



EU High Level Group on combating racism, xenophobia and other forms of intolerance

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ANTIGYPSYISM: INCREASING ITS RECOGNITION TO BETTER UNDERSTAND AND ADDRESS ITS MANIFESTATIONS

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I. Introduction

This conclusions paper, drafted by the European Commission's services (DG JUSTICE and CONSUMERS), is based on the discussions of the focus session on antigypsyism held by the EU High Level Group on combating racism, xenophobia and other forms of intolerance at its 4th meeting on 5 December 2017.

The paper also takes into account discussions held in the context of the third EU Roma week organised on 8-12 April 2018, under the patronage of the European Parliament, the European Commission, the European Economic and Social Committee, the Council of Europe and the City of Brussels.

The members of the EU High Level Group on combating racism, xenophobia and other forms of intolerance, and in particular national authorities, are encouraged to take into account and build on this conclusions paper with a view to inform and improve their responses to discrimination, racism and intolerance targeting Roma¹ in the EU.

II. Defining antigypsyism

Although the recognition and use of the term 'antigypsyism'² is not consistent within and among EU Member States, an emerging consensus is registered among international organisations, national authorities, Romani leaders, civil society organisations and academia in broadly understanding antigypsyism as a **specific form of racism towards Roma** and one of the root causes of the social exclusion and inequality affecting them.

While there is no single commonly accepted definition of antigypsyism used by civil society, public institutions and academia, there have been various attempts to describe the phenomenon and capture its **complexity**.

Among those, the **European Commission against Racism and Intolerance (ECRI)** of the Council of Europe has referred to antigypsyism as "a specific form of racism, an ideology founded on racial superiority, a form of dehumanization and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatization and the most blatant kind of discrimination".³

More recently, the Alliance against Antigypsyism – a coalition of European organisations promoting equality of rights for Roma⁴ – produced a **reference paper on antigypsyism** proposing a working definition of the term, which aims at encompassing the debate on the issue in civil society, institutions and academia. Building on the definitions proposed and used by academics⁵ and international organisations (including, in particular, the above reported definition used by ECRI), the reference paper

¹ Unless otherwise specified, in line with the terminology of European institutions and international organisations, the term 'Roma' is used here to refer to a number of different groups (e.g. Roma, Sinti, Kale, Gypsies, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Do, Lom, Rom, Abdal), without denying the specificities of these groups. This reference also includes Travellers.

² This paper uses the term (and spelling) 'antigypsyism' as a matter of convention, this term being broadly favoured in the practice of international organisations, civil society organisations and academia over other terms like 'anti-Roma racism', 'Romaphobia' or 'antiziganism'.

³ European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 13 on combating anti-Gypsyism and discrimination against Roma, 24 June 2011, available at https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/e-RPG%2013%20-%20A4.pdf

⁴ A full member list can be found on : www.antigypsyism.eu

⁵ Particular mention is made of the definition of antigypsyism proposed by Valerui Nicolae in his paper *Towards a definition of Anti-Gypsyism*, 2006.

acknowledges the fact that, while “the term has often been used in a narrow sense to indicate anti-Roma attitudes or the expression of negative stereotypes in the public sphere or hate speech [...] antigypsyism gives rise to a much wider spectrum of discriminatory expressions and practices, including many implicit or hidden manifestations”. On that basis, the proposed working definition defines antigypsyism as “a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms [which] incorporates: 1. a homogenizing and essentializing perception and description of these groups; 2. the attribution of specific characteristics to them; 3. discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages”.⁶

These definitions reflect the common acknowledgement that antigypsyism is a form of racism which manifests itself and affects Roma in numerous, **multi-faceted** ways, due to a number of essential features. Among these, the following have been referred to as particularly distinctive: antigypsyism is **historically rooted** and has its origins in how the **social majority** view and treat those they consider ‘gypsies’; it is, therefore, **deeply entrenched in social and cultural attitudes**, what makes it particularly **commonplace, persistent and recurring**, albeit constantly adapting to changing economic, social and political realities; it is **structural** and exists both at institutional, social and interpersonal level; it is based, as it also occurs with other forms of racism, on a process of ‘**othering**’ which builds on both demeaning, negative as well as positive, exoticizing stereotypes, that can in turn lead to attitudes which can be malevolent but also benevolent in nature; **it can be unintentional** and even unconscious; it may sometimes result in a process of **internalisation** by Roma themselves. These aspects point to the need for a deeper understanding and a more profound **acknowledgement and recognition** of the way antigypsyism affects the situation of Roma and, in turn, the outcomes of the measures taken in order to achieve progress, as a precondition for their increased impact and effectiveness.

III. Antigypsyism in Europe

Roma make up **Europe’s largest minority**, estimated to amount to about 10 to 12 million people, approximately six million of whom live in the EU.⁷

Information about the baseline situation of Roma and the forms and impact of antigypsyism in the EU has been and continues to be partial, with **gaps about the situation of Roma** in most Member States and **no systematic efforts** to collect evidence which can effectively document the complex manifestations of antigypsyism and their systemic and structural nature.

