



**INTEGRATING ROMA AND
SINTI ISSUES IN THE WORK
OF NATIONAL HUMAN RIGHTS
INSTITUTIONS AND NATIONAL
EQUALITY BODIES
GUIDELINES**



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Integrating Roma and Sinti issues in the work of National Human Rights Institutions and National Equality Bodies – Guidelines

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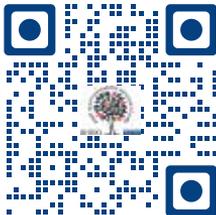
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Acronyms and Abbreviations

CNCDH	National Consultative Commission on Human Rights
ECRI	European Commission against Racism and Intolerance
EQUINET	European Network of Equality Bodies
ENNHRI	European Network of National Human Rights Institutions
FRA	European Union Agency for Fundamental Rights
GNCHR	Greek National Commission for Human Rights
NCCD	National Council for Combating Discrimination
NEB	National Equality Body
NHRIs	National Human Rights Institutions
MYRIA	Belgian Federal Migration Centre
UNIA	Interfederal Centre for Equal Opportunities and Opposition to Racism

Foreword

Anti-Roma racism and discrimination against Roma and Sinti communities continues to persist in various forms across the OSCE area. We often witness human rights violations and racist and discriminatory practices that impede the participation of Roma and Sinti in all walks of life.

In 2003, OSCE participating States adopted the [OSCE Action Plan on Improving the Situation of Roma and Sinti](#). This document places significant focus on combating racism and discrimination and relies on the framework of international and regional human rights law. The Action Plan aims to reinforce the work of participating States and OSCE institutions and structures to ensure that Roma and Sinti are able to play a full and equal part in societies, and that discrimination against them is eradicated.

ODIHR's most recent [Status Report on the Implementation of the Action Plan](#) noted the increase in racist and discriminatory behaviour and practices against Roma and Sinti in recent years, ranging from human rights violations to prejudiced attitudes and stereotyping, and anti-Roma racism remains a prominent approach for mobilizing constituencies driven by hate, resentment and prejudice. This is coupled with the shrinking of space for civil society and a significant decline in support and funding for human rights and watchdog-like organizations that are focused on monitoring, assessing and reporting on the human rights situation of Roma and Sinti. As a result, many organizations that used to work in this field have cut back their activities or closed down. National Human Rights Institutions and Equality Bodies have also experienced similar pressures; a lack of qualified personnel, budget cuts, smear campaigns and other threats directed against these state-established bodies have a cumulative negative effect on the promotion and protection of human rights.

To address these issues in such challenging times, ODIHR continues to support Roma human rights defenders with training, mentoring and support for their participation in human dimension events. Our events provide a platform for regular dialogue between civil society organizations and continue to support participating States in improving the situation of Roma and Sinti communities.

These guidelines aim to assist National Human Rights Institutions and National Equality Bodies in protecting and promoting human rights and equality for Roma and Sinti. These institutions are vital to ensuring Roma and Sinti communities receive fair treatment and protection under national and international law. They can play a powerful role in challenging discrimination, addressing human rights violations and giving a voice to those who need it most. Through effective work with Roma and Sinti communities, these institutions can break down barriers and create equal opportunities, shaping a future of true equality.

Maria Telalian, ODIHR Director

Introduction

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is mandated by OSCE participating States (pSs) to monitor the implementation of OSCE commitments relating to Roma and Sinti.¹ In relation to combating racism and discrimination, the **OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area** (Action Plan) recommends that participating States create specialized institutions to ensure the implementation of anti-discrimination legislation, including domestic mechanisms to monitor and report on progress in implementing anti-discrimination legislation. The Action Plan further notes that the participation of Roma and Sinti representatives in such bodies should be encouraged.² To this end, OSCE commitments also encourage pSs to set up institutional frameworks for Roma and governmental bodies at appropriate levels to implement policies and programmes aimed at improving the situation of Roma and Sinti.³

The Action Plan notes that ODIHR should assist participating States, at their request, in developing anti-discrimination legislation, as well as in establishing anti-discrimination bodies, and that ODIHR may give advice on how existing national mechanisms — such as ombudsman offices, commissions for combating discrimination, police disciplinary commissions — can alleviate tensions between Roma and Sinti and non-Roma communities. At the same time, the Action Plan tasks ODIHR with “assum[ing] a proactive role in analysing measures undertaken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people” and, to this end, to establish and develop direct contacts with participating States and offer advice and recommendations for action to address the challenges.⁴ ODIHR is also tasked with “support[ing] capacity-building for Roma and Sinti NGOs” as well as to “act as a catalyst for exchanges of information and best practices among participating States and other international organizations.”⁵

1 OSCE Ministerial Council, [Decision No. 3/03](#) (MC Dec. 3/03), “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 3 December 2003, paras. 24, 102, 125, 126 and 129.

2 *Ibid.*

3 OSCE Ministerial Council, [Decision No. 6/08](#) (MC Dec 6/08) “On enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,” Kyiv, 9 December 2008.

4 OSCE, [Action Plan on Roma and Sinti](#), paras. 127, 129.

5 *Ibid.*, paras. 102, 127.

These guidelines build on a 2021 internal needs assessment report prepared by ODIHR, which identified and analysed the capacity-building needs of National Human Rights Institutions (NHRIs) and National Equality Bodies (NEBs) to better address Roma and Sinti issues. It started from the premise that NEBs and NHRIs play an essential role in promoting and protecting Roma and Sinti human rights and that both types of body have complementary mandates and powers.

NHRIs are independent bodies, established by law or constitutionally, with a mandate to promote and protect human rights at the national level. They are unique in being state-established bodies that function independently of government and civil society. They therefore serve as a bridge between civil society and the state, connecting the responsibilities of states to the rights of their citizens. According to the United Nations (UN) Principles Relating to the Status of National Institutions (the Paris Principles),⁶ NHRIs' mandates should be as broad as possible;⁷ they should look at all human rights, including civil, political, economic, social and cultural rights.

NEBs are state bodies, most of which were established after the adoption of the Racial Equality Directive (2000/43/EC) that requires all European Union (EU) Member States, accession countries and European Economic Area (EEA) countries to designate an equality body for the promotion of equal treatment. This was followed by other EU directives focused on equality ('the EU Equal Treatment Directives').⁸ Unlike NHRIs, the mandate of NEBs is limited to promoting equality and combating discrimination. They do this by providing independent assistance to victims in pursuing their discrimination.

6 UN General Assembly [Resolution 48/143](#) (UN GA Res 48/143) "Principles Relating to the Status of National Institutions" (the Paris Principles), UNGA, 20 December 1993. The Paris Principles contain internationally recognized rules on the mandates and competencies of NHRIs. The Paris Principles also set out minimum standards on the establishment and functioning of NHRIs and promote key principles of pluralism, transparency and guarantees of the functional and institutional independence and effectiveness of NHRIs. The implementation of the Paris Principles and evaluation of NHRIs against these principles is undertaken by the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA). The SCA additionally develops "General Observations", which clarify and further explain the Paris Principles. See, [General Observations](#), GANHRI SCA, 21 February 2018.

7 The Council of Europe (CoE) and the UN General Assembly (UN GA) and other bodies have issued several recommendations or resolutions of relevance to NHRIs, including UN GA resolution [48/134](#) endorsing the Paris Principles; CoE Committee of Ministers, Recommendation [Rec\(97\)14](#), Council of Europe, Strasbourg, 30 September 1997; CoE Committee of Ministers, Recommendation [CM/Rec\(2021\)1](#) "On the Development and strengthening of effective, pluralist and independent national human rights institutions" Council of Europe, Strasbourg, 31 March 2021; and many other UN resolutions on NHRIs available [here](#).

8 Council of the European Union, Directive [2000/43/EC](#) "Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", European Union, Luxembourg, 29 June 2000; Directive [2000/78/EC](#) "Establishing a general framework for equal treatment in employment and occupation", European Union, Brussels, 27 November 2000; Directive [2004/113/EC](#) "Implementing the principle of equal treatment between men and women in the access to and supply of goods and services", European Union, Brussels, 13 December 2004; European Parliament and Council Directive, [2006/54/EC](#) "On the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)", European Union, Strasbourg, 5 July 2006.

complaints, conducting independent surveys about discrimination and publishing reports and recommendations.⁹

NEBs are different from NHRIs not only because of their narrower mandate, but also because, in practice, “the promotion of full equality goes beyond rights.”¹⁰ NEBs play a crucial role because they not only provide assistance to individuals facing discrimination but also combine both regulatory enforcement and capacity-building efforts within their mandate. This makes them significant and relevant bodies, even in countries that have fully independent and effective NHRIs. This is why both NHRIs and NEBs can play a critical role in addressing Roma and Sinti issues at the national level. It is important, however, that they cooperate and coordinate their work. This will not only prevent them from duplicating their efforts and draining their limited resources, but may also strengthen and amplify the impact of their actions.

This publication aims to highlight the important role, capabilities and potential of NHRIs and NEBs to protect and promote human rights and equality for Roma and Sinti communities. It is also a compendium of good practice, which aims to encourage broader and better informed stakeholder engagement in enhancing the role of NHRIs and NEBs to address the issues faced by Roma and Sinti communities. While these guidelines are primarily aimed at NHRIs and NEBs, they should also be a useful resource for national authorities, in particular policymakers, legislative bodies, judicial bodies and ministries, as well as Roma and pro-Roma civil society and human rights defenders.

