat anti-Roma discrimination, and reduced to the role of 'a victim support service'. Reports from countries with smaller Roma populations, such as Belgium, Netherlands or Denmark, expressed similar concerns about the effectiveness of the responsible bodies; identified difficulties in accessing justice, proving and winning cases in court, and a lack of knowledge and/or trust from the side of the communities.

Even in countries where NGOs have been successful in challenging school segregation and discrimination against Roma using *actio popularis*, such as Slovakia and Hungary the monitoring reports found that court proceedings were often very protracted and court interpretations of antidiscrimination legislation often problematic. In the case of Hungary, the report also mentioned the hostile political environment and difficult funding situation which has forced four leading civil rights organisations to shut down. A recurring point common to many of the country reports was that full transposition of the RED into domestic law did not translate into effective action against anti-Roma discrimination. Even where national law prevents and imposes sanctions on all forms of discrimination, allows for affirmative action and defines multiple discrimination, for example in Romania, the National Council for Combating Discrimination (NCCD) was deemed to have dedicated 'little effort and zero resources' to counter the multiple forms of discrimination faced by Roma: 'in those few cases where discrimination is established by the NCCD, the fines are so low that they do not qualify as a truly dissuasive measure'. Additionally, they are often followed by contestation in court and many of them are eventually dismissed. Even in countries such as Germany, where the RED has been enshrined in law for over a decade, there remain serious gaps, a lack of protection and complaint mechanisms and possibilities for legal action.

Many of the reports complained that effective instruments are missing, such as provision of free legal aid or the possibility to bring public interest lawsuits in the Czech Republic. The situation has been made worse by hostile public attitudes, an absence of mechanisms for effective enforcement; a lack of capacity and political will to apply existing legislation properly; and the protracted, complex, and often inconsistent conduct of judicial proceedings.

In addition to legal ambiguities, one recurring and common observation, highlighted in the Slovak monitoring report, was the lack of legal and rights awareness among Roma, and low knowledge about the existence of the equality bodies. In Hungary, 'only 15 per cent of Roma are familiar with organizations offering support or advice to victims of discrimination; only 6 per cent of official complaints in 2016 were Roma-related'. In Spain and France, the lack of information and knowledge among marginalized Roma communities was frequently cited as the reason for so few Roma-related discrimination cases ever seeing the light of day. Although the lack of information and knowledge might play a role with respect to underreporting in Belgium, the main reason for underreporting – beyond the difficulty of proving discrimination on ethnic grounds – is that Roma and

Travellers fear and expect a complete absence of follow-up if they do report racism or discrimination. Compounding the knowledge deficit concerning rights and redress was a widely reported distrust from the side of the Roma in the institutions and a lack of confidence in positive outcomes in countries such as the Czech Republic, Denmark, Spain, France, Netherlands, Slovakia. According to the Czech monitoring report, many Roma respondents did not pursue justice for fear that things might turn out even worse, and their lack of trust was grounded in a perception that judges lacked sensitivity and harboured the same anti-Roma prejudices as the majority population. The FRA survey confirmed the findings of the monitoring reports, and its survey research shows that across the surveyed EU countries 'almost a third (27 per cent) of the Roma surveyed do not know of any law prohibiting discrimination based on ethnic origin, and most Roma (82 per cent) do not know any organisations offering support to victims of discrimination.' The monitoring reports show that this is compounded by a lack of trust from the side of the Roma communities in the institutions, and in many countries, a lack of capacity and political will to use the RED provisions to counter such pervasive discrimination.

On a positive note, there were examples cited of equality bodies in Finland, Belgium, Ireland and Poland which engaged in outreach, were relatively autonomous, adequately resourced, and alert to the specific forms of discrimination faced by Roma. However, this has had little practical impact in reducing the high levels of discrimination endured by Roma. Even in the UK, where anti-discrimination legislation has been ground breaking and directly influenced the RED, there remains a gap between policy and action. Consequently, 'Gypsies, Travellers and Roma continue to be the group suffering significantly more from discrimination in all these fields, including education, particularly in England'.

The conclusion is that discrimination against Roma remains a daily reality across the EU, and that the Roma communities lack sufficient knowledge of their rights and how to exercise them.

Educational and residential segregation

Education is the sole policy priority area of the EU Framework where the EC's assessments can point to tangible progress. Notwithstanding this, the monitoring reports confirm that Roma children are still denied access to quality integrated education despite the EC's repeated insistences that Member States must bring an end to discrimination and school segregation of Roma pupils. This situation persists despite rulings from national courts and precedent-setting judgments from the European Court of Human Rights (ECtHR); and on-going infringement procedures against Hungary, the Czech Republic and Slovakia.

In Romania, despite a ministerial order which prohibits school segregation, an estimated 29 per cent of Roma children are educated in de facto segregated schools.[7] Worse learning conditions, less qualified teachers and buildings lacking heating and adequate sanitation lead to 'a significantly higher dropout rate and poorer educational attainment'. Misdiagnosis and wrongful placement of Roma children into special schools continue despite being declared illegal in Hungary, Slovakia, Czech Republic; separate units, such as container schools on the edge of Roma settlements, are still being built with public funds in Slovakia; and in Hungary, despite amended legislation explicitly stating that religious-run education cannot lead to segregation, there is little by way of enforcement, scrutiny or oversight to prevent this occurring. The role of religious-run schools also emerged as a concern in Ireland, where only two Traveller-only schools remain, both run by the Roman Catholic Church, but in receipt of state funding. The Irish government has stated that it would like to see the schools phased out, but that the final decision remains with the patrons. The Government has decided to cease funding for St Thomas school

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[7] EU-MIDIS II survey: FRA, *Second European Union Minorities and Discrimination Survey. Roma – Selected findings*, European Union, 2016, p. 27. Available at:
http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf

following a number of inspections. This included the most recent unannounced inspection in December 2017 where the Department of Education and Skills inspectors found problems with the standards of education being provided there. Even though they sought an immediate closure, the school will close in June 2019 (following request by school Patron to support final year students to complete state exams and facilitate a transition to mainstream education for the Travellers registered there).

In countries with smaller Roma populations, such as Austria, Belgium, Latvia or Lithuania where racial segregation is neither routine nor systematic in schools, the reports nonetheless revealed instances of direct and indirect discrimination. These include the impact of highly selective education systems, discriminatory behaviour by teachers and other pupils, reports of high numbers of children being sent to special education or special classes.

Discrimination in housing was found to be equally, if not even more pervasive than in education. The reports identified systemic practices that prevent Roma from being able to move out of segregated and often illegally occupied areas. In those countries with the largest Roma populations, the reports found little evidence of actual or intended policy interventions to overcome residential segregation; some countries such as the Czech Republic are even witnessing a growth in the number and size of 'socially excluded localities', often in appalling conditions lacking basic infrastructure and access to basic public services. Property speculators buy up fully occupied buildings in segregated areas, resulting in many Roma families living in crowded, poorly maintained residential hostels (i.e. the number has increased from 11,027 in 2008 to 27,000 in 2014). An attempt to address discrimination in housing was thwarted by an amendment to the Czech Social Housing Concept 2015-2025, which allowed local authorities to designate areas, specific properties or streets where new applications for housing benefits will be deemed ineligible. This is expected to hit poor Roma families unable to find other housing because of anti-Roma racism on the rental market. Legal action has been initiated to contest restrictions on material aid for those living in so-called 'areas with increased incidence of undesirable phenomena' that are in place in 12 municipalities.

Estimates from census data in Hungary suggest that 3 per cent of the total population inhabits 1,380 segregated settlements. Hundreds of such dwellings are situated in remote peripheries lacking basic infrastructure and public transport links. There is no comprehensive housing plan nor any prospect of assistance to enable the most impoverished to improve their housing situation, and city development plans still exclude 'Roma streets' or neighbourhoods. According to the monitoring report, partly as a result of the rising value of city areas, the segregation of the poorest increases as they move to poorer settlements. In some cases, this is described as a spontaneous process, in others it is a direct consequence of decisions made by city leadership to relocate and displace, as in Miskolc and Budapest.

In Slovakia, some municipalities purchase cheap houses in remote villages to 'export their problematic' Roma residents. In larger towns, Roma families face discrimination in the rental market and have no option but to stay in 15 m^2 container flats with shared bathrooms and showers at a cost of 200 EUR per month for rent and electricity. Public funds have been allegedly used to build segregation walls, and to 'relocate' Roma on the outskirts of villages into newly built, poor quality housing units, without proper access to basic utilities. In Bulgaria, half of the Roma-inhabited houses in segregated neighbourhoods had no sewage system. In some cities, modest interventions to provide social housing for disadvantaged groups were met with anti-Roma protests, and in Varna and Burgas, the authorities were pressured by ultranationalists to cancel such plans.

