ERIO’s Second Workshop

“Protecting Roma against Discrimination: the Role of Equality Bodies”

27 September 2013, Brussels
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Welcoming Remarks and Opening

Ivan Ivanov, ERIO Executive Director

Ivan Ivanov opened the workshop by expressing his pleasure that all of the participants had attended. Mr Ivanov noted that there is often criticism of those working specifically on Roma discrimination, as many other groups also experience discrimination. However, Mr Ivanov affirmed that there is specific work that must be done concerning the discrimination of Roma in Europe. Further, Mr Ivanov stressed the importance of Equality Bodies working closely with civil society.

Anne Gaspard, EQUINET Executive Director

Anne Gaspard then introduced EQUINET and explained that their Roma initiative was founded in 2009, with a steering group established that is constituted by Equality Bodies from Bulgaria, Greece, Northern Ireland, and Sweden. Also in 2009, a survey was conducted amongst EQUINET member Equality Bodies in order to shed light on key elements of their work in the area of discrimination against Roma. Three roundtables were also held (two in 2009 and one in 2010) in order to facilitate exchange, cooperation, networking, and the development of new initiatives between Equality Bodies. In 2011, EQUINET published a factsheet to inform and encourage the participation of Equality Bodies in the development, implementation, and monitoring of the National Roma Integration Strategies (NRIS) in their countries. Further, the factsheet emphasised both the capacity and the potential of Equality Bodies to respond to Roma issues related to the areas of:

- Experience and expertise;
- Independence;
- Providing a safe space for the Roma;
- Partnerships with communities & NGOs;
- Awareness raising and training;
- Guidance to employers and service providers; and
- Strategic litigation.

François Sant’Angelo, Centre for Equal Opportunities and Opposition to Racism, Lawyer

François Sant’Angelo next explained that one of the main challenges with regards to combating discrimination of Roma is that the Roma community rarely reports experiences of discrimination. In order to effectively combat discrimination, more is required than simply challenging the discriminatory treatment of individuals; there is also a need for transformation at a high level through change of legislation. Additionally, prejudices against Roma and Travellers are still present and extremely powerful, and the media continues to perpetuate negative stereotypes of Roma. Mr Sant’Angelo concluded by remarking that the EU enlargement – particularly the accession of countries like Bulgaria
and Romania – resulted in a widespread fear of mass migration (particularly of Roma) in Western member states. As a result, Roma people are widely denied full recognition as EU citizens.

Keynote Speaker: Jana Balazova, European Commission, Directorate-General for Justice

After thanking ERIO for organising this important event with Equality Bodies, Jana Balazova reported that the European Commission (EC) is following the situation of Roma closely. The EC 2013 report on the progress of member states in meeting the preconditions of the NRIS found that member states are not fighting discrimination convincingly. In order to do so, member states must take action in both the public and private spheres, and must also act to combat racism in politics. Ms Balazova additionally expressed concern at the continued occurrence of hate crimes, which remain both unreported and unpunished, and argued that this must change.

Ms Balazova then discussed the Council Recommendation, which is intended to strengthen political commitment to the NRIS in member states and to facilitate the implementation process. The Recommendation contains a large section on anti-discrimination as well as a section pertaining to the implementation of European Court of Human Rights decisions by member states, and is currently being discussed by member states. The Race Equality Directive (RED) was also discussed by Ms Balazova, as it is the major anti-discrimination legislation at EU level that should act to protect all groups – including Roma – from discrimination. An EC report monitoring the implementation of the RED is due to be released at the end of the year.

Ms Balazova concluded by arguing that the problem of Roma anti-discrimination and social integration cannot be attributed to inadequate legislation – rather it is attributable to issues with implementation. The necessary policy and legal instruments as well as structural funds are all available to convincingly combat discrimination of Roma. The EC is therefore taking an active role in pressuring member states to use the available funds appropriately to this end.
Cosmin Poppa, EQUINET Communications Officer

Cosmin Poppa began by discussing a training that EQUINET undertook with an Equality Body, which identified underreporting as an area of focus. Three challenges were also identified during this training that can be applied to Roma:

- (Roma) who have experienced discrimination need information on their options;
- (Roma) who have experienced discrimination need confidence in order to exercise their rights; and
- How should Equality Bodies communicate with the wider society in their country to build a culture of rights that renders discrimination unacceptable?

Mr Poppa also discussed some common reasons for underreporting that have been identified through EQUINET’s work. These common reasons for underreporting are not specific to Roma, however they particularly relate to them:

- Lack of information about their rights and options;
- Fear of reprisals if discrimination is reported;
- Cost and time issues relating to making the complaint;
- The length of the complaints process;
- Linguistic/literacy issues preventing communication;
- Psychological issues related to suffering discrimination and lodging a complaint e.g. shame; and
- A lack of trust in state authorities.

A good practice example that addressed the problem of underreporting was then provided by Mr Poppa: the Swedish Mutual Education Strategy. This project attempted to foster interaction between Roma and experts in the Equality Body. From this interaction came the potential for both parties to benefit, as Roma were provided with the opportunity to discuss and report their issues of discrimination, and the Equality Body had the opportunity to inform Roma about their options. A number of positive outcomes resulted from this initiative. There was an increase in trust in the Equality Body by Roma, an increase in the knowledge of the experts at the Equality Body, and an increase in the number of complaints lodged with the Equality Body.

Ahmed Ahkim, Centre de Médiation des Gens du Voyage et des Roms en Wallonie (CMGV) Director

Ahmed Ahkim discussed a project that the CMGV has undertaken to ensure equality of Roma. An important focus of this project was an emphasis on equality as opposed to emphasising the differences between Roma and ‘us’ (non-Roma). One issue of concern was direct discrimination of Roma, whereby
Roma are treated differently, even if that different treatment is enacted through affirmative action. Mr Ahkim argued that there is no such thing as ‘positive discrimination’, as there is always a negative consequence/outcome either involved or that occurs as a result of the ‘positive discrimination’.