Nonetheless, information to map the nature and extent of antigypsyism can be drawn from **existing research and reports**, including by international monitoring bodies⁸. These continue to point at several **persisting, severe challenges** negatively affecting the situation of Roma across the EU, including amongst other⁹:

- **stigmatisation and negative stereotypisation** at all levels of society, from mainstream society to public institutions and figures;

- **under-representation and low levels of participation** in the political, public and private sectors of society;

⁶ Alliance against Antigypsyism, *Antigypsyism – A Reference Paper*, June 2017, available at http://antigypsyism.eu/?page_id=17

⁷ Council of Europe, 2016.

⁸ Such as ECRI and the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities.

⁹ Other factors referred to by civil society point to a lack of recognition of past historical facts affecting Roma, such as the Roma genocide or Romani enslavement and its effects on Romani individuals, groups, traditions and living conditions until today.

- **widespread and high rates of discrimination**, including multiple and intersecting forms of discrimination, in particular in the areas of **education, employment, health, access to services, housing**, which often result in **systemic segregation and exclusion** and severely affect the socio-economic outcomes of Roma, also leading to an extremely high **poverty** risk;
- high incidence of manifestations of hatred such as **bullying, hate speech**, including in online and offline media and in the public discourse, as well as violent **hate crimes**;
- **inadequate protection** of victims and access to justice;
- racial abuse and **discriminatory ethnic profiling** in the context of law enforcement and within the criminal justice system more generally.

Data reflecting structural trends affecting the situation of Roma in the Member States can be drawn from the **Roma integration indicators scoreboard (2011-2016)** published by the European Commission.¹⁰ The scoreboard, which builds on the 2011 Roma pilot survey and selected findings from the **second wave of the European Union Minorities and Discrimination Survey** (EU-MIDIS II) carried out by the EU Agency for Fundamental Rights (FRA)¹¹, points at a number of key trends, including:

- while in the reference period progress on Roma children’s participation in education is visible, **early school-leaving**, though clearly declining, is still far too high (68%) and **school segregation** remains a current practice (the share of Roma attending classes where “all classmates are Roma” on average even increased from 10 % in 2011 to 15 % in 2016);
- the **poverty risk** among Roma – both an outcome and a driver of exclusion – though declining, remains extremely high (80%);
- the **growing number of young Roma, particularly women, who are not in education, employment or training** (63%, in stark contrast to the corresponding rates for the majority population) and the somewhat declining, but still unacceptably **high rates of discrimination in access to employment** (40% of respondents reported having felt discriminated against because of being Roma when looking for a job in the 5 years before the survey) is an alarming signal that translating results in education into employment and other areas requires a more effective fight against discrimination;
- there is still a high **under-use of health services** by Roma, also due to lack of general practitioners in Roma populated areas and of still **limited health coverage** (self-reported health insurance coverage on average has not improved, totalling 74 % in 2016);
- **segregation and ghettoization** in housing remain widespread, with persistent **discrimination in the housing** market (41% of respondents reported having felt discriminated against because of being Roma when looking for housing in the 5 years before the survey).

¹⁰ Commission staff working document, *Roma integration indicators scoreboard (2011-2016) – Accompanying the document Communication to the European Parliament and the Council, Midterm review of the EU framework for national Roma integration strategies*, SWD/2017/0286 final/2.

¹¹ The survey, completed in 2016, incorporates the second wave of the agency’s Roma-targeted survey, which collected information on almost 34,000 persons living in Roma households in nine Member States: Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Portugal, Romania, Slovakia and Spain. For more information, see: <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey>

Further data from the EU MIDIS II survey¹² add evidence on how **hate-motivated crime and harassment** continue to hamper efforts to improve the life chances and living standards for Roma:

- one out of three Roma surveyed reported having experienced some form of **harassment** motivated by antigypsyism in the year before the survey – either offensive or threatening comments in person, threats of violence in person, offensive gestures or inappropriate staring, offensive or threatening e-mails or text messages, or offensive comments about them online;
- 4% of the Roma surveyed reported having experienced **physical violence** motivated by antigypsyism in the year before the survey – with rates raising in certain EU Member States up to 11%; 13 % were aware of such experiences in their circle of family or friends;
- of those Roma respondents who experienced physical violence in the 5 years before the survey, **only one in three reported** this to any organisation, including the police.

Data also shed light on Roma people's experiences with public institutions, in particular law enforcement and justice, pointing at:

- high rates of **perception of ethnic profiling** in relation to the most recent police stop among those stopped in the 5 years before the survey (42%), with one in four Roma reporting a **'very or fairly disrespectful' treatment** during stops;
- high rates of Roma respondents who **tend not to trust the police** (45%) and the **legal system** (53%).