The previous Italian government committed to 'overcome the system of camps' and the NRIS asserted that 'the liberation from the camp as a place of relational and physical degradation of families and people of Roma origin, and their relocation to decent housing, is possible'. To date, no concrete steps were taken to end residential segregation. Italy

currently manages 149 'authorised' Roma-only settlements; the mapping data cited in the report shows that residential segregation is widespread and systematic, and takes place in both major cities and medium-sized municipalities, where significant public funding is used to maintain Roma-only camps and perpetuate exclusion.

Positive developments were reported In Spain, where several local and regional government projects, with the support of some specialised NGOs, have significantly reduced the prevalence of shantytowns over the past 15 years. Despite this, the economic crisis had a negative impact on the most vulnerable, with a rise in evictions, and more than 9,000 Roma families in Spain live in substandard housing and living conditions, with over 2,000 still living in slums. The report confirms that Roma are often located in poor and deprived areas and because of the shortage of social housing, tend to end up renting in the private sector, with unscrupulous landlords charging Roma tenants high rents for low quality and overcrowded accommodation. In neighbouring Portugal, housing conditions were described as precarious and often far from public services and utilities. Regretfully, good practice programs and innovative housing interventions were cut following the imposition of austerity measures on Portugal.

With regards to non-sedentary populations of Roma, Gypsies and Travellers in the UK, the lack of sites means that many individuals and families are statutorily homeless. Many traditional stopping places have been blocked off by ditches, bunding and gates, and as a result, families are increasingly forced to live on areas such as parks and car parks. In January 2017, Brighton and Hove City Council used Public Space Protection Orders to criminalise 'occupying any vehicle, caravan, tent or other structure' in twelve public spaces in the city. There is concern that other councils might adopt this approach, which has been criticised by Gypsy and Traveller organisations for criminalising the nomadic way of life and targeting the vulnerable.

The monitoring reports confirm the findings of the 2018 report from FRA with regard to discrimination and segregation in housing. There has been little change in housing conditions for Roma between 2011 and 2016: one third of the Roma surveyed continue to live in housing that has no tap water inside the house; 38 per cent do not have a toilet, shower or bathroom inside their home.

Forced evictions

The evidence from the reports shows that in a number of Member States, the call for an immediate halt to forced evictions in letters sent to seven European governments made in 2016 by CoE Commissioner for Human Rights went unheeded. In Bulgaria, the Czech Republic, France, Ireland, Italy, Romania and Slovakia, many local authorities still favour demolitions and mass evictions, without providing adequate alternative accommodation for those evicted, in defiance of domestic and international law. In Bulgaria, according to the data collected from 61 per cent of municipalities, 399 out of all 444 orders (89 per cent) concerning the demolition of residential buildings issued by local administrations refer to the homes of Roma.[8] Often prompted by anti-Roma demonstrations and extremist demands for the expulsion of Roma, such demolitions serve to heighten inter-ethnic tensions. There are no regulations to protect families who find themselves on the street without a fixed address, without access to public services, consultation or the offer of adequate alternative accommodation, and consequently have no alternative but to build new irregular dwellings. Similarly, in France, between 10,000 and 15,000 Roma are evicted annually, with no provision for alternative accommodation for the majority and the rest are offered a few nights at an emergency hostel. The authorities responded to a new law prohibiting evictions during wintertime by dramatically stepping up evictions just

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[8] *Demolition of Illegal Housing in Roma Neighbourhoods: Sustainable Solution for Roma Integration or a Problem of Discrimination against Roma in Bulgaria?* Sofia, 2017, p. 50. Available at:
https://www.equalopportunities.eu/en/reports/146-roma-evictions-and-demolition-of-roma-houses-en.html

before the moratorium kicks in. The frequency with which authorities in Italy carry out mass evictions without formal notice, proper consultation, or provision of alternative accommodation has attracted much international criticism, and has prompted the European Court of Human Rights, on occasion, to issue interim orders to halt evictions which would inflict undue hardship on the sick and vulnerable. Despite the commitment of the government in the NRIS to overcome 'emergency policies' for Roma, the evidence points to an increase in forced evictions. According to the authors of the Italian monitoring report, the policy of forced evictions solves nothing but aggravates Roma exclusion and exacerbates the already dire living conditions of those affected.

According to the Belgian monitoring report, forced evictions of Roma and Travellers prompted condemnation from the European Committee of Social Rights (ECSR) for being in violation of several rights protected by the European Social Charter back in 2012. Three years later, the CoE Commissioner for Human Rights on a country visit found that, 'local authorities […] increasingly proceed to evictions. Evictions are carried out all year round, including in winter, and irrespective of the number of years spent on a site'. Similarly, in Ireland, the ECSR found the government to be in breach of Article 16 of the Revised European Social Charter, as there were inadequate safeguards against forced evictions included in the legislation. Also, the UN Committee on the Rights of the Child expressed concern over the 'criminalisation of nomadism, pursuant to the Housing (Miscellaneous) Provisions Act 2002 combined with the inadequate provision of transient halting sites, resulting in forced evictions and the suppression of nomadism as a cultural practice'.[9] The RCM report notes that following the Carrickmines tragedy in 2015, a national fire safety audit in Traveller accommodation was rolled out. Despite assurances that the audits would not result in forced evictions, Traveller organisations stated that this is precisely what happened. A number of evictions took place throughout the country, leaving families homeless or forcing people to stay at homes and bays of extended family members. In 2016, 23 families were evicted from Woodland Park halting site on the basis of fire safety concerns. Recent figures released by the Department of Housing show that the number of Traveller households living by the side of the road or in overcrowded conditions has increased by 66 per cent in five years. In Slovenia, efforts by housing activists and some political parties have resulted in a reduction in the number of overall evictions, but the report notes that large impoverished Romani families who have fallen behind on their bills and face eviction from social housing get less support from Slovenian activists, and media coverage of Roma evictions comes with a barrage of online hate speech.

Discriminatory behaviour by police, misconduct by prosecutors or courts

In the CEE countries with the largest Roma populations, Roma experience ethnic profiling, stop and search, and encounters with police officers that do not foster trust in law enforcement. A lack of accountability verging on impunity in some countries means that police officers often resort to the deployment of excessive force, and remain cavalier about the human rights and dignity of Roma detainees. In Bulgaria, cases of police violence against Roma have not diminished despite European Court of Human Rights rulings and regular censure by international bodies. Disciplinary proceedings against police officers if found guilty rarely amount to more than suspended sentences and fines. The opinion of the RCM researchers is that, despite EU legislation obliging Member States to criminalise hate crime, namely the Framework Decision 2008/913/JHA as well as guidance for investigation,[10] there are no effective mechanisms to protect victims of police violence, little reliable information or data to give a precise account of the scale of the problem, and

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[9] UN Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Ireland*, 2016, para 69 d. Available at:
http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAghKb7yhsvOufvUWRUJlLHiLH KqpXZxUGOtzQF0l%2b37QzAKosbh7yc40d4J3IynFaWf0Egu6J99RK6Y%2fTHjpged5r1H3f3KQIiFieFkoeAPALAwK pbZz

[10] Available at: http://ec.europa.eu/newsroom/just/item-detail.cfm?&item_id=51025

a low success rate in cases investigated. In the Czech Republic, ethnic profiling, random stop and search and cases of police brutality against Roma have been reported, but nothing on the scale of Slovakia where police raids and incidents of police brutality are not properly investigated by an independent body. In a case following extreme police violence against Roma in the Slovak village of Zborov, the Roma victims who testified as witnesses were charged with perjury. The investigator relied on an "expert report" which suggested that the Roma victims' collective mentality (labelled as "*mentalica Romica*") is characterised by 'low trustworthiness, a propensity to lie and are emotional instability'.

In Hungary, ethnic profiling is commonplace and Roma report disproportionately frequent police stop and search. A number of NGOs reported on police practices of fining Roma for petty offences across the North East. One study demonstrated that 97 per cent of people fined for bicycle related offence were Roma. Residents of Roma settlements were fined so frequently that the amount of fines due was more than their income; researchers spoke to several Roma who served prison time because of their inability to pay the fines. The police have been found wanting in their obligation to serve and protect Roma citizens under siege from right-wing extremists. In line with the experience in other countries, courts often neglect the issue of racist motivation in cases of vandalism or violence committed against Roma by racists and members of extremist organisations. Perpetrators often face lesser charges and get lighter sentences that have no dissuasive effect. In Romania, according to The Romanian Helsinki Committee, Roma are subjected to constant stop-and-search, the police use excessive force against Roma and there is a disproportionate imposition of fines for minor infractions. Romanian authorities fail to properly investigate cases of police brutality against Roma, and the use of special forces against Roma communities. Of particular concern in 2017 in Romania were two fatal shootings of Roma by police for allegedly stealing wood, an infraction which does not carry a punishment of summary execution in EU Member States. The phenomenon of 'over policing' was also reported in Slovenia, including stop and search, and fines for minor infractions. Concerns were raised about alleged targeted police actions, including harassment against Roma migrants to deter them from entering Luxembourg, which prompted ECRI to strongly recommend that the authorities ensure that Roma are not stigmatized or unfairly targeted by any measures taken by the police to combat organized begging. In Lithuania, reporters observed that despite a significant number of discriminatory actions by police in Vilnius, very few cases get reported, due to the (often well-founded) mistrust of the Roma in the legal process.