Mr Ahkim then discussed the importance of ascertaining the administrative status of Roma people (e.g. immigrant, European immigrant) in the attempt to achieve equality. Identification of a person or a group’s administrative status allows the person or group to draw attention to their rights. In addition, it also allows a person or a group to draw attention to the implications of their status – which are often negative. Those with the administrative status of ‘Traveller’ often face significant difficulties in accessing and exercising their rights to their particular way of life (in a mobile home). Mr Ahkim reported that the CMGV has recommended that mobile homes be officially recognised as a legal home, a recommendation that has been applied in the Brussels area. The CMGV is also pushing for similar recognition at the 2014 Belgian federal election.

It was then argued by Mr Ahkim that the main challenge in the push for equality is the perceptions of Roma. Both civil society and Equality Bodies have an important role to play in challenging these (negative) perceptions. Additionally, both civil society and Equality Bodies have a role to play in strengthening the idea that Roma are impacted by a specific manifestation of discrimination, but not that Roma are a specific and separate category of people, as this kind of conception allows for them to be pushed out of society. Finally, enforcement of equality on the ground remains problematic. At the national level, many actors are well intentioned but perceptions of Roma remain negative and racist – a trend that has links to the political discourse that is now present.

**Discussion**

To begin the discussion, Ivan Ivanov thanked Ahmed Ahkim for bringing Travellers into the discussion as it can often be focused only on Roma. Jana Balazova then noted that Roma are a heterogeneous group, and that the issue of the administrative status of Roma is significant. A distinction is necessary between Roma who are EU nationals and Roma who are non-EU nationals. The NRIS applies to Roma with EU citizenship, whereas Roma in accession countries fall under a different category, with separate funding available for the two groups. Ms Balazova then explained that the Roma issue was not anticipated before the EU enlargement, and stated the importance of both the EC and member states emphasising that Roma people should be able to enjoy the rights of all EU nationals.

Ivan Ivanov then explained that the RED does not focus on issues like traditional lifestyles, however experts have stated that the RED only provides minimum standards that member states must implement and tailor to the specific needs of their individual context. Further to this, a discussion took place on whether the RED covers third country nationals, in which it was determined that third country nationals may be covered under indirect discrimination provisions on the grounds of nationality, religion, language etc. However, the third country nationals must be residing legally within an EU state for this to be the case.

**Javier Sáez (Fundacion Secretariado Gitano, Spain)** then identified a European contradiction when attempting to implement integration measures on the ground: there is a clear need to integrate Roma,
however due to budget cuts resulting from austerity measures many member states do not have enough money to implement measures against discrimination. As a result, the financial issue is one of the main barriers to the implementation of the NRIS. Jana Balazova acknowledged the budget constraints in many member states, but stated that EU funds are available for social inclusion, and that member states do access these funds but then use them either inappropriately or ineffectively for Roma. Further discussion occurred here on the topic of EU funds (e.g. on the differences between social inclusion funds and structural funds). The conclusion reached through this discussion is that funds for Roma integration do exist, but that problems in their access and use remain.

Miranda Vuolasranta (European Commission National Expert), observing that through her various roles at both the national and EC level she has been able to see both sides of the issue of Roma integration and anti-discrimination. Through the perspective gained from working at the EC level, it is clear that the EC is convincingly attempting to do its best in fighting discrimination against Roma. However the real power in fighting discrimination lies with member states, as all member states are sovereign states with the power to decide whether and how they will act. The Council Recommendation has an important role to play, however it is only the first step in ensuring that member states act appropriately in relation to the Roma issue. In addition, Ms Vuolasranta argued that civil society is one of the most important actors in the process of combating discrimination against Roma, and encouraged civil society and Equality Bodies to be active participants in this process.

Ivan Ivanov added the observation that the Roma case is specific and it cannot be approached in the same way as similar situations that the EC may have dealt with in the past; as such it warrants a specific approach.

Orhan Galjus (Radio Patrin, Netherlands) next observed that there is significant discrimination of Roma in the Netherlands, despite there being only a small Roma population. Further, Roma bodies have little knowledge about how to access EU funds. Mr Galjus then questioned whether Equality Bodies should play a proactive or reactive role in the fight against discrimination, and noted that there is an important role for Equality Bodies to play in raising awareness of how they can assist Roma who have experienced discrimination.

Ivan Ivanov referred back to Cosmin Poppa’s report, noting that while it is known that at the EU level the majority of applications against discrimination are made by Roma, at the national level there is a lack of information/knowledge which has resulted in low levels of reporting. Further, Roma often have little trust in authorities, which for Roma can include Equality Bodies.

The discussion then returned to the issue of funds, and a rumour of increased funding being made available next year for use in Roma issues was confirmed. However, Jana Balazova stated that more is needed to integrate Roma than funds, and that funds must be accessed by member states. Vasco Malta
(Commission for Equality and against Racial Discrimination Legal Adviser, Portugal) here observed that the issue is political, insofar as it is difficult for politicians to explain to citizens who are without jobs etc. that there is money available but that it can only be used for Roma. Ms Balazova replied that the money available is not only for Roma, as its effective and appropriate use will benefit the whole of society (e.g. more taxes paid, less demand on the welfare system). The Portuguese Equality Body concurred, but noted that communicating this concept is challenging. Further, the Portuguese Equality Body observed that underreporting of discrimination is a structural problem that can be attributed to low educational attainment. Ivan Ivanov agreed, and stated that the point of the workshop is to discuss how to inform Roma properly about their rights, and that this is the responsibility of Equality Bodies and NGOs.