Data collected by the European Commission through its Eurobarometer surveys also give an indication of the extent and persistence of **anti-Roma prejudice**. The most recent **Eurobarometer survey on discrimination** in Europe, conducted in 2015, shows that, on average, 20% of the respondents from all Member States would feel uncomfortable if one of their colleagues at work were Roma. Less than half (45%) would be comfortable or indifferent if their son or daughter had a relationship with a Roma person, and only 18% reported having friends or acquaintances who are Roma.¹³

IV. Legal and policy framework at European and international level

At EU level, a **general prohibition of discrimination, including on grounds of race and ethnicity**, is reaffirmed by Article 21 of the Charter of Fundamental Rights of the EU. Such prohibition applies to institutions, bodies, offices and agencies of the EU as well as to the Member States when they implement EU law.¹⁴ **Article 19 of the Treaty on the Functioning of the European Union** provides for the legal basis for the EU to adopt appropriate action to combat discrimination. Key **EU legislative instruments** have been adopted providing for harmonised rules on tackling discrimination in a wide range of areas of life as well as manifestations of intolerance, and in particular hate speech and hate crime, on grounds of, among others, race and ethnicity: these are, notably, the **Racial Equality Directive**¹⁵ and the **Framework Decision on combating racism and xenophobia by means of criminal law**.¹⁶ All the Member States¹⁷ are

¹² See also the recent FRA report, *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion*, 2018, available at: <http://fra.europa.eu/en/publication/2018/roma-inclusion>

¹³ Special Eurobarometer 437, *Discrimination in the EU in 2015*. Findings are available at: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>

¹⁴ Article 51(1) of the Charter.

¹⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹⁶ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

bound by the obligation to transpose and implement this EU legislation at the national level and the competent national authorities have a responsibility to act accordingly upon any instance of racist discrimination, hate speech and hate crime, including those facing Roma, within their jurisdiction.

Taking into account this legal framework, and against the background of the particularly severe economic and social marginalisation and discrimination affecting Roma in the Member States, the European Commission, following a 2010 Communication¹⁸, adopted in 2011 a new targeted European-level policy instrument: the **EU framework for national Roma integration strategies** ('the EU Framework').¹⁹ The EU Framework called on Member States to prepare, update or develop national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion strategies. To assist and monitor Member States' efforts, the EU Framework sets key objectives to be achieved, through both targeted measures and structural preconditions, with a view to closing the gap between Roma and non-Roma in four key areas: education, employment, healthcare and housing. The Commission annually reports on the implementation of the EU Framework²⁰, also on the basis of input provided by European and national civil society organisations, international organisations, experts and National Roma Contact Points, and has, in this context, devoted **increasing attention to the nature and impact of antigypsyism**.²¹

Since the launch of the EU Framework, **EU legal, policy and funding instruments have been mobilised** and aligned to promote Roma inclusion and fight discrimination and intolerance towards Roma. The continuous monitoring of Member States' compliance with EU anti-discrimination legislation to investigate and address cases of systematic discrimination against Roma has led to **infringement proceedings** being initiated, in particular, concerning discrimination against Roma children in education. Through the **European Semester exercise**, the Commission has been steering and monitoring Member States' action in order to make mainstream policies more inclusive of Roma, and the 2014-2020 **European Structural and investment funds** have ensured an increasingly strong linkage between policy and funding priorities related to Roma inclusion. **Directly managed EU funding** has also been mobilised to finance projects fostering Roma inclusion and fighting discrimination (including specifically antigypsyism) against Roma across Europe.²² The EU Framework led to the strengthening of the role of the **European Platform for Roma Inclusion**, set up in 2009, as an important forum for concerted actions of all relevant stakeholders for the economic and social inclusion of Roma.²³ The Platform held in 2015 a focus discussion on antigypsyism. The Commission has also supported and implemented targeted communication activities, such as the **'for Roma, with Roma' campaign**, designed to combat prejudice and discrimination against the Roma population in the media and beyond in all Member States. The Commission also supports the implementation of Roma Civil Monitor²⁴, a pilot project (initiated by the

¹⁷ With the exception of the United Kingdom, as regards Council Framework Decision 2008/913/JHA.

¹⁸ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *The social and economic integration of the Roma in Europe*, COM(2010)0133 final.

¹⁹ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *An EU Framework for National Roma Integration Strategies up to 2020*, COM(2011)133 final.

²⁰ All reports are available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu-countries_en

²¹ See in particular the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *Report on the implementation of the EU Framework for National Roma Integration Strategies 2015*, COM(2015)0299 final and, recently, the Communication from the Commission to the European Parliament and the Council, *Midterm review of the EU framework for national Roma integration strategies*, COM(2017)0458 final.

²² Targeted funding priorities have been included under the Rights, Equality and Citizenship Programme, the Europe for Citizens Programme, the Employment and Social Innovation Programme, Erasmus+, the Public Health Programme as well as programmes in the area of research (Horizon 2020 and the Seventh Research Framework Programme).