9 It should be noted that the EU Equal Treatment directives only provide minimum standards for the competences and limited functional independence of equality bodies. Unlike the Paris Principles, until recently the equality directives did not guarantee complete independence, effectiveness, sufficient powers and adequate resources for equality bodies. However, On 7 May 2024, after previous approval in the European Parliament, the Council of the European Union adopted two Directives setting binding standards for Equality Bodies: Council of the European Union, [Council Directive \(EU\) 2024/1499](#) of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC, European Union, Brussels, 29 May 2024; and European Parliament and Council of the European Union, [Directive \(EU\) 2024/1500](#) of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU, European Union, Brussels, 29 May 2024.

10 [Developing Standards for Equality Bodies](#), EQUINET, November 2016.

Why are these guidelines necessary?

NHRIs and NEBs have a unique position and expertise in supporting Roma and Sinti

Despite the numerous Roma and Sinti inclusion strategies adopted at both national and international levels, there are still “deep discrepancies between the circumstances of Roma and Sinti communities and the general population [...]. In particular, discrimination and racism remain widespread and common in extreme right-wing political rhetoric. Likewise, Roma and Sinti women and men still lack real support in accessing health care, housing and employment, which are all prerequisites for closing gaps more broadly.”¹¹ This is also borne out by surveys which have noted that one in four Roma/Sinti in the EU have reported experiencing discrimination in different aspects of everyday life (such as looking for work or accessing health care), while only 43 per cent (in contrast to 72 per cent of non-Roma) are engaged in paid employment. Similarly, 80 per cent of Roma are at risk of poverty, whereas only 17 per cent of non-Roma face this risk.¹² It is clear, therefore, that not only more needs to be done in order to deliver on all the commitments on Roma and Sinti issues, but also that the barriers hampering the promotion of equality for Roma and Sinti are of a structural nature.

Thanks to their unique position and expertise, NEBs and NHRIs can become very powerful agents of change and champions in challenging systemic discrimination. This is why it is imperative for NHRIs and NEBs to expand and strengthen the existing work related to Roma and Sinti concerns. It is equally important for NHRIs and NEBs to consider Roma and Sinti issues in all areas of their work to reflect the experience of discrimination these communities are confronted with.

11 4th Status Report: Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, OSCE/ODIHR, 8 December 2023, p. 6.

12 80% of Roma live in poverty, European Union Fundamental Rights Agency, 25 October 2022. The survey was conducted in eight EU Member States (Croatia, the Czech Republic, Greece, Hungary, Italy, Portugal, Romania and Spain) as well as in North Macedonia and Serbia.

NHRIs and NEBs have untapped potential

While the 2021 needs assessment report identified the valuable work of NHRIs and NEBs, it also highlighted their untapped potential in ensuring rights for Roma and Sinti and effectively addressing discrimination against them. Specific themes for further support included incorporating equality, and Roma and Sinti concerns in particular, into internal guidelines, codes of conduct and internal human resources policies (beneficial both to NHRIs and NEBs); developing guidelines on ethnic profiling; guidance on monitoring the enforcement of decisions, recommendations and opinions of the Equality Bodies; and guidelines on conducting on-the-spot investigations (e.g., in cases of housing and segregation in education).

These guidelines focus on four priorities stemming from the mandate and the key functions of NHRIs and NEBs:

1. Institutional strategies or plans dedicated to Roma and Sinti or specifically mentioning Roma and Sinti concerns;
2. Reflecting Roma and Sinti concerns in personnel selection and continuing professional education;
3. Dialogue with other stakeholders; and
4. The legal protection of the rights of Roma and Sinti victims of discrimination.

These guidelines are general in nature and reflect international standards on the work and mandate of NHRIs and NEBs, developed and adopted by the UN, the Council of Europe (in particular the European Commission against Racism and Intolerance — ECRI) and, increasingly, the EU. Some NHRIs and NEBs, the European Network of National Human Rights Institutions (ENNHRI) and the European Network of Equality Bodies (EQUINET) have already developed initiatives or policies to address Roma and Sinti-related concerns in their work, and examples of these are given throughout the text.

The diversity of NHRIs and NEBs on the ground mirrors the diversity of each participating State's legal culture and institutional framework. Some of the proposals will be more or less relevant, depending on the institutional framework at the national level, while some will be more relevant for NHRIs,

NEBs or other state institutions (e.g., when recruitment procedures for civil servants are carried out by State Agencies for Public Servants and not directly by the NHRI or the NEB). Ideally, NHRIs and NEBs, as well as ENNHRI and EQUINET should also push towards implementing the relevant parts of the guidelines in their structures and work to improve their response to Roma and Sinti concerns.

Methodology

The information was collected through research and questionnaires answered by Roma and Sinti civil society organizations (CSOs) and selected NHRIs and NEBs from the OSCE region, as well as ENNHRI and EQUINET. A draft was shared with the participating NEBs and NHRIs, ENNHRI and EQUINET, before all took part in a concluding workshop on 5 August 2024 to finalize the draft.

Who are the guidelines for?

The findings of the 2021 needs assessment suggested that specific guidelines on better integrating Roma and Sinti concerns would be useful for NHRIs and NEBs, as well as for other stakeholders such as policymakers, Roma and pro Roma civil society and human rights activists. The promising practices included here are not exhaustive and reflect the commitment and creative solutions established in different national contexts.

Chapter 1 looks at how NHRIs and NEBs can bring their expertise on Roma and Sinti issues to bear on action plans and strategies of relevance to Roma and Sinti. **Chapter 2** explores how to deepen the in-house expertise of NHRIs and NEBs on Roma and Sinti issues, including by appointing qualified Roma and Sinti candidates. **Chapter 3** examines how NHRIs and NEBs can draw on the expertise of other stakeholders from different fields. It also looks at how these institutions/bodies can become potent actors in countering anti-Roma and Sinti rhetoric. **Chapter 4** presents a selection of ways in which NHRIs and NEBs can contribute effectively to the protection of Roma and Sinti victims of discrimination.

PART 1

INSTITUTIONAL STRATEGIES AND PLANS RELEVANT TO ROMA AND SINTI

The discrimination, inequality and human rights violations faced by Roma and Sinti require specific, targeted interventions, as well as the mainstreaming of Roma concerns within public policy documents and strategies. In practice, the need for a strategic approach to addressing Roma and Sinti issues led to the adoption of several, dedicated Roma and Sinti strategies and frameworks developed at the international, European or national level, e.g., the EU Framework for National Roma Integration Strategies up to 2020,¹³ the EU Roma strategic framework for equality, inclusion and participation¹⁴ and the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025).¹⁵ Discrimination against Roma and Sinti has particular characteristics. This type of discrimination, termed ‘antigypsyism’,¹⁶ is increasingly identified as a specific form of racism and there are numerous instruments and documents calling for it to be tackled explicitly in national inclusion strategies.¹⁷

13 European Commission, [COM\(2011\) 173 final](#), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, An EU Framework for National Roma Integration Strategies up to 2020, European Commission, Brussels, 5 November 2011.

14 European Commission, [COM\(2020\) 620 final](#), Communication from the Commission to the European Parliament and the Council, A Union of Equality: EU Roma strategic framework for equality, inclusion and participation (SWD(2020) 530 final), European Union, Brussels, 7 October 2020.

15 [Strategic Action Plan for Roma and Traveller Inclusion \(2020-2025\)](#), Council of Europe, Strasbourg, 22 January 2020.

16 While there is no consensus in the OSCE on the term ‘antigypsyism’, a large number of OSCE participating States and international organizations have recognized this term and are using it to elaborate on anti-Roma racism. ECRI General Policy Recommendation N°13 defines ‘antigypsyism’ as “a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination”. European Commission Against Racism and Intolerance, ECRI General Policy Recommendation N°13, adopted on 24 June 2011 and amended on 1 December 2020. For more information about this term see: Council of Europe, [Antigypsyism / Discrimination - Roma and Travellers](#); European Commission, [Antigypsyism: Increasing its Recognition to Better Understand and Address its Manifestations](#), November 2018; International Holocaust Remembrance Alliance, [What is antigypsyism/anti-Roma discrimination?](#); Alliance against Antigypsyism, [Antigypsyism – a reference paper](#).

17 European Parliament, [Resolution of 17 September 2020 on the implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe](#), 17 September 2020, para. 17. Combating ‘antigypsyism’ and discrimination is one of (and, in fact, the first) objective of the European Union Roma strategic framework for equality, inclusion and participation for 2020-2030, Brussels, 7 October 2020, p. 4.

Romania and Spain have adopted specific legislation on ‘antigypsyism’. The Parliament of Romania has adopted a legislative proposal for Preventing and Sanctioning Antigypsyism. This law introduces specific anti-Roma crimes, separate from those in the existing legislation sanctioning ‘hate speech’ and hate crimes.¹⁸ In Spain in 2022, the new Law of Equal Treatment and Non-Discrimination¹⁹ was approved, in which ‘antigypsyism’ is recognized for the first time as an aggravating factor in hate crimes. This prompted the modification of the Criminal Code, classifying ‘antigypsyism’ as a hate crime.^{20, 21}

1.1 Addressing Roma and Sinti concerns in national strategies and action plans

Acknowledging the importance of prioritizing Roma and Sinti issues, NHRIs and NEBs should play a **proactive role in developing, implementing and monitoring national Roma strategies** and have their specific responsibilities in this area clearly defined, resourced and monitored, in line with the established national strategic objectives. Both the EU Roma strategic framework for equality, inclusion and participation and the 2021 Council Recommendation on Roma equality, inclusion and participation²² propose the involvement of equality bodies in structures set up to oversee the implementation, monitoring and review of national Roma strategic frameworks.