It was then argued by Ahmed Ahkim that the onus to adapt is not on Roma, rather ‘we’ have to adapt to be able to hear Roma. Roma cannot be expected to trust Equality Bodies without Equality Bodies first adapting to become more available and less complex. This will also help Equality Bodies and NGOs in understanding the experiences of Roma so that the actions taken to fight discrimination actually reach them. Further, it was observed that Equality Bodies broadly do not have the power to act with authority. Because of this, Equality Bodies and NGOs must work together to make enforcement a reality.

Cosmin Poppa then reflected on the deeply personal nature of both experiences of discrimination and the choice of whether to report that discrimination. Mr Poppa argued that too much emphasis is placed on the formal complaints process, with too little emphasis placed on informal exchanges and listening to complainants. Anecdotal evidence and stories could help Equality Bodies to understand the reality of Roma regardless of whether these accounts are used to file complaints. Therefore there may be a role for Equality Bodies beyond an authority.

Jana Balazova concluded the discussion by commenting that listening to the Equality Bodies and other participants shows the enormity of the task of fighting discrimination of and acting to integrate Roma. The EC is trying to help in these tasks, however due to limited competencies in specific areas it tries to have a close relationship with member states. Finally, Ms Balazova observed that positive steps and outcomes may be occurring that are not necessarily visible.
First round of discussion with Equality Bodies

Equality Body for France (Le Défenseur des Droits) – Sophie Latraverse, Chief of the Expertise Department

The French Equality Body began by observing that there are distinctly different problems in France with French Roma and foreign Roma. With regards to Roma with French citizenship, the Equality Body has to inform them that anti-discrimination laws apply to them even though they are not ‘foreign’. To Roma, the Equality Body is a state apparatus, so additionally work has to be undertaken to establish the Equality Body as a civil society actor. The French Equality Body is also limited in terms of enforcement – it can identify discrimination but it cannot carry out any legal enforcement. For Roma arriving from new member states, the problems they experience fall under the rubric of Freedom of Movement and are an issue of French legal obligations rather than anti-discrimination. For illegally settled Roma who are forcibly evicted, the issue falls under the scope of human rights law. It was then explained that the new Equality Body (merged with the French ombudsman) possesses new powers enabling it to address issues other than discrimination. However a challenge is identified in the Equality Body’s interactions with NGOs, as the Equality Body operates within a legal framework and most NGOs do not have a legal culture. The Equality Body also identified inadequate funding as an issue, particularly in relation to emerging issues such as forced evictions. It was reported that forcing courts and other bodies to protect human rights and dignity in France is a huge operation, and also that the French government holds an entrenched position on non-French Roma, which means that the problem is not in enforcing anti-discrimination law. The Equality Body concluded by stating that at the national level it is acting and using its competencies, however the problem of Roma discrimination is both overwhelming and extremely political, with the Equality Body limited to making recommendations.

Ivan Ivanov concurred with the Equality Body that the problem is political, however Mr Ivanov argued that the experience of Roma is discriminatory regardless and as a result Equality Bodies may be required to go beyond their general roles to address the issue. The French Equality Body replied that they often do so, however the results are not what they expected.

Equality Body for United Kingdom (Equality & Human Rights Commission) – Heather Hunt, Policy Officer and Mike Young, Legal Officer

The United Kingdom Equality Body (Heather Hunt) began by outlining policy issues, and pointed out that in the UK the terms used to refer to Roma are ‘Gypsies’ and Irish Travellers. Underpinning all of the issues faced by these communities in the UK is the lack of suitable stopping sites, which has legal implication on both the national and EU level. Research carried out by the Equality Body in 2010 (‘Simple
Solutions') found that there are human rights implications arising from the lack of site provision. Additionally, hostile attitudes from social media and politicians are still expressed towards Roma, making positive and meaningful action difficult. Recent legislation (Localism Act) will also likely make the situation more difficult for Roma in terms of site provision. With regards to the NRIS, the Secretary of State made the decision that the UK will have a set of policies covering the four pillars rather than a NRIS. The Equality Body expressed concern about how they will monitor these commitments without an actual NRIS in place. The Dale Farm eviction in Essex was then discussed by the Equality Body, which despite a 2008 High Court ruling that judged the eviction to be illegal and discriminatory was carried out in 2011. It was noted that some Dale Farm residents remain homeless following the eviction.

The Equality Body (Mike Young) then discussed legal issues, noting that budget cuts have led to a focus on strategic litigation for maximum impact. A number of examples of strategically litigated cases were then provided:

- A three year old Traveller boy with significant medical needs was denied access to medical services to meet these needs whenever his family was not in the council area (i.e. when they were travelling). The boy’s family had travelled for generations. In relation to this case it was noted that Traveller life expectancy is ten years less than that of settled society.
- A leading pub chain in the UK refused entry to a number of Travellers who were attending a conference, one of whom was a police officer.
- The documentary series ‘Big Fat Gypsy Wedding’ has been challenged by the Equality Body and repeatedly complained about to standards bodies due to the stigmatising and derogatory advertising of the series, as well as due to the negative image of the group that it perpetuates.

Jana Balazova here observed that member states such as the UK who are without an NRIS are still politically committed to Roma integration.

**Equality Body for Poland (Human Rights Bureau (Ombudsman Office)) - Katarzyna Łakoma, Director of the Administrative and Economic Department**

The Polish Equality Body began by reporting that it does not receive many complaints from Roma, however it is still trying to play an active role in anti-discrimination e.g. by responding to negative and discriminatory media articles. Additionally, the Equality Body also travels to areas where Roma live to check on their living standards and talk with local authorities. The Equality Body also attempts to participate in government work and decisions. It was observed that the Equality Body only has authority in the public sector, and does not have any authority in cases of discrimination that occur in the private sector. Issues in education were reported, particularly with segregation; the Equality Body has intervened successfully in cases of segregation, however prejudice remains. The Equality Body reported
that it has had little experience with non-Polish Roma; however the recent arrival of approximately 80 Roma from Romania was discussed. This group settled on land owned by authorities, and the Equality Body visited the group and then met with local authorities. The Equality Body reported that local authorities did not know how to respond or react to the group’s arrival, and that the only reactions to similar arrivals that the local authorities had encountered were the French expulsions of Roma migrants. This kind of reaction was strongly discouraged by the Equality Body.