²³ For more detailed information on the main initiatives of the European Commission in this area, see: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu-countries_en

²⁴ More information available at: <https://cps.ceu.edu/roma-civil-monitor>

European Parliament) that aims to build capacity of civil society and strengthen its involvement in the monitoring of national Roma integration strategies and public policies relevant for Roma. Fighting antigypsyism is one a key focus of this project, which is expected to contribute to further operationalising action on this area.²⁵

These targeted initiatives go hand in hand with **horizontal policy initiatives in the area of non-discrimination and racism**, including expert discussions²⁶, funding opportunities²⁷, as well as the **engagement and cooperation of private actors** in the prevention and fight against discrimination and hatred, in key areas such as diversity in employment²⁸ and countering illegal hate speech online²⁹.

The increased focus and efforts at the EU level on improving the situation of Roma were met with significant political support on the part of the **Member States**. At political level, after the unprecedented commitment of the Council in 2011³⁰: in 2013 the Council also adopted, in 2013, a **Recommendation on effective Roma integration measures** with a view to expand and strengthen the EU Framework, which highlighted, among others, the need to fight antigypsyism and introduced an annual reporting obligation for Member States (as of 2016).³¹ This commitment was further confirmed in 2016, when the Council explicitly referred to antigypsyism and to the recognition and commemoration of Roma genocide, and called on the Commission to establish a post-2020 European strategic approach to Roma inclusion.³² This political commitment represented a significant step forward and led all Member States to work on **targeted strategies or integrated sets of policy measures**, whose scope and extent vary according to the size and socio-economic situation of local Roma populations.

The **European Parliament** played a **key role in giving impetus** to these policy developments at EU and national level. Since its 2011 Resolution³³, which prompted the proposal by the Commission of the EU Framework, Roma inclusion and anti-discrimination have remained high on the Parliament's agenda. In 2015, the European Parliament Resolution³⁴ called on Member States to recognise the Roma holocaust officially and designate a European memorial day. Antigypsyism, its multiple forms and the manifold measures needed to fight it have in particular been the focus of the Parliament's 2017 Resolution.³⁵ Moreover, the Parliament, in particular through the work of its **Anti-Racism and Diversity Integroup**³⁶, has also played a leading role in the organisation of a number of flagship initiatives, such as the annual **EU Roma Week**, which marks every year the International Roma Day.

Within the **Council of Europe**, **ECRI** has since long drawn attention to discrimination, racism and intolerance towards Roma. This translated into two authoritative **General**

²⁵ Together with the policy areas of education, employment, health, housing, and the structural and horizontal areas of governance, antidiscrimination, Roma participation and gender equality: <https://cps.ceu.edu/roma-civil-monitor>.

²⁶ Besides the EU High Level Group on combating racism, xenophobia and other forms of intolerance, whose work is also reflected in this paper, reference is made to the EU High Level Group on Non-Discrimination and Equality.

²⁷ Within the framework of the EU Programmes 2014-2020 (<https://ec.europa.eu/research/participants/portal/desktop/en/opportunities/index.html>), see in particular opportunities under the Rights, Equality and Citizenship Programme.

²⁸ For more information see: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters_en

²⁹ For more information see: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300

³⁰ European (EUCO) Council conclusions, 23/11, of 23 and 24 June 2011, following the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council Conclusions on an EU Framework for National Roma Integration Strategies up to 2020, 106665/11, of 19 May 2011.

³¹ Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States.

³² Council Conclusions on accelerating the process of Roma Integration, 14294/16, of 8 December 2016.

³³ European Parliament resolution of 9 March 2011 on the EU strategy on Roma inclusion (2010/2276(INI)).

³⁴ 2015/2615(RSP).

³⁵ European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism (2017/2038(INI)). See also the European Parliament resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II (2015/2615(RSP)).

³⁶ See <https://www.ardi-ep.eu/tag/roma/>

Policy Recommendations (GPR), the GPR No. 3, adopted in 1998³⁷, and the GPR No. 13, adopted in 2011³⁸. The latter **refers, explicitly, to antigypsyism** as an especially persistent, violent, recurrent and commonplace form of racism, and outlines several measures which Member States should take in a variety of policy areas (including education, employment, housing, healthcare, racist violence, police abuse, hate speech) in order to fight it. Developments at national level form the object of ECRI's country monitoring work.³⁹ These issues are also addressed in the context of the monitoring work carried out by the Council of Europe **Advisory Committee on the Framework Convention for the Protection of National Minorities**⁴⁰ and the **High Commissioner for Human Rights**⁴¹. The Council of Europe has also been leading on several **concrete initiatives** in this area, including a number of joint programmes with the European Commission.⁴²

Several initiatives⁴³ to promote the rights of Roma through projects on political participation, education, housing, civil registration, combating racism and discrimination, and protecting the rights of displaced persons are also carried out by the **Organization for Security and Co-operation in Europe (OSCE)**, based on a 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE area.⁴⁴

Various initiatives aimed at raising awareness and encouraging efforts at national level to improve the situation of Roma and combat antigypsyism have also be registered at international level. For example, the **Decade of Roma inclusion 2005-2015** commitment by Member States aimed at eliminating discrimination against Roma focusing in priority areas, such as education, employment, health, and housing.