The French and Italian reports note incidents of police brutality, disproportionate use of force, ethnic profiling, discriminatory treatment and failures to properly investigate racial motivation in many cases of violent attacks on Roma. The French report cites the case of Angelo Garand, a member of the gens du voyage community who was shot and killed by the gendarmerie special forces (GIGN). The report also noted 'a discriminatory tendency to punish juvenile petty crime more harshly when the perpetrators are Roma, and especially girls'. In Italy, following a 2015 mob arson attack on a Roma camp *La Continassa*, a court in Turin recognised that the attack was racially motivated and found that the authorities failed to protect the victims from the attack, underestimated the risks and dangers facing the Roma and found that the small number of officers present actually emboldened the mob to engage in extreme anti-Roma violence. No procedures have been initiated against the law enforcement officials responsible for the failure to protect this vulnerable community.

The issue of mutual mistrust between law enforcement agencies and Roma communities surfaced in many country reports, the most dramatic being Sweden following the scandalous revelation in 2013 that the police authority in Southern Sweden had kept an active and illegal 'suspect' register of 4,000-5,000 Roma, which even included new-borns. The formal apologies and prompt payment of damages combined with proactive government moves to combat antigypsyism has, according to the report, helped repair some of the damage done by the revelations of this ethnic register. In Belgium in 2015, the federal police in Flanders were found to be using 'Gypsy' tags in their national internal

data base, which were then stored for indefinite periods of time. Following protests to desist, the police changed the tag from Gypsy to Traveller, on the grounds that their objective was not ethnic profiling but rather to target itinerant criminals.

A 2017 national survey of Travellers in Ireland found that 48 per cent of respondents felt discriminated against by the *Gardaí* (police) in the last year; and 77.5 per cent of Roma respondents in the national needs assessment reported being stopped by the *Gardaí* at least once for ID. Positive policy responses included the introduction of a Code of Ethics for *An Garda Síochána*, which makes special mention of discrimination against Travellers in 2017, and the appointment of 277 Ethnic Liaison Officers. However, there were concerns about the lack of legal enforceability of the code, and the special rapporteur's report found that 'current policies and practices in this regard have not filtered through to most *Garda* members.' The language used by *Gardaí* who were interviewed 'lacked sensitivity and suggested an absence of critically sophisticated understanding of the complex needs of an increasingly culturally and ethnically diverse population.'[11]

More concrete positive policy responses were observed in Spain. There, a protocol for law enforcement standards in dealing with hate crime and discrimination was published in 2015, which included a definition of antigypsyism and established contact points with proximity to the population in each province. Police receive regular training in non-discrimination and prevention of ethnic profiling. In 2016, the Secretary of State for Security created a National Office to combat hate crimes. In the field of justice, from 2013, specialised services have been in place in the 50 provincial prosecutors' offices to combat hate crimes and incidents of discrimination, and bar associations and NGOs have provided diversity and anti-discrimination training for prosecutors and judges.

Access to identity papers

The amendments to the Civil Registration Act adopted by Bulgaria in 2013 have created problems for Roma in many of the unofficial neighbourhoods where property rights, the legality of the buildings, and the possession of the necessary documents remain outstanding issues. Some Roma cannot obtain identity cards because they do not have a legal permanent address. In Hungary, the report highlighted the problems Roma encounter when moving into one settlement from another, and the local authorities refuse to register them at the new address, which leads to complications and denial of access to public services. In Romania, there remains a risk of statelessness among persons born in the country whose births have not been properly registered. Under the operational programmes there are project proposals to resolve issues around identity and property documents: it was reported that consultations were afoot to promote legislative changes that will allow a person without a domicile/address to receive a full identity paper. The monitoring report from the Netherlands cites the government's mention of more than 4,000 people registered as stateless, which includes 200 Roma, with unknown country of origin, living in uncertainty, with very few rights and nor access to public services.

Access to clean water and sanitation

Access to basic sanitation is an essential component of living a decent existence, according to Article 34 (3) of the EU Charter of Fundamental Rights, and a disturbingly high share of the Roma population still lives without tap water in their dwellings. In Bulgaria, the Czech Republic, France, Hungary, Italy, Romania and Slovakia, even where safe water supply and sanitation services were available to non-Roma households, Roma were often systemically discriminated against in their access to them. The problem in the Czech Republic was acute in the privately-owned residential hostels, where a high percentage of the tenants are Roma and it is common for an entire floor of tenants to share showers and

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[11] Policing Authority, *Code of Ethics for the Garda Siochana*, Dublin, 2017.

toilets. More research is needed, as precise information was missing about the scale of the problem in countries such as Bulgaria.

In Slovakia, many segregated settlements have no sewage system, and across poorer regions many Roma dwellings lack basic indoor plumbing. In some households, the water supply was cut off due to accumulated arrears and/or never connected. Public wells operate everywhere in varying distances from the houses, but there was no information on water quality. In Romania, the research cited found that only 53 per cent of the Roma sampled had access to running water. In segregated Roma communities, deep poverty and a lack of support from the local authorities leave Roma without access to basic utilities. Even in locations where facilities are available, 17.3 per cent of the Roma respondents did not have access to cold running water; 20.5 per cent of them did not have access to hot water. One fifth of the Roma households uses a public well or fountain as a source of drinkable water, whereas non-Roma use public water sources in less than 5 per cent of the cases. According to data gathered in 2012 in Slovakia, out of 801 identified Roma localities, 185 do not have any access to public water pipelines (23 per cent). Access to clean water correlates with the degree of exclusion – the more segregated the community, the higher likelihood of not having access to public water.

In France, mayors and municipal staff openly declared that if they offered sanitation services and facilities to dwellers in shanty-towns, they could no longer proceed with speedy mass evictions. In these conditions, the inhabitants of slums are obliged to go to public parks and transport water in receptacles, but even these public sources are more and more rare and sometimes the only sources remaining are fire hydrants. Despite the dire health consequences, and the fact that the extent of the problem has been well documented, the French government made no mention of access to clean water and sanitation in its NRIS, and for the most part authorities choose to evict and disperse Roma communities rather than connect them to running water. Noteworthy exceptions include the town of Ile-Saint-Denis, near Paris, where the municipality has installed clean running water and sanitation.

In Italy, the living conditions in both official and unofficial 'nomad camps' have long been recognised as especially precarious. As far back as 2005, research has shown that lack of access to clean water and sanitation directly resulted in higher incidences of asthma, diarrhoea and bronchitis among children living in the camps. Repressive policies of mass evictions have only served to exacerbate the situation. National and international organisations have documented the appalling living conditions inside 'authorised camps' – overcrowded, in poor state of repair, with ever deteriorating hygiene and sanitary conditions. Conditions in the segregated emergency shelters and unofficial camps are even worse in terms of access to clean water and sanitation. Lack of access to clean water and sanitation was also mentioned as a problem in countries such as Latvia, Slovenia and the UK.

ADDRESSING ANTIGYPSYISM

Institutional settings for addressing antigypsyism

Roma are recognised as a national minority in the CEE countries with largest Roma populations, but also in some countries with smaller numbers Roma populations, like in Finland. The situation is very different across the EU. In some countries such as France, Italy, Greece and Spain, Roma are not recognized legally as a national minority group, while in others they are recognized as 'ethnic minority' or 'racial group'. In the UK, the term 'national minority' is not legally defined; however, authorities refer to the broad definition of Gypsies, Roma and Travellers as a 'racial group' as set out in the Equality Act. Several law proposals for recognizing the Roma population as a minority have been put forward, for example, in the Italian Parliament, but none have been successful. In Germany, Austria and Ireland, different groups of Roma have different statuses. Germany legally recognizes German Roma and Sinti, but not Roma of migratory background. A similar situation is in Austria where Roma have been recognised as an ethnic group since 1993, but the definition of an 'ethnic group' limits this status to 'autochthonous' Roma and Sinti living there from the 15th century onwards. Roma communities who migrated to Austria since the 1960s do not enjoy this status even though they represent the vast majority of Roma in Austria today. Whilst Travellers were already a named group under Equality legislation, in March 2017, Ireland recognised Traveller ethnicity through a statement by the Irish *Taoiseach* (Prime Minister) to the parliament to such effect. Additionally, Roma are included in Equality legislation under the 'race' grounds. According to the RCM country reports, the implications of Roma not having a legal status as a minority can be the following: lack of policies aiming at strengthening capacity for action and participation, lack of financial schemes specifically allocated to counter exclusion of Roma, lack of recognition of antigypsyism. Or it can lead to paradoxical situations, as in Italy, where a policy consultation mechanism working with a legally non-existing ethnic group of Roma, Sinti and *Caminanti* has been developed.