**Equality Body for Greece (Greek Ombudsman), Dimitra Mytilineou, Senior Investigator, Human Rights Department**

The Greek Equality Body opened by observing that the nature and intensity of integration issues is different in each member state, and therefore individual contexts are extremely important. The current situation in Greece is different from other member states, with the economic crisis having led to an increase in intolerance, a rise in racism, and higher levels of crime as a result of increased poverty. A particular problem was reported with immigrant Roma from Albania, who are non-EU citizens. These Roma are often undocumented and live in very poor conditions.

The Equality Body then explained that there are two basic goals of the Greek NRIS: housing and education. Additionally, the issue of documentation is reported as significant, and is identified as the starting point of any efforts. The Equality Body has found that the establishment of medical centres in areas with a high Roma population has been a successful practice. The Equality Body also reported that it holds mediation sessions with Roma and local authorities to identify short and long term strategies, which is identified as another successful practice. The Equality Body’s website was also discussed, as it contains a section illustrating where Roma settlements are and providing facts on these sites and their specific problems/issues. It was reported that this website has proven to be a useful tool for local authorities. The Equality Body concludes with the observation that its basic aim is to protect the basic human rights of Roma.

**Equality Body for Lithuania (Equal Opportunities Ombudsman), Ausrine Burneikiene**

The Lithuanian Equality Body explained that it is able to act in both the public and private sectors to address discrimination, and that the Equality Body’s national report contains a Roma specific section. Discrimination against Roma has been investigated by the Equality Body in areas including education, the labour market, health, rights, and social security. The Equality Body also acts to educate society in seminars about Roma that are held for civil servants, police, teachers, prison officers, border workers
etc., and in addition it holds consultations with Roma groups/bodies. The issue of multiple discrimination is reported as an area of focus alongside discussions of direct and indirect discrimination. It was reported that there are two groups of Roma in Lithuania: Lithuanian Roma, who have lived in Lithuania for over 100 years and who speak Lithuanian; and Russian Roma from Moldova, who are perceived by society as posing a ‘problem’. The Equality Body is trying to raise awareness of discrimination of Roma through the publication of reports, e.g. on children in education. Additionally, an Action Plan was approved in March 2012 (running 2012-2014) that includes programs on drug prevention, social improvement, culture and identity questions, and anti-discrimination and intolerance. It was reported that the education program resulted in a significant increase in the number of Roma children in secondary schools. Another area of concern is the media, in which news on Roma is always negative, however the Equality Body is working to address this. Finally, the importance of NGOs in the fight against discrimination of Roma was noted.

**Discussion**

The discussion began with a question to France requesting clarification on how the situation for non-French Roma in France had worsened following the EU expansion. The French Equality Body explained that, for example, non-French Roma who had entered as asylum seekers had access to programs that Roma who are now EU nationals cannot access.

A question was then posed to the Polish Equality Body regarding how the RED is implemented if the Equality Body can only act in the public sector. The Polish Equality Body explained that victims of discrimination can take their complaints to the civil court, but that discrimination is very difficult to prove. Additionally, the Equality Body can join judicial proceedings on discrimination in the private sector, however the process is complicated. The Greek Equality Body reported similar issues as it can only investigate discrimination in the public sector, with discrimination in the private sector investigated by a body attached to the Ministry of Justice, which raises issues of neutrality.

Another question was posed to the French Equality Body regarding how it can act when officials engage with discriminatory language. The French Equality Body replied that it can only intervene in cases of actual discrimination, and that hate speech falls under French criminal law. The Equality Body can, however, bring public attention to the issue, and it can also file a criminal complaint but then the judicial process must proceed.

Jana Balazova concluded the first round of discussion with the Equality Bodies by encouraging all Equality Bodies to make use of the PROGRESS programme, which is accessible on the European Commission website.
Second round of discussion with Equality Bodies

Equality Body for Denmark (Danish Institute for Human Rights), Mandana Zarrehparvar, Senior Advisor

The Danish Equality Body opened by explaining that Denmark does not have a lot of experience in Roma issues, so it is great to learn from other Equality Bodies. Roma are a non-issue in Denmark; the Danish government does not believe that there is a Roma problem in Denmark, rather it believes that the problem is entirely attributable to Roma who will not integrate. The Roma community in Denmark is small and population figures are extremely imprecise, with estimates ranging anywhere from 500 to 10,000 Roma. Roma in Denmark can be separated into three groups: Roma who have been in Denmark for hundreds of years; Roma who arrived after fleeing the Balkans wars; and migrant Roma with EU citizenship who come to find seasonal employment but do not register, thereby not having access to many rights. The Equality Body reported that it has had three cases regarding discrimination of Roma, all of which were identified in the media. These include a case of segregated classes in schools (this was stopped in 2005 but is possibly beginning once more), and discriminatory practices in welfare (whereby Roma had separate consultants). Two challenges were then identified by the Equality Body:

- The Equality Body wishes to use NGOs in its work, however there is no active Roma civil society in Denmark, and those NGOs that are considered ‘Roma related’ often use the Roma issue for their own purposes; and
- The depiction of Roma in the media – especially migrant Roma – is extremely negative. This discourse can influence politicians and result in them holding racist views and implementing racist policies.