V. Increased recognition to better prevent and combat antigypsyism: stakeholders' perspectives

Against this background, discussions within the EU High Level Group on combating racism, xenophobia and other forms of intolerance pointed at a number of key recommendations in order to better understand, recognise and effectively address antigypsyism.

First and foremost, increased recognition and a deeper and wider acknowledgement and understanding, both within the EU and the national frameworks, of the nature, manifestations and impact of antigypsyism as the determining factor of inequality and exclusion is seen as key, like for other forms of racism and intolerance, to **better understand the barriers standing in the way of a better inclusion and effective equality** of rights for Roma.

Such recognition and acknowledgement would, in turn, contribute to a **better implementation of existing antidiscrimination and hate crime legislation**, including national provisions transposing the Racial Equality Directive and the Framework Decision on combating racism and xenophobia by means of criminal law, and also **increase the effectiveness of inclusion policies**.

With a view to that, increased efforts are needed to **gain evidence** that can comprehensively and coherently capture the layered and multi-faceted character of

³⁷ ECRI General Policy Recommendation No. 3 on combating racism and intolerance against Roma/gypsies, 6 March 1998.

³⁸ ECRI General Policy Recommendation No. 13 on combating anti-gypsyism and discrimination against Roma, 24 June 2011.

³⁹ https://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry_en.asp

⁴⁰ <https://www.coe.int/en/web/minorities/advisory-committee>

⁴¹ <https://www.coe.int/en/web/commissioner>

⁴² Such as JUSTROM, ROMED, ROMACT and ROMACTED. For more information, see: <https://www.coe.int/en/web/portal/roma>

⁴³ The OSCE has been one of the first international organisations to recognised the proliferation of racial and ethnic hatred, xenophobia against Roma and in 1994 established the Contact Point for Roma and Sinti Issues within the OSCE Office for Democratic Institutions and Human Rights (ODIHR)

⁴⁴ For more information, see: <https://www.osce.org/roma-and-sinti>

antigypsyism and **better explore its impact** on the lives of Roma. These shall include efforts to collect **disaggregated data** on ethnicity, research **hidden biases and barriers** affecting the enjoyment by Roma of their rights, both at the level of the majority population and at the level public authorities and institutional practices, and better **explore the situation of specific sub-groups** such as children, youth, women, LGBTI, Roma people with disabilities, migrant and EU-mobile Roma.

Building on an improved understanding of what the phenomenon entails, the recognition of antigypsyism should be **translated into effective action**. A **coherent, but diversified set of responses** is regarded as necessary to address antigypsyism, made of both legislative and policy measures **touching upon all relevant areas**. It is underlined that fighting antigypsyism should not only be seen as a separate thematic area with specific measures, but should also be dealt with as a horizontal priority as an **integral part of thematic policies**, consistently incorporated within and across existing strategies and frameworks at both EU and national level, including in national plans against racism, xenophobia and discrimination.

Besides **continued efforts to improve and monitor the implementation of antidiscrimination and inclusion objectives** set within the EU Framework, there are calls to integrate these efforts with **specific measures** which can bring an added value to address some of the structural aspects and manifestations of antigypsyism.

Countering effectively severe manifestations of hatred and intolerance towards Roma or people perceived as such, and in particular **hate crime and hate speech**, is seen as particularly important. Focus should be put, in this context, on: more **effective investigation and prosecution** of antigypsyist hate crimes, also with a view to ensuring that they are met with adequate and dissuasive penalties; better **recording, reporting and data collection** of antigypsyist hate crimes; improved **access to justice, protection and support for Roma victims of hate crime**, including through targeted measures to address underreporting of these crimes; effective **monitoring, prevention and fight against antigypsyist hate speech** in particular **online** and in the **public and political discourse**; measures to progressively eradicate **antigypsyist rhetoric** and the use of racially discriminatory, biased, dehumanising or stereotyping language or images by **media** also aimed at preventing hate crime.

Furthermore, targeted measures including regular, targeted training on antigypsyism, are seen as necessary to **support efforts towards the eradication of institutionalised discriminatory attitudes and practices at the national and local level**, also as a means to increase levels of trust in the authorities, contribute to ensuring equal and effective access to justice for victims of discrimination and crime and improve reporting rates. These measures should aim at: **sensitising and building capacity of national authorities and professionals** in providing targeted counselling and support to and fair treatment and equal rights of Roma in key areas such as discrimination, employment, education, housing, health, law enforcement, justice and victims' support; **exploring and addressing authorities' conscious and unconscious bias** to avoid perpetuation of discrimination, stereotyping and victimisation; ensuring **accountability** for abuse and discriminatory attitudes or practices by public authorities, in particular in the context of **policing and law enforcement**; fostering **proximity** with communities and **cooperation** with community leaders and civil society representatives.