The **French Defender of Rights** reported they contributed to the development of the new French Strategy for Equality, Inclusion and Participation of Roma.²³ Likewise, the **French National Consultative Commission on Human Rights** (*Commission nationale consultative des droits de l’homme — CNCDH*) noted that it was consulted during the development of the new National Action Plan against Racism and Antisemitism that will have a

18 For more information see: LAW no. 2 of 4 January 2021 on some measures to prevent and combat anti-Gypsyism.

19 See: Congress approves the Proposal for an Organic Law complementary to the Comprehensive Law for Equal Treatment and Non-Discrimination and sends it to the Senate - Congress of Deputies.

20 OSCE/ODIHR, 4th Status Report, p. 27.

21 Following the development of the Swedish Commission against Antigypsyism back in 2016, Germany also established an Independent Commission on Antigypsyism and the post of Commissioner for Antigypsyism under the Federal Government. In 2021, this commission issued an 800-page report that assessed the historically rooted structural racism against Roma and Sinti in Germany, as well as the ongoing racism in various fields of society from knowledge production to law enforcement. For more information on this, please see OSCE/ODIHR, 4th Status Report, p. 27.

22 Council of the European Union, Recommendation 2021/C 93/01 “On Roma equality, inclusion and participation”, European Union, Brussels, 19 March 2021.

23 French Defender of Rights, response to questionnaire.

section on ‘antigypsyism’ and should reflect some of the recommendations made by the CNCDH in the past. Also, the CNCDH is mandated to evaluate the National Action plan every three years.²⁴

The **People’s Advocate of Albania** reported that it was extensively engaged in the process that led to the adoption of the National Action Plan for Equality, Inclusion and Participation of the Roma and Sinti Community 2021-2025 and considered that the recommendations made by the institution were reflected in the action plan to a certain extent.²⁵

The **Spanish Council for the Elimination of Racial or Ethnic Discrimination** took part in drafting the National Strategy for Equality, Inclusion and Participation of the Roma People (2021-2030), conveying the needs identified by the Council; for example, the need to start a debate on obtaining data disaggregated by ethnic origin in studies, statistics or reports and also to strengthen mechanisms for the attention, support and protection of victims of discrimination.²⁶

The acknowledgement and prioritization of Roma and Sinti related concerns should also lead to **Roma and Sinti mainstreaming in national equality strategies, national human rights strategies, institutional strategies and the action plans of NEBs and NHRIs**. The adoption of policy provisions, in the form of national equality, human rights or institutional strategies, is a means to ensuring the effectiveness of NHRIs and NEBs in general.²⁷ Whether a state chooses to adopt a national human rights strategy or plan, an equality and non-discrimination strategy or an institutional strategy for NHRIs and NEBs, or a specific Roma and Sinti action plan, derived from the general strategies, depends on the policy choices and institutional framework of each state. The national context will also determine whether they choose to develop specific Roma and Sinti objectives or chapters, or whether they address Roma and Sinti issues across all areas of their work, integrated within broader, general strategic objectives.

24 French CNCDH, response to questionnaire.

25 People’s Advocate of Albania, response to questionnaire.

26 Spanish Council for the Elimination of Racial and Ethnic Discrimination response to questionnaire.

27 European Commission, [COM/2022/689 final](#) Proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC, European Union Brussels, 7 December 2022.

It is equally important to ensure **coordination** of the strategies **with the national Roma and Sinti strategies by cross-referencing, coordinating strategic objectives, synergizing responsibilities and focusing on pooling resources**. This work must also be supported by **regular evaluations and independent assessments** to ensure that the objectives are being met. This should improve the work and feed into future strategies.

The annual reports of the **Spanish Ombudsman** include a dedicated section about its activities on Roma issues in the chapter on equality.²⁸

As part of adopting its new Strategy for Equality, Inclusion and Participation of Roma, the **French Defender of Rights** produced two studies on the work of the Defender of Rights in relation to Travellers and Roma migrants,²⁹ which included consultations with state institutions and civil society organizations and workshops to assess the difficulties faced by Travellers in the access and enjoyment of their fundamental rights.

Similarly, the **Irish Human Rights and Equality Commission** met with Ireland's National Roma Network so that the Commissioners and staff could learn, first-hand, about the key issues and recommendations for change from Roma representatives and community advocates, with a view to informing the development of the Commission's next Strategy Statement.

It is important to pay particular attention to the needs of Roma and Sinti women and youth. NHRIs and NEBs should ensure that intersectionality³⁰ is adequately addressed.³¹

NHRIs and NEBs should also include an overview of their work on Roma and Sinti issues in their annual reports, covering the recommendations they made in previous years, the level of implementation of those recommendations and analysis of what is preventing implementation.

28 Response by the Spanish Ombudsperson.

29 [Report - Travellers: breaking down barriers to rights](#), Defender of Rights, 6 October 2021 for travellers, and [Report – For effective protection on the rights of Roma](#), Defender of Rights, December 2021.

30 Intersectionality is a concept coined by legal scholar Kimberlé Crenshaw, which highlights how different aspects of a person's identity — such as 'race', gender, class, sexuality, ability — intersect and interact, often creating unique experiences of discrimination or privilege. It recognizes that individuals can experience multiple forms of oppression or privilege simultaneously, and that these aspects of identity cannot be separated or understood in isolation. In essence, intersectionality emphasizes the interconnected nature of social categorizations and the need to consider how they intersect to shape people's experiences and opportunities.

31 See by analogy, [Handbook for National Human Rights Institutions on women's rights and gender equality](#), OSCE/ODIHR, Warsaw, 4 December 2012, p. 50. For the particular challenges faced by Roma and Sinti women see OSCE Ministerial Council, [Decision No. 4/13 \(MC Dec. 4/13\)](#), "Enhancing OSCE Efforts to Implement the Action Plan Improving the Situation of Roma and Sinti Within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children", OSCE, Kyiv, 6 December 2013.

PART 2

RECRUITMENT AND CONTINUING PROFESSIONAL EDUCATION REFLECTING ROMA AND SINTI CONCERNS

NHRIs and NEBs take the lead on addressing discrimination and inequality effectively at national level. Their impact can be amplified by being a role model for other public or private institutions. The credibility and the effectiveness of NHRIs or NEBs may be limited if their own employees perpetuate prejudice and bias against Roma. Avoiding this begins with recruitment, establishing a safe work space for all, and ensuring staff can understand, identify and address discrimination or human rights violations affecting Roma and Sinti.

2.1 Conducting staff diversity audits

The first step is to understand the existing staff structure and to ensure it reflects the diversity of society, including Roma and Sinti, and particularly Roma and Sinti women, who often face intersectional discrimination (for example, on grounds of gender, ethnic origin and socioeconomic status). NHRIs and NEBs should **conduct staff diversity audits** to understand the racial or ethnic origin, gender or diversity of their own personnel. This then enables the institution to adapt recruitment policies, set goals on staff diversity, establish the bibliographies for the recruitment procedures or for periodic exams, and develop the framework for continuing professional education.

These institutions should also conduct regular **surveys on the attitudes and perceptions** of their staff towards different vulnerable groups; anecdotal evidence indicates that even among NHRI/NEB staff there are prejudices about Roma and Sinti. The results of these surveys should enable NHRIs and NEBs to prioritize the themes of their continuing professional education programmes so that those interacting with victims of discrimination are aware of their own biases and prejudices and do not behave in a way that might cause revictimization.³²

2.2 Promoting the recruitment and promotion of qualified candidates of Roma and Sinti ethnic origin and of candidates familiar with challenges faced by Roma and Sinti

NHRIs and NEBs can take proactive steps to encourage, internally and across the public sector, the recruitment and promotion of qualified candidates of Roma and Sinti origin or of those who are familiar with Roma and Sinti concerns. In-service training and specialization can help to keep staff up-to-date on challenges, policies and best practices. Continuous professional development can include tailored workshops, cross-sector collaboration and engagement with Roma and Sinti civil society organizations and experts to build cultural competence and awareness of systemic barriers. In addition, specialization in areas such as anti-discrimination law, social inclusion strategies and participatory policymaking can help staff to design and implement effective and inclusive, rights-based interventions. Staff should also develop a deeper understanding of intersectional issues, giving NHRIs and NEBs the tools to respond dynamically to emerging needs and trends.

Institutions may take positive measures to improve the diversity of their candidate pools or establish quotas, depending on the national legislation and the results of the diversity audits. Indeed, some participating States have already taken steps to ensure the appointment of Roma and Sinti staff to their NHRIs and NEBs, taking advantage of their expertise and life experience.³³

32 To learn more about how to interview victims of discrimination but also other human rights violations, please see FreedomLab, [Trauma-Informed Interviewing: Skills and Techniques for Monitors](#) (online training), 13 January 2023.

33 OSCE/ODIHR, [4th Status Report](#).

This approach builds on ECRI General Policy Recommendation no. 13 on Combating Antigypsyism and Discrimination against Roma³⁴ as well as on other standards proposed by the Council of Europe.³⁵ More recently, the Council of Europe has highlighted the importance of such temporary special measures for the employment of Roma and Sinti women in particular in the public sector.³⁶

A basic recommendation is to **post all open positions on as many different channels as possible**, including Roma and Sinti related e-groups or websites. This should increase the number and diversity of candidates applying for any position, including senior jobs. A widely spread recruitment campaign should help to attract suitably qualified candidates of Roma and Sinti origin. Another approach is to include **key messages in the recruitment announcements that highlight the inclusiveness of the workplace** thus encouraging diverse candidates to apply.