The explicit formal recognition of antigypsyism is *not consistent* within and among the individual countries and/or clusters. In most of the countries, there is *no explicit recognition* of antigypsyism in state policies, legislative or other documents. Even the NRISs tend to put more emphasis on the social policy approach. For example, the Romanian NRIS currently considers improving the socio-economic status of Roma only, but fails to address the antigypsyist acts Roma face. Moreover, where the NRISs consider antigypsyism, they contain neither specific indicators nor a specific budget to combat it. Despite not referring to antigypsyism explicitly, the Portuguese NRIS is a good example of prioritising 'the fight against discriminations and raising people's awareness' with the goal of breaking preconceived ideas and hate speech towards Roma. Importantly, the funding comes partially from a budget specifically allocated for NRIS implementation.

However, the lack of explicit recognition of antigypsyism 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.

There are nevertheless a few positive exceptions regarding the explicit recognition. In the Czech Republic, the term 'antigypsyism' is used in some state documents such as the Roma Integration Concept 2010-2013, the Programme Declaration of the Government of the Czech Republic 2013-2017 and the NRIS. In Spain, generally the phenomenon is not explicitly recognized. A positive exception is the Catalan Parliament, which in 2007 explicitly recognized antigypsyism and also put emphasis on institutional antigypsyism. It 'affirms and acknowledges that Roma people living in Spain and in Catalonia specifically have been the victim of a historic and ongoing genocide' and 'laments all of the racist and antigypsyist laws that Catalan institutions have devised or supported'. As regards explicit

recognition of antigypsyism in Italy, besides the NRIS, there are also mainstream, albeit very few, documents which take the phenomenon into account. For example, the 'Italian way for the intercultural school and the integration of foreign students' states that 'antigypsyism can be considered as a form of racism that intercultural education must combat, through the knowledge of the history of the Roma and Sinti population'. In the UK, even though the Equality and Human Rights Commission identified the need for antigypsyism to be addressed via a separate policy as it is 'so blatant and prevalent', none of the institutions have worked on addressing the problem. The German state recognizes antigypsyism institutionally to the highest possible extent compared to other countries, which is reflected in mainstream policies too. For example, the National Action Plan (NAP) on Combatting Racism devotes a chapter to fighting antigypsyism. However, the NAP does not present a baseline analysis, establish goals, timetables and indicators, nor does it allocate resources. The Belgian Equality Body UNIA recognizes antigypsyism explicitly and makes use of the term 'antigypsyism' as a specific form of racism in its 2016-2018 Strategy Plan. Sweden's temporary Commission against Antigypsyism reported on historical and contemporary antigypsyism and suggested the creation of a national institute on Roma issues that would have combatting antigypsyism as a primary goal at the local and regional level, too (e.g. the Malmo municipal local Roma unit or the special police units to combat hate-crime include Roma in the councils despite problems with reporting police officers as abusers).

However, it is not enough to officially recognize the phenomenon only. The problem also lies in the countries' *conceptualization* of antigypsyism. Even though some state agencies refer to antigypsyism, they typically do not recognize it as a determining factor of inequality and/or social exclusion faced by Roma. In Hungary, antigypsyism is not explicitly recognized and is perceived by official institutions as an outcome of the difficult coexistence between the Roma community and the majority society. Thus, antigypsyism is not understood as a form of racism and an inherent problem of the majority society as defined by Roma and pro-Roma civil society,[12] the EC and the European Parliament. Instead, it is wrongly understood as an outcome of the living conditions of Roma. Structural, historical antigypsyism and its multi-layered aspects in public space are replaced by the question of Roma communities' will to integrate. Even though the Czech Republic at times officially uses antigypsyism as a particular form of racism, the Czech RCM report criticizes its use in connection with the worsening treatment of Roma at the hand of extremism only, and not as a recognition of the structural inequality of Roma.

A high priority for civil society is affirmative action, especially regarding the presence of Roma experts and public officials in institutions, which lags behind and/or is not addressed at all. NGOs note the lack of access by Roma to public functions as a form of denial with roots in antigypsyism. Therefore, including the dimension of antigypsyism in the work of mainstream institutions is important. In addition, the existence of the Roma-specific institutions does not guarantee a notable action against antigypsyism, but it is needed until the complete mainstreaming happens. For example, in Hungary, neither the Ombudsman nor the Roma National Self-Government have taken a notable action concerning antigypsyism; initiatives tackling antigypsyism only come from the civil society, cultural institutions such as museums, and universities.

The NRISs fail to recognize the multiple dimensions of antigypsyism, too. Particularly, the perspective of the historical legacy of exclusion is missing from national policies. In all the countries, there is very little knowledge and acceptance of the Roma genocide, resulting in a lack of recognition of Roma both as victims and those who took part in resisting the Nazi regime. In Italy, the state does not recognize Roma genocide (Jewish people, Italian

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[12] According to one definition of antigypsyism, '*it is essential to see that antigypsyism is not a "minority issue". It […] has its origin in how the social majority view and treat those whom they consider "gypsies"'*. Source: Alliance Against Antigypsyism, *Antigypsyism – Reference Paper*, 2017. Available at: http://antigypsyism.eu/wp-content/uploads/2017/07/Antigypsyism-reference-paper-16.06.2017.pdf.

military and political deportees only are specified as groups). The proposal of a law to include a reference to the extermination of Roma and Sinti presented in the last legislature was not approved. The most important recent change with respect to recognition by the state of the genocide of Roma during the WW2 has taken place in Slovakia and Czech Republic. In the Czech Republic, Czech civil society, and Roma and pro-Roma organisations in particular, have lobbied the Czech government for decades, arguing that having a pig farm on the site of the former Roma concentration camp in Lety is not dignified and does not respect the piety of the victims. The pig farm's corporate owner approved the handover to the Czech state in July 2017. The Government decided to buy the farm on 21 August 2017, with the purchase contract finally signed on 23 November 2017. Another symbolic display of respect for Roma victims of the Holocaust in the Czech Republic is city halls flying the Roma flag on 2 August, the Roma Holocaust Memorial Day. In Slovakia in 2005, the Ministry of Culture created a working group in partnership with the NGO *In Minorita* to prepare the project *Ma bisteren*. The project sought to symbolically recognize the victims through remembrance memorials. Different events and gathering of historic facts happened too. The remembrance days were organized in Banská Bystrica to commemorate the victims of the Roma Holocaust, attended by high-ranking state officials such as the Minister of Justice. Aside from Banská Bystrica, there are remembrance memorials in eleven more localities. The aforementioned recognition of the Roma Holocaust in the Czech Republic and Slovakia, and of Roma slavery in Romania has contributed to an acknowledgment of the oppression Roma have been historically subject to; in Romania, it is now part of commemorations and school curricula. In Poland, the situation is different. Although state institutions do not recognize the phenomenon officially, the historical dimension of antigypsyism has been acknowledged by the Polish Parliament that was the first one in Europe to officially declare 2 August the Roma and Sinti Genocide Remembrance Day, commemorated on the former site of the Auschwitz-Birkenau Concentration Camp.

The RCM country reports note that there are a few promising institutional practices focusing on combating antigypsyism. However, in some countries, there are none. In the UK, there are no state-driven awareness raising programmes on antigypsyism for local governments, the police, the health service or other agencies. State authorities in France, Spain and Italy seldom take steps to fight against acts of antigypsyism. However, as a promising practice, the Barcelona Office for Non-Discrimination carries out various workshops to tackle antigypsyism and an introduction to activism in secondary education, which aims to train young people to conduct workshops on antigypsyism too. There is no further information about this unique initiative, but according to the Spanish shadow NRIS report, it is expected to be scaled up, rolled out and implemented in other cities.

In Germany, federal programmes and agencies for the promotion of democracy introduced thematic priorities on 'Combating Antigypsyism' and 'Sinti and Roma'. The Federal Ministry of Family, Senior Citizens, Women and Youth's 'Live Democracy!' programme, with a programming period 2015-2019 and an annual budget in 2017 of 104.5 million EUR, is the first one to have combating antigypsyism as an objective. The Federal Agency for Civic Education (FACE), which develops and implements anti-racism training for youth, also prepares modules addressing the history, persecution of and current discrimination against Sinti and Roma in Germany. One of the training modules is dedicated to antigypsyism. Police departments in eight out of 16 German Länder indicated in an RCM consultation that the history, Nazi genocide of and ongoing discrimination against Sinti and Roma form a part of police training (additionally, in Berlin, Brandenburg and Saxony-Anhalt, these historic and current phenomena are addressed, albeit not as a separate topic).