The Equality Body concluded by once again stressing the difficulties it has in accessing Roma people and helping them, particularly as migrant Roma often do not register (leaving them particularly vulnerable to harassment).

Equality Body for Bulgaria (Commission for Protection against Discrimination), Blagomira Krasimirova Kostova, Chief Expert, and Stanislava Vitanova Vitanova, Member

The Bulgarian Equality Body reported that in 2011 it handled 15 cases of ethnic and/or racial discrimination. These cases were in areas including: access to goods and services; segregation in education; and hate speech against members of national minorities. In the area of hate speech, the Equality Body handled a case in which the NRIS was labelled the ‘National Integration Strategy of Mangali’ on the website of the President of Bulgaria. ‘Mangali’ is an extremely racist and derogatory
term used to refer to Roma in Bulgaria. In 2014 the Equality Body plans to raise awareness, and currently has a project entitled ‘Combating Discrimination for a Fair Society’. The mission of this project is to raise awareness of discrimination issues amongst relevant actors in Bulgarian society, e.g. people working in the justice system. With regards to the much discussed issue of economic concerns, the Equality Body plans to conduct a study on the impacts of the economic crisis and budget cuts on minority groups, particularly Roma. The results of their work will be published by the end of next year.

Equality Body for Portugal (Commission for Equality and against Racial Discrimination), Vasco Malta, Legal Advisor

The Portuguese Equality Body works in the fields of immigration and minority groups and promotes the integration of immigrants and the protection of human rights. It has created a specific committee dealing with Roma, and its biggest project is in mediation. This project involved giving information and training to 18 Roma who were then placed in 18 different Portuguese cities to create a link between Roma and local authorities. This project was identified as successful, and could be implemented in other member states. It was then reported by the Equality Body that Portugal has few immigrants and that most Roma in Portugal have lived there for centuries and prefer to be identified as Portuguese. The issue of underreporting of experiences of discrimination was then discussed, of which there is a high incidence in Portugal. Additionally, there is a lack of money to use for the implementation of the NRIS, and there are more than 1,000 stakeholders responsible for its implementation, making coordination extremely challenging. Two particularly difficult areas in relation to Roma were identified as: education – how to balance the need for education with respect for Roma culture; and housing – there is not enough money to build the necessary number of houses. The importance of changing the mentalities of both majority society and Roma was also stressed beyond the 2020 NRIS timeline. The Equality Body then explained that greater social and economic integration is not only necessary, but that it could also help all Portuguese citizens (not just Roma). The representative of the Equality Body personally believes that the NRIS should have a positive outcome for Roma in Portugal. It was also explained that generally racism is socially unacceptable in Portugal except in the case of Roma, with anti-Roma sentiment socially acceptable and easily expressed. To conclude, the Equality Body noted that it is difficult to balance the shifting burden of proof coming from the RED with normal assumptions of innocence, and that while the number of Roma complaints it receives is increasing the overall percentage remains low. Finally, problems remain for Roma in access to goods and services.

Equality Body for Spain (Council for the Promotion of Equal Treatment and Non Discrimination on the Grounds of Racial and Ethnic Origin), Ignacio Sola Barleycorn, Secretary of the Council

The Spanish Equality Body opened by noting that there are approximately 750,000 Roma living in Spain, with this population having been present since 1500s – however Romanian and Bulgarian migrants have increased this population. Approximately 10 per cent of Roma in Spain live in slums or substandard housing. The Equality Body identified five priority areas: education; housing; employment; equality and non-discrimination; and health. Individual complaints of discrimination are mostly received in relation to employment, housing, police treatment, and goods and services access. Collective complaints of
discrimination are mostly received in relation to the media. With regards to Roma, the Equality Body reported that only 2.7 per cent of Roma who feel that they have been discriminated against have lodged a complaint. There are many different reasons for this, including ‘it has always happened to my people’, fear of reprisals etc. The Equality Body has taken a number of actions to address discrimination and underreporting, including:

- Consultations with Roma bodies and local authorities;
- Connecting with communities through NGOs;
- Asking public authorities to include specific questions on Roma when conducting studies;
- The development of a new action plan on segregation of Roma in schools;
- Public awareness campaigns;
- Training activities with actors such as public policy officers; and
- Issuing recommendations e.g. on the use of racist language in election campaigns.

The Equality Body concluded by reporting that the main problem identified for the future is economic, as ethnic minorities may clash over limited funds, and the majority population feels that funds are only used on minority groups. Awareness campaigns are necessary to address these tensions.

Discussion

The discussion began with an exchange on the broad acceptability of racism against Roma in the EU. Both Equality Bodies and NGOs observed this trend. More specifically, a number of different Equality Bodies (e.g. Denmark, United Kingdom, and Portugal) observed that the racist attitudes expressed towards Roma would not be accepted for other groups, that racism against Roma is seen as ‘respectable’, and that this is a Europe-wide trend. Potential explanations for this phenomenon were explored, one of which included the relative youth of the Roma civil society movement. The issue of Roma and the media was then discussed, with one participant observing that whilst the media is often blamed for perpetuating negative stereotypes of Roma, it is only reflecting what society wants to see/hear. There was wide consensus that the media rarely if ever depicts Roma in a positive or ‘normal’ light, which while common to all minority groups goes too far in the case of Roma.