EQUINET's standard reference in job offers reads:

“The EQUINET Secretariat is an equal opportunities employer and is committed to equal opportunities for all irrespective of gender, sexual orientation, religion or belief, race or ethnicity, age or disability. With a view to contributing to full equality in practice and compensating for disadvantages, it applies positive action measures. Taking into account the EQUINET Secretariat team composition, in case of equally qualified and suitable candidates, it will choose the person with a minority ethnic background and/or a disability unless there are other factors that should tilt the balance in favour of the other candidate(s).”

In the case of NHRIs and NEBs leadership selection and appointments, one solution is to **encourage the nomination of candidates with a minority background or to require that candidates have proven experience in human rights and equality work.**

34 ECRI, *General Policy Recommendation no.13 on Combating Antigypsyism and discrimination against Roma*, CRI(2011)37 rec, amended on 1 December 2020, principle 5.d.

35 Committee of Ministers, *Recommendation Rec(2001)17 “On improving the economic and employment situation of Roma/Gypsies and Travellers in Europe”*, Council of Europe, Strasbourg 27 November 2001, Principle 15: “the employment of Roma/Gypsies at all levels of the public sector should therefore be promoted and partnerships with local Roma/Gypsies be established, in order to provide them with on-the-job training. If necessary, strategies need to be developed to improve the employment potential of Roma/Gypsies through training in generic skills.”

36 Committee of Ministers, *Recommendation CM/Rec(2024)1 “On equality of Roma and Traveller women and girls”*, Council of Europe, Strasbourg, 5 April 2024, para. 36.

For the **Romanian National Council for Combating Discrimination (NCCD)**, Parliament has a legal obligation to assess the credentials of those applying to be members of the Steering Board and must take into account their involvement in human rights activities. In theory, this may include experience of working on Roma and Sinti issues. In 2022, the Anti-discrimination Law was amended to increase the membership of the NCCD Steering Board from nine to eleven, and to ensure the inclusion of representatives from national minorities. Since its establishment, the Steering Board of the Romanian equality body has included people with a publicly-acknowledged Roma background or with extensive experience of supporting Roma rights.³⁷

Another way of ensuring that NHRI and NEB staff understand the specificity of Roma and Sinti is to **include material in the bibliography for recruitments**; for example, legal and policy provisions and jurisprudence adopted at the national or international level, including judgements of the European Court of Human Rights (ECtHR) and the decisions of UN treaty bodies such as the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), and the Committee on the Rights of Persons with Disabilities (CRPD). In particular, where the selection process is not carried out directly by NHRIs and NEBs, **the core materials of the recruitment competitions for public servants should include anti-discrimination legislation and key judgements in Roma and Sinti cases**. NEBs are essential to selecting the bibliography, but also supporting the national recruitment agencies to ensure that the diversity and inclusion messages, including on unconscious bias, are incorporated into the **revised curriculum for interview training** and that the selection committees are themselves diverse and unbiased. The Committee of Ministers of the Council of Europe issued a particularly useful recommendation stating the need for “(a)nti-discrimination training of persons involved in recruitment decisions in the private and public sectors and in national employment services”.³⁸

37 Romanian NCCD, response to questionnaire.

38 Committee of Ministers, [Recommendation Rec\(2001\)17](#), para. 34.

The selection processes of the **Greek Ombuds institution** are carried out through the National Council for Recruitment in the public sector. Candidates are selected and evaluated on whether they fulfil the legal requirements for recruitment to specific positions and their suitability for the position. If they fulfil the necessary requirements, the candidate's experience of/knowledge about Roma and Sinti issues or of equality and non-discrimination issues is taken into consideration in the evaluation procedure. The Greek Ombudsperson mentioned giving priority to Roma candidates, as well as candidates from other vulnerable groups for the training position in the Ombuds Office.³⁹

Another effective human resources activity within NHRIs and NEBs is to offer **training, development and leadership programmes for Roma candidates**, including traineeships/internships, to improve their integration into these institutions. Programmes like these not only give Roma and Sinti staff valuable knowledge and skills, but also allow NHRIs and NEBs to benefit from their trainees' first-hand knowledge of the issues faced by their communities.

In 2017, the **European Union Agency for Fundamental Rights launched a Traineeship Programme, which includes a Roma Traineeship scheme** addressed mainly to recent university graduates of Roma background. The programme aims, among other things, both to familiarize Roma trainees with the Agency's mandate and role, and to give them an opportunity to put into practice the knowledge they acquired during their studies.⁴⁰ 'Roma Inclusion Trainee' is a similar programme offered to Roma and Sinti university graduates by the **European Economic Area Grants (EEA Grants)**.⁴¹ **The Socialists and Democrats (S&D)**, a political group in the European Parliament, have also set up six, five-month trainee programmes. S&D has set up a special fund for young people of Roma origin (the candidate must be part of the Roma community) to enable young Roma to access the programme.⁴²

39 Greek Ombudsperson, response to questionnaire.

40 FRA, [Decision CS/024/2017, Rules governing the Roma Traineeship Programme at FRA](#), Vienna, 2017.

41 EEA Grants, [Ref. 22-184](#), Description of FMO [Financial Mechanism Office] Organisations Structure and Related Trainee Posts 2022-2023"; EEA Grants, [VA 02/2022](#), Traineeship at the FMO-EEA and Norway Grants 2022-2023.

42 [The Fund for young people of Roma origin](#), European Parliament Socialists and Democrats political group website.

The **Serbian Commissioner for the Protection of Equality**, in collaboration with the European Roma Rights Centre, organized an internship programme for Roma students. One of the participants, a young Roma law student, was subsequently hired by the Commissioner's office and currently works as an advisor, reviewing discrimination complaints.⁴³

2.3 Introducing into codes of conduct provisions on equality and non-discrimination duties that specifically mention Roma and Sinti concerns

As voluntary instruments that reflect the minimum standards of acceptable conduct and core values of an institution, including the diversity of its constituency (workforce, beneficiaries, clients and partners), **Codes of conduct** are essential to shaping the working environment and making it inclusive and safe for all.⁴⁴ The minimal elements of any code of conduct should include:

- A statement that equality and non-discrimination are basic values for the institution
- An explicit policy of zero tolerance for discrimination at the level of the institution
- A list of the vulnerable groups particularly at risk of being discriminated against in the specific participating State
- A definition of 'offences'
- A secure, confidential and effective internal complaints mechanism with clear sanctions for breaches
- A system of assessment and evaluation

43 Response by the Serbian Commissioner for the Protection of Equality.

44 Łukasz Bojarski, Isabelle Chopin, Barbara Cohen, Uyen Do, Lilla Farkas and Romanița Iordache, *Awareness raising seminars of non-discrimination and equality targeted at CSOs in 32 European countries – Training Manual on Discrimination*, Human European Consultancy – Migration Policy Group, May 2012.

EQUINET has a ‘safer spaces policy’ for its own events, covering all grounds of discrimination and harassment. There are also internal policies for preventing and addressing harassment within the EQUINET Secretariat.

The **Albanian Commissioner for Protection from Discrimination** reported having internal guidelines focusing on equality and non-discrimination on all protected grounds.⁴⁵

NEBs are best-placed to **disseminate model codes of conduct under relevant anti-discrimination and equality legislation** to help other employers and employees understand their legal obligations and to offer guidance on what employers or service providers should do to comply with the anti-discrimination legislation.

In 2014, the **Greek Ombudsperson** published ‘Respect makes the difference’,⁴⁶ a guide on equal treatment and non-discrimination, addressed to all civil servants, including its own staff. A revised edition was published in 2017.

2.4 Providing continuing professional training on Roma and Sinti issues

Following recruitment, it is equally important to ensure **continuous in-service training for staff on Roma and Sinti history, culture and language as well as Roma and Sinti rights**. Both ECRI and the Committee of Ministers of Council of Europe recommended that EU Member States provide training for judges, prosecutors and lawyers, as well as all relevant governmental officials and public servants (e.g., teachers, law enforcement officers, healthcare practitioners, social workers) on anti-discrimination and equality, racism and ‘antigypsyism’.⁴⁷ This recommendation also applies to the personnel of the NHRIs and NEBs, but it gives these institutions the opportunity to take the lead in educating other civil servants. Regular surveys on the attitudes and perceptions of the general

45 Albanian Commissioner for Protection from Discrimination response to questionnaire.

46 Συνήγορος του Πολίτη, *Οδηγός Ίσης Μεταχείρισης – Εγχειρίδιο για Δημόσιους Υπαλλήλους – Ο Σεβασμός κάνει τη διαφορά* (The Greek Ombudsperson, Guide for equal treatment and non-discrimination addressed to all civil servants — Respect makes a difference), Athens, 2017.

47 European Commission against Racism and Intolerance (ECRI), *CRI(2012)48* General Policy Recommendation No 14 On Combating Racism and Racial Discrimination in Employment, Council of Europe, Strasbourg, 25 September 2012. See also, Committee of Ministers, Recommendation *CM/Rec(2008)5* “On policies for Roma and/or Travellers in Europe”, Council of Europe, Strasbourg, 20 February 2008.

public towards vulnerable groups and internal surveys focused on staff biases can form the baseline for assessing the scope of continuing professional staff training.