Poland is a case of regression in terms of the fight against racism in general (e.g. by abolishing a relevant institution) and antigypsyism in particular. A clause introduced by the previous Minister of Education that provided teachers with the possibility of addressing the situation of Roma in the school curricula within the antidiscrimination education framework was abolished by the new Minister of Education after the change of government in 2017.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

All the countries concerned have specific institutional structures in place to protect citizens from hate speech and hate crime at the national level and, in the majority of cases, also at the regional and local level. For example, all Spanish provinces now have a prosecutor specialised in hate crimes and discrimination. However, these structures do not frequently benefit Roma. Additionally, antigypsyism is often not explicitly recognised in the relevant policy and legislative documents, and in practice antigypsyist crimes are often not seen as such by the responsible institutions. For example, in Bulgaria, antigypsyist crime gets framed as hooliganism, for instance. In Slovakia and Hungary, this can be attributed in part to the aforementioned lack of professional training for the prosecutors, lawyers and judges, partially provided by NGOs and independent experts using EU and other external funds. State institutions fail to either record or report on antigypsyist crimes. For example, in a Spanish Ministry of Interior report on 'The evolution of incidents related to hate crimes in Spain', antisemitism is explicitly reported as a specific form or racism, while antigypsyism is only covered generally through ethnicity. In Italy, out of the total number of cases (1,337 in 2014 and 1,814 in 2015 by UNAR), 74 per cent and 70.6 per cent respectively are classified as 'ethnic-racial ground'. However, UNAR does not provide the data concerning Roma and their only direct action is a possibility to give moral suasion. Most Equality Bodies are described as limited in their mandates and dysfunctional in terms of combating antigypsyism. However, for example, the UK Equality and Human Rights Commission (EHRC) has powers to fight discrimination, protect human rights and encourage equal rights and diversity and enforces legislation; Another example is the German equality body, which highlights the concept of antigypsyism and contributes to the public discussion on the topic. According to EHRC reports, Roma, Travellers and Gypsies are among the most disadvantaged groups. In a separate report, EHRC acknowledged the need for specific legislation to respond to the challenges posed by antigypsyism in order to address the real problems of Roma, Gypsies and Travellers.

As regards recording antigypsyist crimes, Germany represents an exception. Following the Ministry of the Interior's guidelines, since 2017, Germany has been recording antigypsyist criminal offenses separately in its Political Crime Statistics. In response to a parliamentary question, the Federal Government stated that between 1 January 2017 and 17 November 2017, 30 politically motivated crimes were reported as 'antigypsyist' by the states. Various reports, antidiscrimination offices and contact points report antigypsyist crimes but offenses falling under the category 'antigypsyism' have only been recorded since 2017 and monitoring structures have not yet been sufficiently established. Since state monitoring mechanisms are generally scarce – if they exist at all – and rarely have data on antigypsyism, it is of utter importance to rely on civil society monitoring reports and provide civil society organizations the means to do it on a regular basis.

Poland provides some telling statistics. According to the 2016 National Prosecutor's Office data on crimes motivated by racism, anti-Semitism and/or xenophobia, 109 cases were motivated by anti-Roma hatred, 363 were related to Muslims. (In 2015, 236 cases were reported regarding Roma and 192 were motivated by anti-Muslims hatred). Within the context of the recent flow of refugees, this means that there has been an increase of hate narratives and consequently hate crimes towards Muslims.

In all the countries concerned, media narratives present two different forms of images, portraying Roma in either an exotic or dehumanizing manner. Examples of antigypsyism are all too prevalent, especially in online spaces. They vary from the emergence of web pages that directly express hatred towards an entire community – or a desire for the total annihilation of Roma people in the most extreme cases – to the use of stereotypes to mock Roma. The RCM report from Germany, where the phenomenon is monitored and analysed more comprehensively than in many other EU countries, states that the antigypsyist speech is present in almost all online formats, on extreme right-wing groups' websites and those of the mainstream media as well. In the UK, social media play an increasing role in

allowing hate speech to obtain a wider audience and, in some cases, lead to direct action against Gypsy, Roma and Travelers communities.

Antigypsyist stereotypes in the form of clichéd representations of Sinti and Roma in the German media have grown and intensified dramatically since the eastward enlargement of the EU. EU mobile citizens from Bulgaria and Romania are associated with 'nomadism', 'welfare abuse', 'viruses and diseases', 'crime', 'rats', 'chaos', 'rubbish' etc. Only Slovakia reported a decrease in antigypsyist narratives in the media. In a recent study by the Slovak Governance Institute and *Romano Kher*, only 2 per cent of 486 media contributions in education, employment and social policies negatively portrayed Roma. The role of the media in tackling antigypsyism is prioritized in some countries, such as Slovakia or Hungary. However, in Hungary, freedom of the media is simultaneously limited; this is coupled with increasing levels of racism in the country.

The monitoring coalitions reported cases of institutional antigypsyist narratives in Germany, Hungary and Bulgaria only. In Germany, police press releases use phrases such as 'police warn of Gypsy women', 'judging from their appearance they were Sinti/Roma or traveller' etc. Bulgaria and Hungary do not record antigypsyist speech or crimes although state agencies mention the ethnic origin of Roma when they are perpetrators of a crime or an offence. State media monitoring structures mostly do not include antigypsyism in their reporting.

In Spain, mainstream political parties do not tend to use overtly racist expressions or make antigypsyist statements in spite of the statements targeting Romanian Roma made by the Catalan *Partido Popular* leader. In Italy, antigypsyism is on the rise: it is pervasive and standardized. In 2013-2014, 79 per cent of cases of hate speech were attributed to declarations of political exponents; of which, 70 per cent belonged to right-wing parties, with a 28 per cent referred exclusively to the Lega Nord. It is increasingly easier to utter antigypsyist statements in public space, which are legitimized by the rhetoric used by politicians and other public figures who often engage in these acts with impunity. In Hungary and Germany, both extreme right-wing and democratic parties alike promote antigypsyist speech. In 2013, while the Chancellor inaugurated a Memorial to the Sinti and Roma Murdered during National Socialist Regime, the then Federal Interior Minister Hans-Peter Friedrich (CSU) called on the competent authorities to expel 'poverty migrants' from Bulgaria and Romania who were 'abusing the German social system'. During the 2013 and 2017 federal election campaigns, the extreme right-wing National Democratic Party of Germany (NPD) displayed election posters carrying antigypsyist slogans 'Money for Granny and not for Sinti and Roma'. In Bulgaria, cases of hate speech used by high-level politicians ended up in a highly ineffective justice procedure. In Romania, there is potential for the radicalisation of the extreme right due to there being is no state intervention to publicly denounce these dangerous trends and impose adequate sanctions on high level officials and politicians, including the foreign minister and the prime minister, who have made antigypsyist statements.

In Lithuania, despite a lack of measures taken by the authorities to improve the acute situation of Roma, there are some promising practices. An example of a successful case investigated by the Ombudsman is from 2016, when a local tourist agency offered a tour in the Roma settlement. The description portrayed the Roma community as dangerous and inferior to the rest of the population. According to the Ombudsman, the agency violated the 'equal rights' of Roma; the description was changed in line with the court decision.

There are more severe forms of acts of antigypsyism occurring across the EU. In Italy, for example, on 28 April 2016 at night, three paper bombs targeted a Roma settlement in north Rome; the attackers fled the scene in a car. In Germany, according to the Federal Office for the Protection of the Constitution, 153 acts of violence against asylum seekers' accommodation were perpetrated by right-wing extremists in 2015 and 2016. In 2016, 75 were arson attacks; the perpetrators were aware that asylum seekers could die. Incitement is one of the most common criminal forms of antigypsyism in Germany, but

violent attacks on Sinti and Roma are particularly alarming. An arson attack on a residential building housing mostly Roma families from Romania and Slovakia, in which 19 people including two women and two children got seriously injured and their lives were at risk, took place in Plauen on 29 December 2017. According to media reports, passers-by shouted right-wing extremist slogans such as 'Let them burn' or '*Sieg Heil*' and hampered the firefighters' rescue operation. In spite of its seriousness, the national press did not report on the attack much. The Bulgarian report notes that the last two years have seen an increase in acts of antigypsyism in public spaces and debate, at times directly backed by state institutions. Arson attacks and home demolitions, beatings and camp raids are examples of some of the recent incidents cited in the report. Graffiti such as 'Gypsies get out of Rijeka' appear in Croatia. Two bomb attacks on Roma in a kindergarten in Zagreb happened. Attacks on Roma in public also happen in the country as well as other cases of antigypsyist crimes.