Potential good practices with relation to the media were then discussed, with Javier Sáez explaining that Fundación Secretariado Gitano will send letters of complaint to media organisations whenever a negative practice is identified. Mr Sáez reported that some journalists have ceased mentioning the ethnicity of Roma who have committed crimes after receiving their letters. The Portuguese Equality Body noted that it sends similar letters, but they rarely receive a response, or a negative response is received. Additionally, the Portuguese Equality Body reported that it has conducted media training in cultural issues. Likewise, it has produced a booklet of profiles on immigrants who have become
successful in various fields as a tool for the media to use when it needs experts for news stories. This booklet is intended to challenge stereotypes on migrants. The particular difficulty of Roma women being recognised and highlighted for their success was also observed. Ivan Ivanov here argued that education and discrimination should not be linked, as respect for a person should not be dependent on whether a person is ‘educated’ or literate. Roma are ‘feared’ and discriminated against because there is a lack of knowledge about the group, and because populist politicians exploit weak groups in society. The first step in addressing these challenges and problems was identified by Mr Ivanov as changing mentalities.

Finally, the Danish Equality Body appealed to other participants for help in reaching out to Roma communities in Denmark and in building up a Roma civil society. Mr Ivanov again reiterated that a core goal of the workshop was to ensure that Equality Bodies cooperate with one another. Further, Mr Ivanov pointed out that hundreds of millions of Euros have been spent on Roma inclusion, but there are no visible results. The reason for this is that projects for Roma inclusion have not been effectively implemented and/or designed, and Roma are not involved in either the design or implementation process. Finally, Mr Ivanov concluded by stating that Roma are administratively invisible in Europe.
Panel 2: Cooperation between Equality Bodies and Roma civil society

Ivan Ivanov, ERIO Executive Director

Ivan Ivanov began the second panel by observing that those working in Roma issues must work with Roma rather than acting as if they know better than Roma. Roma are widely spoken about as an integration issue, despite integration being an immigration model; Roma have been present in Europe for over 700 years and are not an immigration issue. Overall, Mr Ivanov encouraged Equality Bodies to engage in exchange and cooperation, and argued that civil society is a vital actor in the Roma process. Mr Ivanov concluded by stating that institutions and all relevant bodies must involve Roma groups/bodies in their work.

Tamás Kádár, EQUINET Senior Policy Officer

Tamás Kádár observed that Equality Bodies have a very important advisory role, as well as in building a knowledge base and monitoring discrimination. Further, Equality Bodies should be independent bodies that provide a safe space for Roma, and should continue to build up partnerships amongst themselves. Equality Bodies provide a platform for dialogue with the Roma, however many staff at Equality Bodies do not have sufficient knowledge about Roma culture etc. To address this, NGOs and Equality Bodies should have a two way exchange of information. In addition, Equality Bodies can have a helpful role in strategic litigation, which can have a meaningful impact; Equality Bodies and NGOs should also cooperate strongly on this issue. Mr Kádár also observed that there is sizeable diversity in Roma groups, and that Roma civil society is fragmented. This is often not recognised, but it must be addressed regardless of the fact that it makes the work of Equality Bodies more difficult. Mr Kádár then concluded by reporting that EQUINET has published a report addressing the need to foster partnership and collaboration between Equality Bodies and civil society.

Orhan Galjus, Radio Patrin

Orhan Galjus opened by expressing pleasure in seeing sincerity and openness from the workshop participants. As a journalist, Mr Galjus reflected on the fact that journalists know how to construct public opinion and are often not concerned about human rights. Mr Galjus then explained the history and purpose of Radio Patrin, and also discussed his documentary ‘Broken Silence’. Additionally, Mr Galjus noted that centuries of discrimination against Roma have resulted in an oppressed and fragmented population. Mr Galjus concluded by warning participants that working in the Roma field may result in hostility or a loss of credibility from colleagues/society.

Discussion

Javier Sáez opened the discussion with a quick intervention to present a report developed by Fundación Secretariado Gitano, Spain. The report notes the lack of data available on discrimination, contains
reports of discrimination made in 2012, and reports that Fundación Secretariado Gitano is working with Roma daily in order to increase the chances of Roma reporting incidents of discrimination.

Following this, Marta Pinto, ERIO Policy Officer questioned the Portuguese Equality Body as to how they manage the significant amounts of information that must be generated by the large numbers of NRIS stakeholders. The Portuguese Equality Body explained that they hold monthly meetings and attempt to ensure that all stakeholders comply with the NRIS, however not all stakeholders see the Roma issue as a priority, with some more willing to cooperate than others.

A discussion on the issue of strategic litigation then took place. The French Equality Body reported that it struggles to find cases of discrimination it has a possibility of winning, and traced the process it had to go through in order to challenge a French law that discriminated against Roma. The Equality Body had identified the law as discriminatory but had to engineer a specific incident in which the law expressly discriminated against a Traveller in order to challenge it in court. The French Equality Body enquired other participants what their thoughts were on the idea of an Equality Body first creating a strategy and then bringing Roma on board to create a case. Ivan Ivanov noted that sometimes strategies are created in offices, and additionally observed that legal strategies can be successful in raising awareness even if they are not successful in court. The Polish Equality Body then stated that it does not hesitate in taking on cases that it does not believe it will win, but here the French Equality Body clarified that it struggles in finding specific grounds on which cases can be launched as opposed to identifying a broad area of discrimination. Ivan Ivanov observed that it is good to see Equality Bodies and civil society taking initiative in litigating cases for Roma, as some lawyers refuse to litigate for Roma even when a case for litigation clearly exists.

Ivan Ivanov then asked the Danish Equality Body if segregation is recognised in the RED as indirect discrimination. The Danish Equality Body replied that it is a collective rights violation rather than an individual violation, so it could be challenged as indirect discrimination on the basis of race. The Danish Equality Body further stated that it believed Equality Bodies could provide hope for Roma, but again stressed the difficulties that it faces in reaching out to the Roma community in Denmark. This makes its very challenging to gain an understanding of the reality on the ground, as well as to pass on awareness and knowledge. Orhan Galjus concluded the discussion by observing that he himself has learnt that Equality Bodies could offer more help to Roma. Further, Mr Galjus stated that these types of meetings can help him actually implement change and help Roma communities.