At a minimum, regular training courses should be run with Roma and Sinti CSOs. They should explain the specificities of Roma and Sinti communities, discussing the barriers to Roma and Sinti participation and the effective enjoyment of human rights. Activities that are interactive and/or follow the ‘Living Library’ model⁴⁸ help to create positive recognition of Roma and Sinti culture and identity. They should also update participants on the latest international documents and jurisprudence, in particular, recent ECtHR case law.

Where resources are not sufficient to hold separate courses on Roma and Sinti rights, institutions can organize tutored courses through the **Council of Europe’s HELP online platform**,⁴⁹ which is accessible for free in English and other languages. Courses include: Anti-discrimination, Fight Against Racism, Xenophobia, Homophobia and Transphobia, or Hate Crimes and Hate Speech.⁵⁰

The **French CNCDH** noted that specific training (at least annually) is compulsory for its staff.⁵¹

Despite having very limited financial resources, **EQUINET** reported a proactive approach to training and continuing professional education; they encourage their staff to attend, during working hours, the many free training courses and events available on equality issues (including on Roma and Sinti issues) whether organized by EQUINET or external parties.

The **Romanian NCCD** reported that, in 2019, in the context of the JUS-TROM programme implemented by the Council of Europe in Romania, a training course had been organized to update staff members of the **NCCD** on the most recent developments in the field of anti-discrimination, particularly on the case law of the ECtHR and the Court of Justice of the European Union (CJEU), and on the most relevant standards on Roma issues, free speech and ‘hate speech’, and to exchange views on practices relating to Roma issues and non-discrimination.⁵²

48 For more information about the Living Library concept see [Council of Europe - Living Library](#).

49 [HELP courses](#).

50 In addition to the education on Roma history, culture and language as well as Roma rights, it may be also relevant for NHRIs and NEBs staff members to enhance their knowledge and skills in gender mainstreaming, the Paris Principles, diversity, pluralism and cooperation with CSOs, advice to policymakers, cooperation with cities and regions, as well as overall communication and advocacy skills. For more, visit a webinar series on these topics, ODIHR/ENNHRI, [Communication skills and tools for National Human Rights Institutions](#).

51 French CNCDH, response to questionnaire.

52 Romanian NCCD, response to questionnaire.

PART 3

DIALOGUE WITH OTHER STAKEHOLDERS

3.1 Establishing cooperation with domestic and international stakeholders

NHRIs and NEBs already hold significant information and expertise on various issues of relevance to Roma and Sinti. It appears, however, that there are few appropriately structured channels and procedures for two-way engagement (not just communication) between stakeholders, ranging from domestic CSOs to international organizations. Moreover, and without downplaying its importance, the formal involvement of NHRIs and NEBs is often seen as being only to provide input on the design and drafting of Roma and Sinti policies, rather than implementation or monitoring and assessment of their impact, an area where NHRIs and NEBs can make a significant contribution.

This raises three key problems. First, other stakeholders might not be sufficiently aware of the findings and recommendations of NHRIs and NEBs and do not therefore reflect them in their activities, which could undermine their overall quality and effectiveness. Second, a lack of awareness about the work already done by NHRIs and NEBs risks duplication by other stakeholders, wasting valuable time and resources. Third, failure to involve NHRIs and NEBs officially in the review and evaluation of Roma and Sinti policies in particular runs the risk that any shortcomings or bottlenecks in implementation will not be picked up and addressed.

The European Commission has raised similar concerns, noting that in many cases, NEBs primarily interacted with non-state actors (such as civil society organizations and academics) in an informal and ad hoc manner, rather than through structured dialogue. Additionally, public authorities often failed to involve NEBs formally in the development and implementation of national Roma integration strategies. As a result, the engagement of NEBs with both governmental and non-governmental stakeholders remained largely informal, limiting their influence in shaping policy.⁵³ To address this issue, in its proposal for a Council Recommendation on Roma equality, inclusion and participation, the European Commission introduced a specific section on the role of NEBs in promoting Roma and Sinti social integration.⁵⁴ It is also noted that under Regulation (EU) 2021/1060, NEBs are expected to work jointly with CSOs in the design, implementation and monitoring of the national strategic frameworks for gender equality.⁵⁵ At the same time, through ENNHRI and EQUINET respectively, NHRIs and NEBs have already started taking steps towards facilitating the exchange of information, challenges and solutions; such initiatives should not only be reinforced (e.g., by establishing platforms or running regular experience-sharing events), but direct channels of communication and cooperation should also be established between NHRIs/NEBs facing similar problems. For example, NHRIs/NEBs in neighbouring countries working on trafficking of Roma and Sinti could use such a platform to exchange targeted information to enable them to work more efficiently.

While other stakeholders (particularly governmental ones) should take the initiative and approach NHRIs and NEBs to establish closer forms of cooperation, it is very likely that this will not happen for a number of reasons, ranging from bureaucratic inertia to limited understanding of their roles. NHRIs and NEBs should aim to engage and collaborate with a wide range

53 European Commission, [COM/2021/139 final](#), Commission Staff Working Document: Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (the Employment Equality Directive), European Union, Brussels, 19 February 2021, para. 4.3.

54 European Commission, [COM\(2020\) 621 Final](#), Proposal for a Council Recommendation on Roma equality, inclusion and participation, European Union, Brussels, 7 October 2020, recommendations 14-15. The recommendations were ultimately taken up by the Council of the European Union in its [Recommendation 2021/C93/01](#), "On Roma equality, inclusion and participation", European Union, Brussels, 12 March 2021.

55 European Parliament and Council of the European Union, [Regulation \(EU\) 2021/1060](#) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy, European Union, Brussels, 30 June 2021, Annex 4.

of stakeholders.⁵⁶ It is crucial for NHRIs and NEBs to **identify key state and non-state stakeholders and launch structured cooperation, coordination and information sharing on Roma and Sinti issues** without compromising their independence. It is also important for NHRIs and NEBs to be able to play a **more active role in assessing the impact of Roma and Sinti national strategies, identifying shortcomings in implementation and making recommendations to address them.** To that end, NEBs, in particular, should assign higher priority to Roma and Sinti issues when reviewing the implementation of national gender equality frameworks, where they already have an explicit mandate.

EQUINET has already made progress on ensuring its members' knowledge and expertise on Roma and Sinti issues is pooled and made available to the European Commission. Its Policy Formation Working Group prepared a report, entitled 'Perspective', that sets out the main issues faced by Roma and Sinti, recommendations on tackling them and good practices adopted by its members.⁵⁷

ENNHRI addresses relevant Roma and Sinti issues through its **Economic, Social and Cultural Rights Working Group**. The Working Group acts as a hub for experts and a platform for exchanging information, good practices and challenges that NHRIs face in this area. The Working Group also coordinates engagement with regional actors at the EU and Council of Europe and, to some extent, the UN.⁵⁸

The **French CNCDH** provided input to the draft National Action Plan against Racism and Antisemitism, which has a section on 'antigypsyism'. The CNCDH is mandated to carry out the evaluation of the National Action plan every three years and, therefore, also the evaluation of measures for combating 'antigypsyism'. They also reported that they have a close working relationship with DIHAL (the Inter-ministerial Delegation for Accommodation and Access to Housing, which is also the French National Roma Contact Point) on slum clearance and school enrolment issues, and with DILCRAH (the Inter-ministerial Delegation for the Fight Against Racism, Anti-Semitism and Anti-LGBT Hate) on the drafting and evaluation of the national action plan against racism and anti-Semitism.⁵⁹

56 For more information about how to engage with stakeholders and build alliances, see *Strengthening the Resilience of National Human Rights Institutions Guidance Tool*, OSCE/ODIHR, 26 August 2022, pp. 21-22.

57 *Roma and Traveller Inclusion: Towards a New EU Framework. Learning from the Work of the Equality Bodies*, EQUINET, 23 July 2020.

58 Response by ENNHRI.

59 French CNCDH, response to questionnaire.

3.2 Enabling monitoring and complaints by Roma and Sinti in discrimination cases and soliciting feedback on the work of NHRIs and NEBs on Roma and Sinti issues

Back in 2014, the European Commission highlighted the under-reporting of discrimination cases, as well as victims' lack of awareness about their rights and the remedies available to them.⁶⁰ The European Commission reiterated these concerns in its 2021 report.⁶¹ This suggests that the reasons for under-reporting are structural and the various awareness-raising measures and activities aimed at the public have not been effective in encouraging people experiencing discrimination to use the various procedures (including filing complaints with NEBs).

It is crucial, therefore, not only to undertake **more targeted awareness-raising measures regarding Roma and Sinti, but also to identify and provide training to Roma and Sinti CSOs to help them become 'contact points** for Roma and Sinti on discrimination cases and onward referral to NHRIs and NEBs. At the same time, and to ensure the genuine participation of grassroots communities and Roma and Sinti CSOs, NHRIs and NEBs should maintain direct links with Roma and Sinti communities, for example, through regular fact-finding visits unaccompanied by Roma and Sinti CSO members. It is particularly encouraging that many of the surveyed NHRIs and NEBs reported that they provide training for Roma and Sinti CSOs, primarily on rights awareness and filing complaints. Depending on the level of knowledge and skill of Roma and Sinti CSOs, this training should include instruction on diverse topics, such as different forms of discrimination (including 'hate speech'), data collection in support of discrimination claims, available remedies, recent domestic court/NEB case law on discrimination cases, support and assistance to victims of discrimination, and available legal aid.

60 European Commission, *COM/2014/02 final* Report from the Commission to the European Parliament and the Council – Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'), European Union, Brussels, 17 January 2014, section 3.3.