A number of the RCM country reports point out the importance of specifying and recognizing antigypsyism as bias motivation; for example, in Romania, Slovakia, France and the UK, this need is also confirmed by the relevant Equality Bodies. 'Antigypsyist crime' is offered as a term by NGOs since such a refinement would allow courts and other relevant authorities to respond to and prevent cases of racism against Roma. For example, Slovakia has introduced the category of 'extremist crimes'. However, antigypsyism has not yet been recognized as motivation. The Slovakian police reports on the ethnicity of Roma offenders but systematically refuses to do so in the inverse situation where Roma are the victims of a crime. In Bulgaria, underreporting hate crimes against Roma is a significant problem: the police and prosecutors hardly use it in practice. In Hungary, the National Social Inclusion Strategy or the Criminal Code do not refer to 'hate crime' and judges do not take into account hate crime as a potential category of crime. Although antigypsyism is not specified in the Italian law, institutions or policies, the shadow NRIS report finds existing anti-discrimination law to sufficiently comprise what the definition of antigypsyism entails. At the same time, individual court cases show that the act of naming particular crimes as such reflects the actual character of the violence committed and gives victims a sense of having the crime appropriately acknowledged.

In terms of access to justice, in France, several cases of acts of antigypsyism by politicians were brought to court. Jean-Marie le Pen was convicted for stating that 'Roma are like birds; they steal/fly naturally'.[13] However, Manuel Valls' statement suggesting that Roma should be sent back to Romania because their lifestyles are 'extremely different from ours and obviously in confrontation' went unchallenged by any judicial test due to de facto immunity of members of government. The case was brought to the European Court for Human Rights. In the UK, Parliamentary Privilege protects MPs regarding what they say in the Houses of Parliament. In Germany, antigypsyist speech in election campaigns – punishable as 'incitement' under Article 130 of the German Penal Code – has not been prosecuted by the German judiciary so far. With regard to prosecuting hate speech by politicians, there has been an improvement in Slovakia, specifically relating to members of Kotleba's People's Party – Our Slovakia. Fines were imposed on several MPs. In Italy, investigations are ongoing, in which racist motivation as an aggravating factor is highlighted, yet the perpetrators of antigypsyist crimes do not get convicted, as in the case of the paper bombs attack on the Roma community in Rome (see above). Racist and especially antigypsyist motives are often ignored by police investigations in Germany. In the CEE countries with the largest Roma populations, there have also been cases where the police refused to address racially-motivated assaults. In the UK, one of the problems regarding access to justice is that complaints brought against the press sometimes have to be on 'accuracy' grounds, relating to a named individual rather than an ethnic group.

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[13] The discussion focused on whether the French verb '*voler*' meant 'to steal' or 'to fly'. For more information, see: http://www.huffingtonpost.fr/2016/03/07/jean-marie-le-pen-roms-condamne-propos-injurieux-justice_n_9397918.html

What emerges from the RCM reports is 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 (few people know about relevant institutions), 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, where antigypsyist attitudes are frequent. In addition, the police are at times responsible for 'allowing' antigypsyism by not responding to cases of violence against Roma individuals and communities.

As for legal aid, this is still scarce. One initiative in Slovakia supplements the work of the national equality body by offering free legal aid from EU funds. Free legal aid is mostly provided by NGOs: in the Czech Republic, for example, it is offered by *In Iustitia*. This resembles projects in Western-European countries with large Roma population where the acknowledged lack of trust in state institutions has led the police to think of better ways to collect locally public complaints against violence. In the UK, for instance, this trend has contributed to the emergence of independent reporting centres working in collaboration with Roma local associations.

Examples of promising practices of relevant state mechanisms to combat antigypsyist speech and crime are rare. As far as the media is concerned, the Autonomous Community of Catalonia has a 'Bureau for Diversity in the Audiovisual sector'. Its objective is to help promote coexistence, respect, knowledge and exchange between people of different cultural affiliations, and a shared approach to developing and renewing Catalan cultural identity. It is worth noting that a Roma journalist is one of the bureau's fulltime members. In addition, the Bureau collaborated in the development of a series of 'Recommendations for the treatment of the Roma community in the media', developed by Kamira, a Roma women's organization. Although no information on its impact is available, the Spanish report notes this is an example of good practice regarding Roma participation.

In the UK, *True Vision* is a police-funded web site for the online reporting of hate crime designed to give out information about hate crime or incidents and how to report them. Since there is no breakdown by ethnicity of the number of hate crimes reported and community members find the online reporting facility hard to use, NGOs (e.g. the Traveller Movement's *#OperationReportHate*) have been encouraging community members to report hate crime and setting up a hate crime-reporting mechanism to make it easier for them to use.

The Greek project PROACTIVE is a part of the EU programme Rights, Equality and Citizenship 2014-2020 (REC) that implements initiatives, in which police officers cooperate with Roma. The Greek report noted 360 police officers from 21 municipalities were to be trained on issues such as prevention and fighting antigypsyist stereotypes. Some countries such as the Czech Republic are slow to implement human rights training; however, they can learn from good practices such as Spain's community needs-sensitive and multi-layered system of training in collaboration with NGOs. One possible solution to the lack of Roma participation and fighting antigypsyism is to employ more Roma police officers as demonstrated in Italy, Spain and the UK. In some cases, this has drastically reduced the incidence of ethnic profiling.

In Romania, the police participate in a project addressing hate crime, entitled 'Integrated approach for prevention of victimization in Roma communities' in collaboration with the Office for Democratic Institutions and Human Rights (ODIHR) and the Government of Norway. In Bulgaria, the EEA/Norwegian Fund is used for training officials, judges, and prosecutors on antigypsyist crime. These initiatives are, however, insufficient due to too few officials being trained over too short of a period of time. In Slovakia, hate speech online is screened by the public prosecutor's office who has started focusing on other media and instances of hate speech in public spaces. In response to a low number of cases of hate crimes prosecuted, the Ministry of Justice has reinforced provisions of the Criminal Act regarding hate crime and redefined it as the crime of extremism also punishable under

the Criminal Code. The Ministry of Interior has set up a special antiterrorist unit to deal with extremist crime; individual cases are then brought to a Special Criminal Court which recognizes racial motives in crimes. Additionally, the Ministry of Interior has initiated a project reforming public administration with eight contact points that provide counselling to victims of crimes; in the future, it plans a standardized system to help victims, focusing on regions inhabited by marginalized Roma.

Analysing and forming narratives and attitudes towards Roma

Across the EU, there has been a significant increase in anti-Roma sentiments by majority society; racist rhetoric by politicians and state officials and a general passivity and reluctance by state authorities in terms of promoting positive narratives about Roma. Despite the recent European-level efforts to counter and remove hate speech online against Roma[14] anonymous antigypsyist speech on social media fuelled by current trends of populist messages still persists. A number of recent NGO surveys concerning CEE countries with the largest Roma populations have shown that public attitudes towards Roma are governed by prejudice and ignorance, mostly denying the possibility of coexistence between non-Roma and Roma. Alarmingly, in many countries, this applies specifically to young people. For example, a representative survey undertaken in Slovakia asserts that 80 per cent of young people aged 18 to 39 would mind having Roma as neighbours. In the Czech Republic and Slovakia, this has been a trend, showing that very little or nothing has been introduced into the school systems, and that it is getting worse. In Croatia, the situation is not the same in all the regions, but for example in Rijeka, more than one third of young people would like Roma to be deported from the city. The *Fundación Secretariado Gitano's* 'Discrimination and Roma Community Report' analysed more than 100 cases of racist discrimination towards Roma in different areas of service provision since 2005. The most significant rise has been observed in social media, Twitter and Facebook in particular.

Roma are often excluded from research studies commissioned and/or undertaken by the state: an important factor contributing to a general lack of official data on Roma, and particularly on antigypsyism. An example illustrating this is the Spanish Observatory of Racism and Xenophobia (OBERAXE), from which the Roma community is excluded. According to the civil society monitoring reports, NGOs conduct research for the most part. In addition, most of the reports highlight the relevance and role of international organizations and EU initiatives in conducting research (e.g. Open Society Foundations and the European Union Agency for Fundamental Rights) and several of them refer to the Eurobarometer surveys and reports. However, the report *Discrimination in the EU in 2015* has been criticized, for example, by the UK shadow report for its interpretation of 'Roma' (i.e. as excluding Gypsies and Travellers) and the findings not reflecting the lived experience of members of the communities concerned. The Italian country report notes that there is a lack of periodic and ongoing research that could provide specific information on the evolution of antigypsyism and argues that the quality of research and methods of analysis urgently need to improve.

In all the RCM country reports, there is a general lack of reporting on explicit positive measures taken by key public institutions. The possible conclusion drawn from is that there is a lack of actual measures taken by bodies such as police, prosecutors' offices or courts to employ Roma with a view to addressing the underrepresentation of minority members in public administration and countering antigypsyism. Moreover, there is no funding for NGOs to implement such initiatives.