Finally, considering that antigypsyism is seen as inherent to the social and cultural attitudes of the majority population, and is often met with leniency or even acceptance including in the public discourse, a strong focus is put on the need to devote renewed attention to **awareness raising and empowering initiatives**, to achieve change both in the perceptions of the majority population and in the self-perceptions of Roma. These should include, in particular: measures to foster **social awareness, public recognition of and reflection on antigypsyism**, including negative and hostile narratives, historical and current evidences of racism, injustices and marginalisation suffered by Roma, also by supporting research in this area; promoting **positive and balanced counter-narratives**; setting in place positive measures to promote the **empowerment, representation and participation of Roma in the public and political sphere at all**

levels, including a particular attention to be devoted to Roma women and to key areas such as governance and the media, culture, education, health, justice and law enforcement sectors, and to **support the capacity-building of civil society**.

VI. Responding to the need for strengthened action: preliminary considerations on the way forward

In order to address the identified challenges and respond to the need for strengthened action to recognise and combat the effect of antigypsyism, a **sharpened and more comprehensive focus on antigypsyism in existing frameworks or strategies** at EU and national level (both as a separate thematic area and a cross-cutting, horizontal priority) **should be considered**.

There are already **several EU level initiatives** where the relevance and impact of antigypsyism could be better reflected and turned into concrete actions to be embedded in relevant strategies and action plans. The following can in particular be highlighted:

- **Ongoing review of the existing EU Framework and future definition of the post-2020 Roma integration strategy**

In its midterm assessment of the implementation of the EU Framework for national Roma integration strategies, the Commission concludes that while Member States have addressed some of the challenges, in particular with respect to their coordination structures and institutional arrangements, stakeholder cooperation, monitoring and funding, the **implementation and impact** in key areas targeted **remains limited**.⁴⁵

The above does not put in question the added value of the EU framework, the relevance of EU Roma integration goals and the continued need for a combination of targeted and mainstream approaches. As reflected in the midterm conclusions, the limited impact points to the need of **reinforcing and distinguishing the focus on antigypsyism as a root cause of Roma exclusion**, both under the EU Framework and the National Roma Integration Strategies with the effects of this phenomenon. In this sense, for example, the inclusion of a self-standing goal on non-discrimination would be necessary.

As a systemic form of racism rooted in different dimensions, individual, structural and historical, the midterm review recognises that antigypsyism "goes beyond the legal notion of discrimination" and "can be addressed as a separate thematic area with specific measures, such as awareness-raising, informing about the mutual benefits or Roma inclusion and inter-ethnic community-building" as well as "measures to prevent and counter bias-motivated hate crime and hate speech targeting Roma"; at the same time, it underlines that "it can also be considered a horizontal priority to be addressed through indicators or by promoting Roma participation in all key policy areas". In that respect, the review already points to a number of **priority actions**:

- further operationalise action in this area by **making use of the Commission-facilitated peer learning between Member States** and key stakeholders;
- step up efforts to **target majority society** as a pre-condition for generating political will and for the success of any Roma inclusion intervention;
- **enhance coherence between reporting under international human rights mechanisms and the monitoring of discrimination and antigypsyism under the EU Framework**, through closer cooperation with organisations such as the Council of Europe, the United Nations and OSCE;

⁴⁵ See Communication from the Commission to the European Parliament and the Council, *Midterm review of the EU framework for national Roma integration strategies*, cited, which also contains a review of Member States' reports on integration measures, main successes and implementation challenges in each of the four key areas identified.

- further work by FRA on **integrating rights-based indicators under the reporting framework** and **more in-depth analysis of the fight against discrimination and antigypsyism in each area** of the EU Framework;

- increased efforts to **empower specific groups that have an active role in driving Roma integration** (in particular, Roma youth, women and children) through an integrated lifecycle approach in policy interventions to improve their participation in all stages of the policy process and decisions affecting them.

The midterm review, the ongoing evaluation of the EU Framework and the results of the public consultation will feed the Commission's reflections on the post-2020 European approach to Roma inclusion.

- **Countering hate speech, particularly online and racism in the media**

Beyond ensuring an effective implementation of EU legislation on combating hate speech and hate crime, continued efforts are being pursued on the implementation of the **EU Code of Conduct on countering illegal hate speech online**.⁴⁶ Since its launch in May 2016, three additional major IT platforms joined the Code⁴⁷, proving that it constitutes a key tool to prevent and counter the proliferation of hatred and intolerance on the internet and in particular on social media, including against Roma, as also shown by the results of the latest monitoring exercise presented by the European Commission in January 2018.⁴⁸ The Commission will continue to support this process, and is ready to assist community based and civil society organisations which may be interested in building their capacity to **monitor and notify instances of antigypsyist hate speech online**, as this may contribute to raise awareness of the extent of the phenomenon with a view to better responses on the part of IT companies as well as national authorities.