61 European Commission, *COM/2021/139 final*, Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (the Employment Equality Directive), European Union, Brussels, 19 March 2021.

The Equality Commission for Northern Ireland runs a human rights clinic that provides legal advice and further information and referral to legal aid services for victims of discrimination.

NHRIs and NEBs should actively and regularly solicit the views of Roma and Sinti CSOs and Roma and Sinti community representatives on their priorities and recommendations for enriching their activities and tackling Roma and Sinti issues more effectively. They could consider **setting up advisory boards/committees** and invite Roma and Sinti CSOs or independent experts to join, or they could hold regular, open meetings for specific consultations.

In all such projects, particular effort should be made to reach out to Roma and Sinti women. According to the 2021 Roma Survey by the European Union Agency for Fundamental Rights (FRA), more Roma and Sinti men than women are aware of the existence of at least one equality body.⁶²

The **People's Advocate of Albania** provides training on human rights and the role of independent human rights institutions for Roma youth and plans to cooperate with Roma CSOs and individuals to set up a network of mediators.⁶³

The **Serbian Commissioner for the Protection of Equality** has adopted a wide range of measures in response to under-reporting including: training for national councils for minorities (including the Roma national minority); visits to and awareness-raising campaigns in informal Roma settlements; publications in Romani on identifying and reporting discrimination; cooperation with organizations working on Roma rights; the publication of guidebooks and training for civil society organizations on conducting situation testing and litigating; and strategic litigation.⁶⁴

62 FRA, *Roma in 10 European Countries: Main results – Roma Survey 2021*, Vienna, 2022, p. 32.

63 Albanian Ombuds, response to questionnaire.

64 Situation testing is a method for detecting discrimination by comparing how different individuals are treated in similar situations. Litigating is taking a case to court to seek justice for victims of discrimination/human rights infringements. Strategic litigation is a targeted legal approach where the case is chosen not only to help an individual, but also to create broader legal or policy change – where the cases serve as precedent. For more information about situation testing see: *Proving Discrimination Cases - the Role of Situation Testing*, European Website on Integration, 27 March 2007; Isabelle Rorive, *Proving Discrimination Cases, the Role of Situation Testing*, Centre for Equal Rights, 2009; Equinet Training Summary: Equality Bodies using Situation Testing, Equinet, Vilnius, 3-4 June 2024; Equinet, *Roma and Traveller Inclusion*, p. 14.

The **Spanish Council for the Elimination of Racial or Ethnic Discrimination** supports an Assistance Service to Victims of Racial or Ethnic Discrimination. The service is managed by the *Fundación Secretariado Gitano* in collaboration with seven other NGOs that specialize in immigration issues and combating racism and intolerance. Their technical staff have benefited from training by the **Spanish Ombudsman** on discrimination issues, intervention in cases of discrimination, as well as on the role of the Spanish Ombudsman's Office and the submission of complaints. The service is provided from 87 locations, across all regions of Spain.^{65, 66}

Two Roma CSOs (Romeurope and La Voix des Roms) sit on the board of the **French CNCDH** and are consulted on Roma and Sinti-related activities (e.g., during the drafting and issuing of opinions).⁶⁷

A Greek Roma CSO (Ellan Passe) that has representative associations all over Greece is among the 42 members of the **Greek National Commission for Human Rights (GNCHR)** plenary.⁶⁸

3.3 Drafting and adopting a set of common guidelines and protocols on preventing violations of Roma and Sinti human rights

Equality norms are effectively reactive in nature, providing individualized redress to people after they have experienced discrimination.⁶⁹ It is therefore important to explore how NHRIs and NEBs can help prevent discrimination from occurring in the first place.

This can be accomplished partly through proactive measures such as drafting codes of practice or practical guides on non-discrimination (and on Roma and Sinti issues in particular) and disseminating them among state officials.

65 *Ibid.*

66 Response by the Spanish Ombudsman.

67 French CNCDH, response to questionnaire.

68 Greek GNCHR, response to questionnaire.

69 European Commission, *COM/2022/689 final*, p. 18.

At the same time, and in light of the difficulties encountered in collecting quantitative and qualitative data disaggregated by various grounds, it is crucial for all stakeholders to agree on **common data collection methods**. NHRIs, and NEBs in particular, should emphasize to all stakeholders the importance of good quality statistical data for combating discrimination and evaluating the impact of non-discrimination legislation and policies. They should also make clear recommendations on how to improve data collection. To that end, some NEBs have joined forces with national statistical offices, while others are looking at **adopting the data collection guidelines of the Subgroup on Equality Data of the EU High Level Group on Non-Discrimination, Equality and Diversity**.⁷⁰

Similarly, it is important to devise ways to assess the impact of NHRIs and NEBs as well as the activities, measures and policies of state authorities on Roma and Sinti issues. This could include the **design and adoption of targeted indicators** (along the lines of FRA's portfolio of indicators developed in the context of the EU Roma Strategic Framework⁷¹) to be used by all stakeholders working on Roma and Sinti issues.

The **Greek Ombudsperson** has drafted and disseminated a manual⁷² and a guide on non-discrimination issues for civil servants.⁷³ It has also drafted and disseminated a practical guide on Roma issues for local government authorities, giving them concrete recommendations on tackling the various issues that Roma face.⁷⁴

The **Serbian Commissioner for the Protection of Equality** has prepared educational material and publications tailored to various groups such as local government officials, law enforcement officers, civil servants and teachers.⁷⁵

70 European Commission, COM/2021/139 final, section 2.2.2.1.

71 European Commission, COM(2020) 620 final, Annex to the Communication from the Commission to the European Parliament and the Council: A Union of Equality: EU Roma strategic framework for equality, inclusion and participation, European Union, Brussels, 7 October 2020; European Commission, COM(2020) 620 final, Annex.

72 Συνήγορος του Πολίτη, Οδηγός Διαφορετικότητας για Δημοσίους Υπαλλήλους με Σκοπό την Καταπολέμηση των Διακρίσεων – Ποιόν έχω απέναντί μου, (The Greek Ombudsperson, Manual on diversity for civil servants for combating discrimination – Who stands before me?), Greek Ombudsperson, Athens.

73 Συνήγορος του Πολίτη, Οδηγός Ίσης Μεταχείρισης – Εγχειρίδιο για Δημοσίους Υπαλλήλους – Ο Σεβασμός κάνει τη διαφορά (Guide for equal treatment and non-discrimination addressed to all civil servants — Respect makes a difference).

74 Συνήγορος του Πολίτη, Πρακτικός Οδηγός για Δημοτικές Αρχές – Υπάρχουν σκηνίτες και κοινωνικά αποκλεισμένοι Τσιγγάνοι / Ρομά στο Δήμο μας – Τι μπορούμε να κάνουμε; (Greek Ombudsperson, Practical Guide for Municipalities – There are tent-dwelling and socially marginalized Gypsies/Roma in our Municipality – What can we do?), Greek Ombuds, Athens.

75 Response by the Serbian Commissioner for the Protection of Equality.

To facilitate and promote compliance with the Equality Act, the **Equality and Human Rights Commission** of Great Britain⁷⁶ has drafted and promoted codes of practice on different subjects, such as employment, provision of services and equal pay. These codes set out detailed explanations of the legislative provisions and how to apply legal concepts in the Equality Act to everyday situations; including specific language and examples about Gypsies and Travellers.⁷⁷

EQUINET has published a report on the collection and use of complaints data by equality bodies,⁷⁸ identifying common challenges and setting out recommendations for tackling them. It has also set up a Working Group on Research and Data Collection to improve and coordinate data collection among its members.

3.4 Countering anti-Roma and Sinti ‘hate speech’ effectively

There is a renewed emphasis on the need to combat anti-Roma ‘hate speech’ and stereotyping. The Council of the European Union Recommendation on Roma calls on NEBs to take up cases of ‘hate speech’ and address under-reporting.⁷⁹ The European Commission has proposed that ‘hate speech’, along with hate crime, should be included in the list of EU crimes, namely those crimes where the European Parliament and the Council of the European Union might jointly adopt minimum rules.⁸⁰ Similarly, the Council of Europe’s Commission of Ministers adopted a Recommendation on ‘hate speech’, outlining different categories of ‘hate speech’ and proposing a diverse range of measures for tackling it.⁸¹

76 The NHRI of England, Scotland and Wales in the United Kingdom.

77 *Equality Act 2010 Codes of Practice*, Equality and Human Rights Commission, 2019.

78 *Collection and use of complaint data by equality bodies*, EQUINET, 2021.

79 Council of the European Union, Recommendation 2021/C 93/01.

80 European Commission, COM(2021) 777 final, Communication from the Commission to the European Parliament and Council: A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime, European Union, Brussels, 9 December 2021.

81 Committee of Ministers, Recommendation CM/Rec(2022)16 On combating hate speech, Council of Europe, Strasbourg, 20 May 2022.

NHRIs and NEBs can have both a preventive and reactive role in combating ‘hate speech’. They could draft, ideally in close collaboration with journalists’ associations and Roma CSOs, **guides on Roma and Sinti issues, presenting key information about their communities, introducing counterspeech⁸²/ alternative narratives** and dispelling common misperceptions about Roma. It is crucial to include a clear assessment of the reasons behind the failure of various national policies to improve the situation of Roma and Sinti, as often the public considers that such failures are due to the unwillingness of Roma and Sinti to integrate into mainstream society.