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[14] See the progress made since 2016 through the European Commission's Code of Conduct on countering illegal hate speech online, where hate speech against Roma is also monitored: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300

Nonetheless, positive attitudes can emerge when working with majority society to address stereotypes about Roma. For example, in the UK, work carried out with school pupils by Gypsy, Roma and Traveller community members has found that responses to the term 'Gypsy' include 'sub-human', 'dirty'; 'thieving', 'don't pay taxes' and 'they stink'. Awareness-raising sessions did, however, change the views of some of the non-Roma pupils. In Spain, a promising practice is the '*Rromani Pativ'* project that published a report on antigypsyism on the web and in the media for 2017. Such initiatives are, however, often undertaken by NGOs on an ad hoc basis. Awareness-raising campaigns organized by NGOs for various public institutions (schools, universities, public administration, police, healthcare, judiciary) are at times successful, but not systematic (i.e. providing sensitising training, compiled and/or led by Roma mentors, to officials in public bodies and authorities on a regular basis and over extended periods of time. In the Czech Republic and Hungary, cultural institutes, museums and universities also work to bring forth more positive narratives about Roma, but there are no systematic awareness-raising programmes targeting majority society. As regards funding for countering antigypsyist narratives and attitudes, Member States do not plan it in their strategies. The Bulgarian NRIS is an exception, but most of the funding for the civil society comes from EU funds (ESF, ERDF) and external funding (OSF and Norway/EEA). This means that the actual work is done by civil society, not the state.

In Romania, most projects are random. The only positive, sustainable practice is a project by the Ministry of Education that has introduced Roma slavery and the Holocaust into secondary-school curricula. Some work on the recognition of the Roma Holocaust and present-day antigypsyism in school curricula, public knowledge (Italy) and in the police forces (Germany, UK) takes place through public campaigns, as well as through collaboration between academia, NGOs and school staff. However, much more needs to be done in this respect.

In some countries such as Hungary, organizations and universities that try to change narratives and attitudes towards Roma are presently threatened by the government: the Hungarian Helsinki Committee organizes most of the sensitising training programmes for public officials. In the Hungarian Academy of Sciences and at the Central European University, Roma programmes address antigypsyism explicitly. In France, while Roma civil society sometimes self-organizes very successfully in countering antigypsyism, the organizations do not have enough support to systematically monitor antigypsyist narratives and/or to develop strategies to efficiently counter them. In Ireland, in the absence of a National Action Plan against Racism and core funding dedicated to state anti-racist initiatives, Traveller organisations have undertaken a number of initiatives to challenge negative stereotypes with financial assistance from the Department of Justice and Equality, the US embassy and philanthropic organisations. Nonetheless, there has not been a concerted effort to mainstream or sustain these initiatives.

A promising practice of involving diverse actors that is worth mentioning is a Portuguese national campaign addressing the discrimination against Roma communities. It was launched in June 2017 by the Antipoverty Network in collaboration with the State Secretariat for Citizenship and Equality. The main objective is to positively influence the social image of Roma among the majority society by confronting it with the unjust and discriminatory way in which Roma are treated, and thus, though not exclusively, by challenging it in terms of changing behaviour. The campaign is based two TV spots, two web videos, ATM machine messages, public transports and posters and includes participation of two well-known public figures.

RECOMMENDATIONS

Governance and overall policy framework

1. Depending on the will of the Roma communities concerned, Member States should recognise Roma as an ethnic minority insofar as they recognize any national minorities, regardless of their actual size in the respective countries, a step that would on one hand unambiguously enhance their protection guaranteed under existing policies and laws on equality/equal treatment and anti-discrimination and on the other hand support protection and development of their culture and identity, as well as their participation in public life.[15]

2. The situation of Roma and progress in Roma integration policies should become a matter of political debate, increasing government accountability in this area. Submitting NRIS monitoring reports, as well as other reports on Roma and Roma inclusion policy to national Parliaments, parliamentary committees or special hearings/consultations where Roma representatives and experts are present would help increase the political mainstream's interest in these topics.

3. Mainstream political parties should support political participation by Roma through recruiting Roma at the local and central level; involving Roma in intra-party discussions on topics other than Roma inclusion in a more horizontal manner; and including Roma in electoral lists in more prominent places, thus increasing their chance to get elected.

4. The EC should strengthen the link between the NRIS, EU policy and financial mechanisms, specifically the European Semester and ESIF (in particular in the stage of programming, monitoring and evaluation). Roma-related "enabling conditions" (equivalent of "ex ante conditionalities" in the 2014-2020 programming period) should be widely applied in the post-2020 EU cohesion policy across EU Member States regardless of the actual size of the respective Roma communities and irrespective of whether the country at issue is a sending country or a country of destination.

5. Member States should put in place a central policy coordination mechanism related to Roma inclusion, including an empowered body with a clearly defined mandate and the necessary capacities. Such body can be responsible also for assessment of regulations' impact specifically on Roma (and other vulnerable groups). If, in a Member State, there is a structure in charge of coordinating social inclusion, it should be mandated with the NRCP functions, and the specific Roma inclusion policy should be explicitly included among its objectives.

6. Member States should involve independent, critical voices such as NGOs, research think tanks, academia and/or local government associations more thoroughly in the development of NRIS implementation reports through a formal procedure to allow them to endorse or reject statements for the EC. Such an involvement requires financial, expert and possible capacity-building support that can be provided from EU funding.

7. Strengthening the personnel and expert capacities of the NRCPs can improve their ability to intervene into Roma-related policy-making via open standard procedures such as commenting on drafts submitted to cabinet meetings regardless of the NRCP's formal mandate.

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[15] Greek NGO coalition participating in the RCM project disagree with this recommendation, referring to a declaration of Greek Roma from 2001, when they declared a wish to be identified only as Greek citizenship and not as a distinct ethnic group.

8.   The principles of Roma mainstreaming should be used in designing, implementing and evaluating mainstream social inclusion policies, encompassing an ex ante consideration of social inclusion policies and regulations under preparation relating to the most vulnerable groups, including Roma, and an assessment of the actual impact.

9.   Countries that are the destinations of the intra-EU mobility of Roma should include specific objectives and actions focused on these groups in their NRIS and wider social inclusion strategies. Member States should assess the consequences of measures aimed at restricting access by EU citizens to the national social security systems and their impact on deepening the social exclusion of EU citizens present on their territories.

10.   Member States should provide local governments with the necessary resources, including accessible funding, expertise and cooperation/networking with other municipalities, as well as other public authorities for the development and implementation of local Roma inclusion policies. Member States central governments, which bear the final responsibility for NRIS implementation, should evaluate their alignment with national goals, the quality of implementation and outcomes.

11.   Where local governments have a statutory responsibility for public policies that impact on Roma, the exercise of such duties should be enforced by central governments. In the case of infringement or discriminatory policies, central governments should take administrative and legal action.

12.   The EC should require Member States to make funding that is available for cohesion policy accessible to those municipalities with the heaviest burden in terms of tackling social exclusion. Conditionalities for drawing on EU funding should be set for local governments: for example, access to EU funding for local development should be possible on the condition that the issues of Roma exclusion and/or discrimination are tackled.

13.   Roma should be consulted with and involved in measures aimed at supporting social inclusion not only as target groups, but also as participants/paid staff engaged in their design and implementation.

14.   Basic resources for civil society participation, such as travel costs, expertise assistance, bottom-up consultation etc. should be based on public funding. EU bodies should help to safeguard national regulations on CSOs' freedom of soliciting, receiving and utilising funding not only from domestic sources but also from institutional or individual donors and foundations abroad or from international organisations, bodies or agencies.

15.   Participation in bodies and public institutions specifically addressing Roma inclusion and the broader issue of inclusion entails involving Roma within administrative structures at all levels. Involving Roma in flagship institutions such as equality bodies can significantly contribute to fighting antigypsyism. Different opportunities such as internships, traineeships and employment should be created for educated young Roma especially.

16.   Internal diversity within Roma communities should be acknowledged. The voices of Roma women, youth, and children should be promoted by supporting bottom-up empowerment efforts. Despite obvious overlaps between Roma women and youth/children issues, the two group(ing)s have diverse positions, interests and expertise, which need to be reflected in patterns of participation. Subsuming women's issues by the ones concerning youth/children perpetuates gender subordination.

17.   Member State governments should be encouraged to engage in transnational policy learning on ethically and methodologically sound instruments of producing ethnically disaggregated data for policy diagnosis, transformative interventions,

and credible assessments. The FRA's pioneer role in forging policy alliances and circumventing political resistance should be acknowledged. Cooperation with the Eurostat on weaving ethnic identity questions into the EU-SILC and LFS should be widely supported by EC instruments.