Incitement in media content⁴⁹ and political discourse may contribute to a social climate that condones racism and xenophobia and may therefore propagate more serious forms of conduct, such as racist violence.⁵⁰ EU initiatives to identify and promote ethical good practice in the production and use of information contribute to **combating racism and fostering quality media coverage**⁵¹, including guidance developed by the FRA.⁵² National authorities should, where appropriate, **facilitate work by the media industry and journalists' federations** to implement these initiatives and guidance, in particular to tackle dominant antigypsyist narratives and the use of racially discriminatory or biased language or images in relation to Roma.

- **Effective implementation of the existing EU legal framework on combating discrimination, racism and xenophobia**

The European Commission, as guardian of the Treaties, has the duty to monitor the Member States' action in implementing EU law and to ensure that their legislation and practice comply with Treaties' provisions and EU secondary law, under the control of the Court of Justice of the European Union. To that effect, the Commission deploys a wide array of tools, which range from preventive measures and early problem-solving to pro-

⁴⁶ See http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300

⁴⁷ Instagram, Google+ and Snap.Inc, joining Facebook, Microsoft, Twitter and YouTube.

⁴⁸ http://europa.eu/rapid/press-release_IP-18-261_en.htm

⁴⁹ FRA contribution to Contribution to the second Annual Colloquium on Fundamental Rights - November 2016, available at http://ec.europa.eu/information_society/newsroom/image/document/2016-47/fra_media_and_incitement_paper_19752.pdf

⁵⁰ 2014 Report of the Commission on the implementation of the Framework Decision on combatting racism and xenophobia by means of criminal law, available at <https://publications.europa.eu/en/publication-detail/-/publication/ea5a03d1-875e-11e3-9b7d-01aa75ed71a1>

⁵¹ In this respect, see the conclusions of the 2016 Fundamental Rights Colloquium on media pluralism and democracy, available at <https://ec.europa.eu/digital-single-market/en/news/european-commission-presents-follow-actions-fundamental-rights-colloquium-media-pluralism-and>

⁵² For more information, see <http://fra.europa.eu/en/publication/2008/diversity-toolkit-factual-programmes-public-service-television>

active monitoring and targeted enforcement.⁵³ In that context, the European Commission closely monitors the implementation of the **Racial Equality Directive**⁵⁴ and the **Framework Decision on combating racism and xenophobia by means of criminal law**.⁵⁵

Guidance for national authorities on the effective implementation of hate crime legislation is being developed on the basis of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance. When implementing this guidance at the national level, national authorities should recognise the **specificities of antigypsyist hate crime**, as well as the **challenges faced by Roma victims** in accessing justice, protection and support (such as underreporting also due to fear of discrimination or reprisal by investigating authorities, risks of re-victimisation, impact of the authorities' own bias attitudes on criminal law responses, etc).

As regards the implementation of antidiscrimination legislation, Member States are encouraged to make use of the Commission's guidance provided to Member States on how to use 2014-2020 European Structural and Investment Funds to **tackle segregation in education and housing**.⁵⁶

Member States should also consider **strengthening the role and mandate of equality bodies**, as well as other relevant authorities such as the Ombudsman, with a view to fully achieving their potential to raise awareness of victims' rights, address underreporting and assist discriminated individuals and groups which often choose not to turn to the authorities, such as Roma, so that they can fully enjoy their rights.⁵⁷

- **Preventing and countering authorities' discriminatory attitudes or practices**

Initiatives at EU level can help national authorities designing and implementing measures to **integrate antigypsyism in training curricula**, involving the Roma civil society, with a view to raise awareness, prevent, challenge and counter conscious and unconscious bias and discriminatory attitudes, policies or practices on the part of the authorities as well as enhance access to justice and effective remedies.

Considering the specific challenges facing Roma in the area of policing and law enforcement, particular mention can be made of the **regular training offered by the EU Agency for Law Enforcement Training (CEPOL)** to law enforcement authorities on diversity, non-discrimination or discriminatory ethnic profiling. Practical support to practitioners to avoid discriminatory ethnic profiling will be also released in 2018 in the shape of a **guide on preventing unlawful profiling by the FRA**. Building on a previous 2010 guide that already included data on ethnic minority, immigrant and Roma groups' experiences of police stops⁵⁸, the new guide will provide a general update, taking into account legal and technological developments. In implementing this guidance, Member States should acknowledge and address through targeted measures the particular impact on Roma of unlawful profiling practices.

⁵³ See in this respect the Communication from the Commission *EU law: Better results through better application*, C/2016/8600 available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C.2017.018.01.0010.01.ENG&toc=OJ%3AC%3A2017%3A018%3ATOC>

⁵⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

⁵⁵ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

⁵⁶ http://ec.europa.eu/regional_policy/en/information/publications/guidelines/2015/guidance-for-member-states-on-the-use-of-european-structural-and-investment-funds-in-tackling-educational-and-spatial-segregation

⁵⁷ See in that respect ECRI General Policy Recommendation No. 2, *Equality bodies to combat racism and intolerance at national level*, 7 December 2017. The European Commission is also currently working on EU standards for equality bodies (more information at: https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-1623887_en).