NHRIs and NEBs should also engage in awareness-raising activities, tackle biases and stereotypes and promote counter-narratives by conducting awareness-raising campaigns on social media and other platforms or by running training courses on unconscious bias and stereotypes for journalists and other stakeholders.

NHRIs and NEBs can also work with journalists on how to identify and prevent ‘hate speech’, either through **training or by drafting guidelines about the limits of the right to freedom of expression** in accordance with ECtHR or domestic court judgements and international standards. NHRIs and NEBs could also **provide expert legal assistance to journalists’ self-regulatory bodies when applying their codes of conduct** in the context of disciplinary proceedings against journalists for engaging in ‘hate speech’.⁸³

NHRIs and NEBs may also establish cooperation with the police, prosecutors’ offices, or specialized hate crime units to support responses to incidents involving hate-motivated crimes as well as cases of ‘hate speech’ that incite violence and crime, and to encourage the practice of filing advisory opinions to aid investigations. NHRIs and NEBs should themselves also **prioritize and investigate cases of ‘hate speech’ that do not amount to a criminal offence**. Standard sanctions (e.g., administrative fines) might not be sufficient to stop the reoccurrence of ‘hate speech’ incidents, so NHRIs and NEBs should research these cases and make proposals to the legislature (e.g., via a special report) on adopting innovative mechanisms for redress. Anti-discrimination

82 “Counterspeech is the practice of responding to speech that seems harmful or offensive. It can take many forms such as challenging, debunking, or critiquing harmful speech, amplifying alternative viewpoints, providing accurate information, and fostering empathy and understanding. Organizations and researchers use different definitions of counterspeech”, [The Future of Free Speech](#) website, last accessed 10 April 2025.

83 For more information about Roma and Sinti and mass media see the OSCE/ODIHR, [4th Status Report](#), pp. 34-37.

regulations could be amended to include educational measures based on the principle of restorative justice; for example, by ordering the responsible party to attend awareness-raising seminars. Where the legal framework allows, NHRIs and NEBs can **order perpetrators to publish public apologies and/or the findings of discriminatory conduct investigations**. They can also act as ‘early warning’ systems, highlighting examples of stereotypical/‘hate speech’ against Roma to raise public awareness of the standards on ‘hate speech’.

The **Equality and Human Rights Commission** of Great Britain has drafted a media resource kit for Gypsy Travellers in Scotland. The guide contains general information about the history and current situation of Gypsy Travellers, highlighting the major policy and social issues they face, to encourage balanced reporting by journalists.⁸⁴

The **Equality Commission for Northern Ireland** has drafted a statement on inequality in the treatment of Travellers in Northern Ireland. This gives an overview of the difficulties that Travellers and other vulnerable social groups face in their everyday lives.⁸⁵

The **Bulgarian Commission for Protection against Discrimination** found in favour of a complaint that a news article was prejudicial to the dignity of Roma ethnicity, promoted a strongly negative image of Roma people as organized criminals, suggested they were abusers and thieves, and created a public attitude of contempt and aversion to the Roma, thereby creating a humiliating, degrading and abusive environment for the applicant. The Commission concluded that the defendants cumulatively and directly promoted discrimination, which constituted an incitement to discrimination. It imposed a fine and also directed the author to refrain from committing similar acts in the future; it also directed the owner of the medium to take measures to prevent the publication of such articles.⁸⁶

The **Spanish Council for the Elimination of Racial or Ethnic Discrimination** published a guide on the representation of Roma in the media, with recommendations for media professionals, communication companies and public authorities.⁸⁷

84 [Gypsy Travellers in Scotland – a resource for the media](#), Equality and Human Rights Commission – Scotland, 2013.

85 [Statement on Key Inequalities in Northern Ireland](#), Equality Commission for Northern Ireland, October 2007.

86 Equinet, [Roma and Traveller Inclusion](#), p. 20.

87 *Ibid.*

The **Serbian Commissioner for the Protection of Equality** operates an ‘early warning’ system (which can at times involve ‘naming and shaming’), whereby it swiftly informs the public of particularly serious cases of discrimination and instances of offensive or ‘hate speech’ against Roma by private individuals or state officials. This not only raises public awareness about ‘hate speech’ and standards, but also often encourages people engaging in stereotypical behaviour/‘hate speech’ to recant their statements and publicly apologize.⁸⁸ The Commissioner’s office has also cooperated with the media, organizing training for journalists, and has published manuals on non-discriminatory reporting. Moreover, it organizes an annual awards competition for stories promoting tolerance and equality.

In its 2018 report, ‘Extending the Agenda: Equality Bodies addressing Hate Speech’,⁸⁹ **EQUINET** highlights the role that NEBs can play in countering ‘hate speech’, calling on them to adopt comprehensive strategies to that end and promote counterspeech narratives.

3.5 Stepping up protection against discrimination, anti-Roma and Sinti rhetoric and ‘hate speech’ against Roma and Sinti online

In addition to the measures outlined above, NHRIs and NEBs have an important role to play in countering acts of anti-Roma and Sinti discrimination and ‘hate speech’ online; a problem of worrying proportions.

NHRIs and NEBs should encourage all stakeholders (e.g., internet providers, social media platforms and online intermediaries) to adopt appropriate codes of conduct, in line with the European Commission’s 2016 **Code of Conduct on Countering Illegal Hate Speech Online** and guidelines issued under Article 35(3) of the Digital Service Act (DSA) that entered into force in February 2024.⁹⁰ NHRI’s and NEBs should assist stakeholders in drafting and

88 Thus, on 7 February 2024 the Serbian Commissioner for the Protection of Equality issued a **warning** about a series of stereotypical comments against Roma used by an MP to describe events that took place in the Serbian Parliament, highlighting the need for public officials and figures to be more careful in their statements and calling on him to apologize.

89 *Extending the Agenda: Equality Bodies addressing Hate Speech*, EQUINET, 2018.

90 *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)*. For a brief presentation of the DSA see *What is the Digital Services Act & what does it mean for hate speech monitoring & responses? Key challenges in the implementation of the DSA*, Facing Facts Network, 2024.

implementing measures, with particular focus on developing effective ‘hate speech’ reporting procedures.

The potential for NHRIs and NEBs to act as ‘fact-checkers’ on human rights issues should also be explored. Commercial news portals should be obliged to strictly monitor third party content for ‘hate speech’ and take appropriate action — an obligation already incumbent on them for defamatory comments or incitements to violence.⁹¹ Moreover, NHRIs and NEBs, together with journalists’ self-regulatory bodies, can explore the possibility of organizing **training for media professionals and CSO representatives on how to identify and report ‘hate speech’**, particularly in light of the increasing use of coded language online by more extreme groups. NHRIs and NEBs could cooperate with media outlets and/or CSOs to raise public awareness about the risks of ‘hate speech’, helping to dispel doubts about whether ‘hate speech’ is a form of expression protected under the right to freedom of speech, and promote examples of counterspeech and alternative narratives regarding Roma and Sinti.

NHRIs and NEBs should **monitor the use of the most egregious forms of ‘hate speech’ and report them to the investigating authorities**, particularly if they have been committed by influential people or entities, which might discourage those affected from filing a complaint.

The **Belgian Interfederal Centre for Equal Opportunities and Opposition to Racism (UNIA)** has piloted mediation as a way to tackle online ‘hate speech’; it attempts to contact the author of hateful messages, directly when possible, taking the profile of the author into consideration. It also contributes to the monitoring of the EU Code of Conduct and has the status of a ‘Trusted Flogger’ in relation to the social media platforms that have signed up to the Code. At the same time, however, it refers particularly virulent forms of ‘hate speech’, sometimes on its own initiative, to the authorities, with whom it has cooperation agreements.⁹²

91 *Delfi AS v. Estonia* [GC], no. 64569/09, 16 June 2015.

92 *Extending the Agenda: Equality Bodies addressing Hate Speech*, EQUINET, 2018, p. 12.

PART 4

LEGAL PROTECTION OF THE RIGHTS OF ROMA AND SINTI VICTIMS OF DISCRIMINATION

4.1 Initiating or intervening in cases of Roma and Sinti discrimination before domestic and international courts

Recognizing the importance of litigation in the fight against discrimination, the Council of the European Union has called upon NEBs not only to pursue such cases but also to **engage in strategic litigation** in this field.⁹³ Another reason for NHRIs (where applicable) and NEBs to pursue litigation more actively is the relatively low number of Roma and Sinti discrimination cases before both domestic and international tribunals (compared to those of human rights violations).⁹⁴ In the past, private donors have supported CSOs in bringing Roma and Sinti strategic litigation cases. However, changes in their objectives and funding priorities means this support is not always available. Moreover, leaving CSOs to take the lead on pursuing litigation in the field of non-discrimination gives the general public the impression that these issues are only of concern to a minority and not to the whole of society. Therefore, NHRIs (where applicable) and NEBs should adopt a more proactive litigation-based strategy. If domestic legislation does not permit their engagement in litigation or legal advocacy, NHRIs and NEBs should actively push for their mandate to be extended, in line with international standards and good practice, by publishing special reports or advisory opinions and with the support of CSOs.

⁹³ Council of the European Union, Recommendation 2021/C 93/01, Recommendation 14(a).

⁹⁴ European Commission, European Network of legal experts in gender equality and non-discrimination, *Roma and the enforcement of anti-discrimination law*, European Union, 2017, p. 8; United Nations, A/HRC/29/24, Report of the Special Rapporteur on Minority issues, Rita Izsák, Comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism, 11 May 2015, para. 79.