18. The EC and its NRIS and European Semester monitoring mechanisms should pay special attention to trends in child poverty rates within a country, compared to EU average, and proxy estimates on the conditions of Roma children. Due to the high risk of intergenerational transmission of poverty among Roma children, child poverty issues should receive special attention in the post-2020 strategic policies on Roma inclusion.

19. EU-supported initiatives should pay closer attention to conducting in-depth analyses of trafficking for sexual exploitation and labour exploitation, often involving marginalized Roma women and children. Roma civil society involvement in shaping research design and methodology is essential due to the political and social sensitivities of these matters.

Anti-discrimination

20. Both the EU and the individual Member States should critically assess the reasons why the Racial Equality Directive is not effective and what measures are required to remedy the existing situation.

21. Clear, measurable objectives in ensuring and/or improving access to justice and protection against discrimination for Roma should be included in the post-2020 Framework and NRIS, as well as in EU policy tools such as the European Semester Review.

22. National and local authorities should encourage the use of mediation between the perpetrator and victim as an effective tool for ensuring justice and raising awareness about equal treatment.

23. Existing institutions and laws should be made effective, including by training law enforcement bodies, prosecutors, judges, national equality bodies and other authorities. Anti-discrimination and work with members of minorities should be part of study programmes (explaining hidden barriers and the danger of indirect discrimination) at schools preparing law enforcement officers, legal professionals, and providers of public services.

24. More robust monitoring of patterns and practices of school segregation, with independent oversight should be undertaken as a matter of urgency by the competent and responsible national, regional and local authorities (for example, as a condition for access to public resources, particularly the ESIF). Those authorities directly responsible for primary and secondary education should be assisted in the development of desegregation measures and strategies. Violation of the legal prohibition of segregation should be sanctioned.

25. In exceptional cases, if the circumstances do not make the closure of segregated primary schools possible due to the characteristics of the settlement structure, then massive investments into high-quality education are necessary to compensate for pupils' disadvantages and enable them to continue in desegregated secondary education.

26. The development of inclusive education and teacher training are conditions for an effective desegregation policy. Improvement of education can also prevent 'white flight'. ESIF resources should be invested primarily into such sustainable structural changes rather than into the daily operation of the schools (such as to cover wages or purchases of equipment with a short-term depreciation period).

27. Any public investments into the housing of vulnerable groups, particularly Roma, should be driven by desegregation objectives. Procurement of new dwellings with

public support should not increase the number of inhabitants in segregated areas. The ESIF should not support the conservation of existing segregation or investments leading to further segregation. The existing legal and administrative framework prohibiting such investments (such as the EC's *Guidance for Member States on the use of ESIF in tackling educational and spatial segregation*) should be rigorously reinforced by the EC services responsible for ESIF implementation.

28. Development of social housing policies on the local level should be supported and driven by housing needs rather than by other criteria. Public resources should not be invested into temporary accommodation or separate housing schemes for Roma and other inhabitants.

29. Residents of informal dwellings should be protected from eviction and demolition of their homes, unless they are provided with substitute standard housing in a desegregated setting with access to public services. Forced evictions should be used only as a last resort and prevention of forced evictions should be strengthened by provision of services such as social counselling, debt management and mediation, and active detection of households or areas at higher risk. In case of mass evictions performed by public authorities, a clear strategy about what social assistance will be provided to the evictees should be required, ideally with provision of substitute accommodation or housing; the consequences of evictions on further social inclusion should be considered.

30. It is necessary to create an early warning system for potential victims of evictions and provide them with access to legal aid, either by public authorities or by NGOs with public financial support. The moratorium on evictions in winter should be respected and particularly vulnerable persons such as the elderly the infirm, and families with children should be provided with special protection.

31. Complaints of alleged ill-treatment by police officers, including complaints with a possible racial motive, 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.

32. National authorities should adopt laws explicitly recognising the human right to water and sanitation and ensure that all people in the country enjoy access to safe drinking water and sanitation; ensure that conditions of housing informality do not prevent people from enjoying the right to safe drinking water and sanitation; adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems; ensure that an adequate number of safe drinking water and sanitation facilities is available in Roma neighbourhoods and settlements.

33. The EU member states should ensure an universal access to clean water for everyone, especially vulnerable groups with no or only limited access, in line with the EU Drinking Water Directive (COM(2017) 753 final) and the UN legal framework. The EC should propose expanding the applicability of water-related directives to include problems with accessibility and affordability of water supply and services; develop indicators and monitoring mechanisms on social equity in 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; Earmark funds to tackle limited access to water and sanitation supply services for socially excluded and ethnically discriminated groups.

Addressing antigypsyism

34. The concept of antigypsyism should be introduced into policies, laws and regulations relating to discrimination and racism as a form of racism against Roma. It should be ensured that the particular experiences of Roma are

considered in the review and development of effective hate crime and other relevant legislation. Relevant policies, including the NRISs and mainstream policies such as National Action Plans Against Racism, should reflect the impact of antigypsyism more clearly and 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 and allocate specific budgets for combating antigypsyism.

35. As in the case of expressions of hate against other groups (e.g. antisemitism), anti-Roma statements in public discussions should be formally condemned and not accepted by the leadership of the Parliament, political parties and the wider political public, including the media.

36. Specific measures to combat antigypsyism should be developed, targeting public institutions, schools, health institutions, employers, media, social workers, police, courts, local administration and decision-making bodies responsible for the creation of Roma-targeted policies, in addition to the ones aimed at general public. An example of such measure could be awareness-raising and competency building training.

37. The governments should step up efforts to improve diversity within its workforce, in public administration bodies and other institutions, including the senior management positions, in particular to overcome the under-representation of minorities facing intersection of antigypsyism with other forms of oppression, based on gender, sexuality, migration status, age, disability and socio-economic situation. Governments should encourage more diversity in the workforce of private companies and motivate them to embrace corporate social responsibility. Roma should also meaningfully participate in all the relevant policy processes (design, implementation, monitoring, evaluations and revisions of the policies and programs).

38. The Ministries of Education and/or other relevant ministries should include information about Roma culture and history, including national and European history, in school curricula. Teacher education should include knowledge on Roma. Relevant ministries should ensure that teachers receive the necessary training, skills and competence.

39. Ministries, municipalities, NGOs and other stakeholders should identify gaps and challenges within national legislation, policy and practice in applying the concepts of hate crime and hate speech, including online hate speech.

40. The history of persecution and annihilation of Roma before, during and after the Nazi regime has not been sufficiently researched. This history should also be presented in local, regional and national museums. Installing commemoration sites or memorial plaques for victims of the genocide should be more strongly advocated for and implemented.

41. An independent expert commission on antigypsyism should be set up, with the effective and meaningful participation of Roma and a mandate to commission studies investigating the diverse causes, manifestations and effects of antigypsyism in politics and society, develop strategies to combat antigypsyism and make proposals and recommendations to policy makers.

42. Member State governments should set up and finance an independent antigypsyism monitoring body in their respective countries continuously examining and documenting all antigypsyist incidents and developments, thus enabling a systematic recording and processing of cases of antigypsyism in all areas of public life, even in countries where they do not constitute a crime.

43. Together with relevant public authorities and other stakeholders, equality bodies should launch rights awareness campaigns, as well as information activities regarding where and how to complain in order to ensure access to justice. It is

important to study the conditions under which marginalized and vulnerable people, including Roma, are effectively allowed to lodge complaints against discriminatory or violent behaviour against them.

44.   Equality bodies and the police should actively work on reaching out to Roma in order to help create structures that help them report incidents. The government should allocate means to for example local authorities to strengthen their capacity to aid the Roma, Sinti and Travellers in cases of antigypsyism.

45.   Politicians must recognize antigypsyism and take clear positions, naming and rejecting it publicly. It is essential that political representatives condemn antigypsyist remarks made by their fellow politicians and public officials more vehemently.

46.   Clearer strategies are needed to take action against the media or individuals that incite racism against Roma. The media needs to take urgent action to address discriminatory reporting against Roma, Travellers and Sinti. Any media that incites direct or indirect discrimination, hatred or violence against these communities should be condemned and legal action needs to be taken against them. It is essential that Roma be represented on media councils and in organizations involved with monitoring media content.

47.   Civil society organizations play an important role in countering antigypsyism. Therefore, they need financial means provided by governments devoted to fighting antigypsyism. Targeted funding should be allocated to Roma community organizations in order to build capacity and promote civic engagement with authorities. Special investment by public institutions and the state budget into forming positive narratives and attitudes towards Roma is necessary.

48.   In addition, in reviewing programmes at police academies and law schools, it is necessary to include human rights-based education to ensure that judicial systems operate in a way that consciously and actively strives for zero tolerance of antigypsyism within law enforcement.

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