⁵⁸ EU Agency for Fundamental Rights, *Towards More Effective Policing, Understanding and preventing discriminatory ethnic profiling: A guide*, available at <http://fra.europa.eu/en/publication/2010/towards-more-effective-policing-understanding-and-preventing-discriminatory-ethnic>. The Guide is currently being updated.

- **Countering discrimination and fostering diversity in the field of employment**

The European Commission facilitates exchanges on diversity management in the field of employment, including through the promotion of **diversity charters**⁵⁹. The Commission stands ready to encourage, in this context, initiatives to contribute **gaining a better understanding of the specific challenges** faced by Roma in the access to the labour market and at the workplace, including attitudes and practices of employment services, discrimination and other manifestations of antigypsyism at the workplace, and exchanges on how to address them, including by fostering trainings for employment offices staff and potential employers, initiatives to prevent and fight antigypsyism in the employment process and at the workplace⁶⁰.

- **Data collection**

The European Commission supports Member States' efforts in the area of **equality data** (intended as anonymous data in relation to equality and discrimination collected for statistical and evidence purposes) and in improving methodologies for **recording and collecting data on hate crimes**, in order to assist Member States to overcome current challenges. This includes dedicated guidance and working groups, which also benefit from the assistance and expertise of the FRA⁶¹ and funding⁶². This work can effectively contribute to **improving data collection on antigypsyism** and achieving a **better understanding of its drivers**. In this respect, it is important to:

- encourage an **accurate disaggregation** of data;
- encourage the collection of data of different nature and from different sources, in order to capture both **subjective experiences** of discrimination and victimisation, including **multiple and intersecting forms** of discrimination, **structural aspects** of racism and discrimination, amongst other through **correlations between data pertaining to different areas**, as well as **perceptions by the majority population**;
- encourage and support the **further production of qualitative data** on discrimination and surveillance by FRA as well as other national⁶³ and international institutions, including testings to unveil discriminatory practices against Roma;
- ensure that any guidance or methodology developed ensures the respect of the principles of **purpose limitation, necessity and proportionality**, in line with the EU data protection *acquis*, and fully takes into account the need to mitigate any potential risks of misuse or abuse;
- ensure a **regular involvement of civil society**, including in particular community based and civil society organisations advocating for the equality of rights for Roma.

⁵⁹https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters_en

⁶⁰ 2017 ERGO Network report on specific challenges of youth Roma accessing to employment: "Investing in our future: What work(s) for young Roma?", available at <http://ergonetwork.org/wp-content/uploads/2018/04/Final-Employment-Research-Report1.pdf>

⁶¹ More information available at https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination_en and at http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=612778; as well as at <http://fra.europa.eu/en/project/2017/subgroup-methodologies-recording-and-collecting-data-hate-crime>.

⁶² Specific priority on funding aimed at support projects on data collection is available at the Commission's Rights, Equality and citizenship Programme, <https://ec.europa.eu/research/participants/portal/desktop/en/opportunities/rec/index.html#c,calls=hasForthcomingTopics/t/true/1/1/0/default-group&hasOpenTopics/t/true/1/1/0/default-group&allClosedTopics/t/true/0/1/0/default-group&+PublicationDateLong/asc>

⁶³ For example, the work of the national Equality Bodies on the collection of equality data.

- **Empowerment and participation**

The need to **further strengthen Roma participation and empowerment** and **build capacity of Roma and pro-Roma civil society** also features among the main conclusions of the Commission's midterm review of the EU Framework. Progress in this area can contribute to raising awareness, increasing recognition and, eventually, lead to enhanced efforts to fight antigypsyism. In this respect, a number of EU level initiatives can be mentioned.

Efforts are being pursued to make fora for cooperation at both EU and national levels **more transparent and inclusive**. This includes support for Member States to set up and strengthen their **national Roma platforms**.⁶⁴

The above mentioned **Roma Civil Monitor project**⁶⁵ aims at reinforcing the monitoring mechanisms of the implementation of the national Roma integration strategies through systematic civil society monitoring. This provides civil society organisations with a key opportunity and with the necessary support to achieve a successful mainstreaming of the fight against antigypsyism at EU and national level, including in the context of the implementation of the EU Framework and with a view to feeding ongoing reflections on the post-2020 Roma integration strategy.

Direct **EU funding** is increasingly being used to support empowerment and capacity-building of local Roma and pro-Roma civil society, also as a means to support efforts in achieving better recognition and ensuring more effective responses to antigypsyism. In this context, a **specific priority on preventing and combating antigypsyism** was, for example, included under the Rights, Equality and Citizenship Programme – Annual Work Programme 2018 for the first time also as part of the call for proposals to prevent and combat racism, xenophobia and other forms of intolerance.⁶⁶

⁶⁴ Support is provided through restricted calls for proposals under the Rights, Equality and Citizenship Programme.

⁶⁵ <https://cps.ceu.edu/roma-civil-monitor>

⁶⁶ <https://ec.europa.eu/research/participants/portal/desktop/en/opportunities/rec/topics/rec-rrac-raci-ag-2018.html>