Closing Remarks

In conclusion, Tamás Kádár noted that there is a huge need for partnership between Equality Bodies and civil society, and that both Equality Bodies and civil society can help each other. Further, there is a need for mutual education and support, as Equality Bodies can be individually weak. Ivan Ivanov then closed the workshop, noting that all stakeholders must work together, and that Roma have to be active rather than passive participants in the process of Roma integration.
Key Challenges and Solutions Identified During the Workshop

There were a number of key challenges identified during the course of the workshop by Equality Bodies and other participants. Many of these challenges were common to various Equality Bodies, however some of the challenges identified during the workshop were specific to individual Equality Bodies or countries.

Challenges relating to reporting experiences of discrimination

Underreporting of experiences of discrimination was one of the key challenges identified during the workshop by a significant number of participants. It was widely agreed that Roma frequently do not report their experiences of discrimination in various member states. A number of different reasons for this trend were discussed, including cost and time concerns, issues of shame and stigma etc.

Related to the issue of underreporting is a lack of trust in authorities and Equality Bodies on the part of many Roma. Due to negative experiences, Roma often do not trust authorities across EU member states. This lack of trust in authorities is often extended to Equality Bodies due to the perception that Equality Bodies are part of the state apparatus. Roma who do not trust Equality Bodies are unlikely to report experiences of discrimination to them, therefore making lack of trust one of the key causes of underreporting.

Additionally, a lack of awareness and knowledge was frequently cited as an area of concern. This lack of awareness and knowledge has been identified in numerous areas: on the part of Roma about Equality Bodies; on the part of civil society and Equality Bodies about Roma and their specific needs (particularly with regards to experiences with new migrant Roma in some countries); and on the part of wider society with regards to the discrimination of Roma and the challenges that result from this discrimination. Lack of awareness and knowledge on the part of Roma about the role and function of Equality Bodies was identified as another key cause of underreporting.

Challenges relating to the role and function of Equality Bodies

Issues related to the role and function of Equality Bodies were also reported, such as the need for greater exchange and cooperation between different Equality Bodies, as well as between Equality Bodies and civil society. Without this kind of cooperation and exchange, Equality Bodies will be hindered in effectively addressing discrimination of Roma.

In addition, it was reported during the workshop that there is an expectation on Roma to adapt in order to fit the complex institutional structure of civil society, rather than civil society listening to the challenges of Roma as targets of discrimination and adapting themselves to best address these difficulties. Further, Equality Bodies often place significant emphasis on formal structures, rather than valuing informal listening and exchanges. This emphasis is likely contributing to the problem of underreporting due to a lack of understanding and procedures that are appropriate to the reality on the ground.
Challenges relating to discrimination of and racism towards Roma

One of the most significant issues identified during the workshop was the ongoing discrimination of Roma, with member states failing to fight discrimination convincingly. It was observed that adequate legislation exists to address the discrimination of Roma, however member states have failed and continue to fail to implement it correctly; it is evident that countries are in possession of the real power to address discrimination of Roma.

In addition, denigration of and hate speech towards Roma as well as racially motivated violence continues to occur. Much of this negative language can be attributed to a racist political discourse and racist media coverage. Issues of hostile and/or negative political discourses are also relevant as they can make the work of Equality Bodies more difficult, particularly as Equality Bodies frequently have a limited scope within which they can act. With regards to media coverage of Roma, it is difficult to ensure that all journalists report on Roma related stories and issues in an ethical and non-discriminatory manner.

Related to both of these issues are the particular discrimination of and racism against Roma as well as the widespread acceptability of expressing anti-Roma sentiment. It was widely agreed that the racism and discrimination against Roma cannot be compared to that which has been targeted at other groups, and that it is a Europe wide phenomenon. Further, there is little to no hesitation in expressing these attitudes, which are seen as widely legitimate or even respectable. These extremely negative perceptions were identified as extremely difficult to challenge.

School segregation was identified as an area of continuing concern in a number of different member states. Despite efforts to combat segregation that have seen short term success, these practices have reportedly begun to occur again.

Inadequacies in the Race Equality Directive (2000/43/EC) with particular reference to Roma were also identified during the course of the workshop. Specifically, these inadequacies have resulted in the Directive failing to address issues such as traditional lifestyles and segregation of Roma.

Finally, the challenges posed by the administrative status of Roma were discussed. For some Roma who are unregistered or undocumented, accessing their rights (e.g. as an EU migrant) are extremely difficult. Further, the legal status of some Roma in their home countries results in their discrimination and/or the violation of their rights (e.g. for Travellers who live in mobile homes). Finally, Roma who reside in the EU but who are not EU nationals may face significant difficulties due to a lack of rights and/or protection.

Other challenges identified

A number of workshop participants also identified economic challenges in their work combating discrimination, largely as a result of the economic crisis. One economic challenge identified was a lack of funds for Equality Bodies, making it difficult to carry out their work, as in the wake of the financial crisis a number of Equality Bodies have had their budgets cut. Also as a result of the economic crisis, in many member states tensions have arisen regarding the importance of anti-discrimination as an economic
priority whilst austerity measures are impacting ‘majority’ society. Further, hostilities can result from the use of funds ‘only for Roma’ again whilst others (i.e. non-Roma) are suffering through high unemployment and austerity measures. Finally, the inadequate or incorrect application for and usage of EU funds on the part of member states was identified as a challenge. Funds for anti-discrimination and social inclusion are available, however member states fail to access their funds, or the funds are used either incorrectly (i.e. reinforcing or increasing exclusion of Roma) or inadequately (i.e. in a manner that does not consider the needs of the Roma community/ies in question).

Another challenge identified was the tendency to treat Roma as if they are a homogeneous group with a single homogeneous voice. This kind of attitude fails to recognise or accept that there is great diversity in Roma and Traveller communities who accordingly have a plethora of diverse wants and needs.

Finally, the Danish Equality Body identified a lack of an active Roma civil society in Denmark. Further, the Equality Body reported significant difficulties in accessing Roma communities. This lack of access has made it difficult for the Equality Body to exchange information and build trust and relationships with Roma in Denmark, which likely results in discrimination remaining widely unreported.

In addition to these challenges, a number or potential solutions and/or good practices were identified during the workshop, many of which correspond directly with the challenges identified.

**Solutions and/or good practices relating to reporting experiences of discrimination**

In order to address the pivotal issue of underreporting, the issues of lack of trust and knowledge must also be addressed. The Swedish Mutual Education Strategy was identified by EQUINET as a good practice developed in response to these challenges. Through the fostering of exchange and interaction between Roma and Equality Body experts, this strategy increased knowledge and trust on the part of both Roma and the Equality Body, as well as increasing the number of complaints received by the Equality Body from Roma who have experienced discrimination. The Polish Equality Body also reported that it attempts to still play an active role in combating discrimination despite underreporting by responding to negative media reports as well as by travelling to Roma settlements in order to check on the living conditions of Roma and to talk to local authorities.

**Solutions and/or good practices relating to the role and function of Equality Bodies**

A number of different workshop participants identified potential solutions to address challenges relating to the role and function of Equality Bodies. One of the most commonly suggested solutions is that Equality Bodies and civil society must work together and ensure exchange and cooperation. This is necessary to address multiple challenges that they face, including a lack of knowledge and lack of authority. Additionally, in order to better combat discrimination, Equality Bodies should become less complex and place less emphasis on formal complaints procedures. Instead, Equality Bodies should be willing to play a role beyond that of taking complaints; they should adapt to Roma in order to better listen to and understand their realities and experiences of discrimination. Further, Equality Bodies must also understand the value in listening, anecdotal evidence, and informal exchanges, particularly due to...
the deeply personal nature of experiences of discrimination. Equality Bodies should further ensure that they are seen as independent bodies that provide a safe space for Roma who have experienced discrimination. Finally, despite the challenges that it can pose to their work, Equality Bodies must recognise and work with the knowledge that Roma are a heterogeneous and diverse community with a range of needs and desires, and that there is not one ‘Roma voice’.

Solutions and/or good practices relating to discrimination of and racism towards Roma

Discrimination against Roma was another key focus in many of the discussions during the workshop, with a range of potential solutions or good practices suggested. The Council Recommendation (which contains a large section on anti-discrimination) was highlighted as a tool intended to strengthen the political commitment of member states to the NRIS and to facilitate the implementation process. It was also emphasised that civil society is one of the most important actors in the fight against discrimination of Roma, and as such civil society and Equality Bodies must be active participants in the process of combating discrimination. The CMGV suggested that the emphasis should be on equality of Roma rather than on discrimination so as to not emphasise their supposed ‘difference’. Regarding the issue of the administrative status of Roma, the CMGV has achieved recognition for the mobile home as a legitimate lifestyle in the Brussels area, and is attempting to widen this recognition to all of Belgium. Both the Lithuanian and Bulgarian Equality Bodies reported that they have/are implementing programs and publishing reports to raise awareness and educate wider society about the discrimination of Roma. Additionally, the Lithuanian Equality Body reported that it has developed an Action Plan containing a comprehensive range of measures (e.g. education, drug prevention, social improvement, culture and identity, anti-discrimination and intolerance etc.) to address discrimination and other challenges facing Roma. The Spanish Equality Body reported that it has taken a number of different actions to address both underreporting and discrimination. These actions include:

- Consultations with Roma bodies and local authorities;
- Connecting with communities through NGOs;
- Asking public authorities to include specific questions on Roma when conducting studies;
- The development of a new action plan on segregation of Roma in schools;
- Public awareness campaigns;
- Training activities with actors such as public policy officers; and
- Issuing recommendations e.g. on the use of racist language in election campaigns.

Finally, it was acknowledged that the necessary first step in combating discrimination of Roma and ensuring their full inclusion is changing the mentalities of majority societies towards Roma.

With regards to racism in the media, Spanish NGO Fundación Secretariado Gitano outlined a good practice in which it sends letters to journalists who file racist reports on Roma (e.g. in which the ethnicity of Roma suspected of crimes is reported). In response to these letters, some journalists have changed how they report in relation to Roma. The Portuguese Equality Body also identified a potential
solution/good practice to challenge stereotypes on immigrants through the production of a booklet of profiles on immigrants who have become successful in various fields to be used as a tool for the media when it requires experts for news stories.

Other solutions and/or good practices identified

With regards to economic issues, a number of different workshop participants identified potential solutions or good practices. The EC reports that it is taking an active role in pressuring member states to use the available funds in an appropriate manner. The tactic of strategic litigation was also highlighted as a successful tool to use while limited by economic constraints, as strategic litigation has maximum impact for minimal costs. In response to the identified challenge of the hostile reactions of majority society towards the exclusive use of some EU funds on Roma during the economic crisis, Jana Balazova emphasised that it must be communicated to majority societies that the correct use of these funds will result in benefits to society as a whole and not to Roma only.

The Greek Equality Body reported a number of good practices that have seen positive results: the establishment of medical centres in areas with a significant Roma population; mediation sessions that it holds with Roma and local authorities in order to identify short and long term strategies; and its website that provides information on the location, demographics, and challenges facing Roma communities throughout Greece, which has become a useful tool for local authorities. The Portuguese Equality Body also identified a good practice with successful results in which it trained and placed 18 Roma in different cities in order to create a link between Roma and local authorities in each city.

Finally, it was made clear that those working within the Roma field must work with Roma rather than on their behalf.
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