A comprehensive litigation strategy should cover different forms of legal action. According to the new EU Directives setting out binding standards for Equality Bodies,⁹⁵ NEBs should have the right to act in court proceedings in civil and administrative law matters relating to the implementation of the principle of equal treatment.⁹⁶ Moreover, the right of NEBs to act in court proceedings “shall include the right to submit observations to the court” and shall also include “at least one of the following powers: (a) the right to initiate court proceedings on behalf of one or several victims; (b) the right to participate in court proceedings in support of one or several victims; or (c) the right to initiate court proceedings in its own name, in order to defend the public interest.”⁹⁷ Last but not least, the right of the equality body to act in court proceedings “shall include the right to act as a party in proceedings on the enforcement or judicial review of binding decisions, where equality bodies are empowered to take such decisions (...)”.⁹⁸

In addition to the more traditional approach of adopting opinions that might or might not be legally binding, or the legal actions listed above, NHRIs and NEBs should also advocate to be given the competence to launch *proprio motu* proceedings before domestic courts,⁹⁹ even in the absence of an individual victim. Such litigation presents a series of advantages. First, it is arguably easier for NHRIs and NEBs to initiate litigation without having to worry about reprisals against individual complainants and the need to provide them with protection from victimization. Second, in light of the ECtHR’s readiness to consider that applicants are absolved from the need to exhaust domestic remedies if complaints regarding the same subject matter have been brought by another plaintiff before a NEB,¹⁰⁰ *proprio motu* litigation by NEBs and NHRIs would in fact allow prospective applicants to the ECtHR to bypass the domestic litigation state and approach the ECtHR directly — a highly beneficial development in terms of time and resources for Roma and Sinti civil society and human rights activists.

95 Council Directive (EU) 2024/1499 of 7 May 2024 and Directive (EU) 2024/1500 of 14 May 2024.

96 *Ibid.*, Article 10.

97 *Ibid.*

98 *Ibid.*

99 It should be noted that two seminal cases on direct discrimination and hate speech before the CJEU and, ECtHR respectively, originated in cases launched by the Belgian national equality bodies: CJEU, Case C-54/07 *Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma Feryn NV*, 10 July 2008, and *Féret c. Belgique*, no. 15615/07, 16 July 2009.

100 *X and Others v. Albania*, nos. 73548/17 and 45521/19, 31 May 2022, para. 64.

Finally, NHRIs and NEBs should also explore other forms of legal advocacy, such as the filing of third-party briefs in cases presenting a human rights interest pending before domestic or international courts.

The **French Defender of Rights** filed a third-party brief in a case before the ECtHR¹⁰¹ concerning the forced eviction of Romanian Roma immigrants from a plot of land where they were squatting. The brief focused on the ineffectiveness of domestic proceedings in challenging a forced eviction, the unavailability of emergency accommodation, and non-compliance with the relevant principles on forced evictions flowing from ECtHR jurisprudence. During the domestic proceedings, the institution had made similar observations before the judge ruling on the applicants' request for interim measures. Recently, the institution also filed a third-party brief in a non-Roma and Sinti case against Spain concerning racial profiling,¹⁰² a topic of particular importance also to Roma and Sinti. It has also adopted a practice whereby, upon identifying a complex legal issue that might give rise to numerous cases, it drafts and publishes a framework decision setting out its arguments; the highly authoritative decision can then be submitted by claimants in their proceedings, without the institution having to take part in each and every case.¹⁰³

In a case concerning discrimination against a young Roma man over access to employment, the **United Nations' Committee on the Elimination of Racial Discrimination** was critical of failure of the domestic courts to take into consideration the advisory opinion of the Moldovan Council on Preventing and Eliminating Discrimination and Ensuring Equality.¹⁰⁴

In two cases regarding Roma segregation in education,¹⁰⁵ the **ECtHR** took into consideration the findings of the NEBs (the Albanian Commissioner for the Protection from Discrimination and North Macedonia's Commission for Prevention and Protection against Discrimination). Moreover, in its directions under Article 46 of the European Convention as to the general measures that the respondent governments should implement, the ECtHR indicated that they should comply with the recommendations made, among others, by the respective NEBs.

101 *Hirtu et autres c. France*, no. 24720/13, 14 May 2020.

102 *Muhammad v. Spain*, no. 34085/17, 18 October 2022.

103 Sophie Latraverse, *Flash Report: France, Advocacy of the right of the victim to be afforded access to evidence in discrimination cases*, European Network of legal experts in gender equality and non-discrimination 12 December 2022.

104 CERD, *Communication no. 60/2016, Zapescu v Moldova*, 31 May 2021.

105 *X and Others v. Albania*, nos. 73548/17 and 45521/19, and *Elmazova and Others v. North Macedonia*, nos. 11811/20 and 13550/20, 13 December 2022.

EQUINET, together with the Slovak National Centre for Human Rights, recently filed a joint third-party intervention before the ECtHR in a case concerning Roma segregation in education. The intervention contains an overview of findings by international bodies and domestic and international case law, as well as information on different national practices.¹⁰⁶

4.2 Supporting the effective implementation of international and domestic court judgements

NHRIs and NEBs should be actively involved in the execution of judgements, at the domestic and international levels. Delays and non-implementation of domestic and international tribunal judgements¹⁰⁷, including those of the ECtHR, may have a severe impact on the protection of Roma and Sinti rights and, more broadly, on the environment for human rights protection and the rule of law. It is therefore critical that NHRIs and NEBs engage in the execution process and support the effective implementation of judgements, especially in cases related to different forms of Roma and Sinti discrimination.

There are three main steps to achieving this. First, NHRIs and NEBs should analyse the judgement and identify what measures need to be taken to comply, such as changes in legislation, policy or practice, and these findings should be shared with the authorities responsible for executing the judgement. Ideally NHRIs and NEBs should be directly engaged in executing the judgement.

¹⁰⁶ [Equality bodies for inclusive education: third party intervention to the European Court of Human Rights](#), EQUINET, 28 March 2024.

¹⁰⁷ For example, in 2022, NHRIs and NEBs from Belgium, Bosnia and Herzegovina, Bulgaria, Finland, Great Britain, Greece, Kosovo, Northern Ireland and Poland reported delays and non-implementation of judgements of the ECtHR, [Structural Human Rights Issues](#), ENNHRI, 2022.

Following the ECtHR judgement in *X and Others v Albania*,¹⁰⁸ a case concerning Roma educational segregation, **the Commissioner for Protection from Discrimination** was consulted during the drafting of the action plan for the execution of the judgement.¹⁰⁹ (The Commissioner’s call for the desegregation of the applicant’s school was not implemented by the domestic authorities, so an application was filed with the ECtHR, which went on to endorse the Commissioner’s decision.)

Second, if the authorities do not implement the judgement fully, NHRIs and NEBs should engage with different authorities and stakeholders — the executive and legislative branches, civil society or other independent state bodies — in a more targeted way. This may take different forms, drawing on the various powers of NHRIs and NEBs, such as advising; monitoring, inquiring and reporting; or handling individual complaints.¹¹⁰ NHRIs and NEBs may also focus on awareness-raising and educational activities (e.g., additional research, events, media and online campaigns) to promote better understanding of the violations identified in the ECtHR judgement and the measures necessary for compliance.¹¹¹

If this work fails to secure compliance with the judgement, at the domestic level, NHRIs and NEBs could consider initiating legal proceedings or acting as *amicus curiae* (friend of the court) in similar cases where individuals’ rights continue to be violated due to the lack of full implementation of the ECtHR judgement. At the international level, the Council of Europe’s Committee of Ministers supervises the execution of ECtHR judgements. NHRIs and NEBs may submit a communication to the Committee of Ministers under Rule 9 of the Rules of the Committee for the supervision of the execution of judgements and of the terms of friendly settlements.¹¹² According to Rule 9(2), the Committee of Ministers is entitled to consider any communication from national institutions for the promotion and protection of human rights with regard to the

108 *X and Others v Albania*, nos. 73548/17 and 45521/19.

109 Republic of Albania, *Action Plan – Execution of the judgment of the European Court of Human Rights*, application nos. 73548/17 and 45521/19 “*X and Others v Albania*”, 30 May 2023, p. 3.

110 For more guidance about what exact steps NHRIs and NEBs may take when engaging with stakeholders listed above see, *Guidance for national Human Rights Institutions to support implementation judgement from the European Court for Human Rights*, ENNHRI, 2016, pp. 4-7.

111 To learn more about how to create a communication campaign, please see the following FreedomLab resources: *Human Rights Advocacy and Communication*, and *Communication skills and tools for National Human Rights Institutions*.

112 Committee of Ministers, *Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements* Council of Europe, Strasbourg, 10 May 2006.

execution of judgements under Article 46(2) of the Convention which affects their State.^{113, 114}

Both efforts — at the national and international level — are complementary and reinforce each other; the work of NHRIs and NEBs at the domestic level (for example submission of an amicus curiae brief) may feed into the international level and vice versa. The outcomes at the international level (for example, an ECtHR judgement on a particular case) may be used to strengthen domestic efforts (using the principles in the ECtHR judgement in other litigation domestically).

In 2007, the **Grand Chamber of the ECtHR** delivered its judgement in a landmark case, *D.H. and Others v. the Czech Republic*.¹¹⁵ The Court held that the disproportionate placement of Roma children in so-called ‘special schools’, together with children with disabilities, constituted unlawful discrimination. The Czech government was ordered to end the violation and remedy its damaging effects. Despite various Action Plans and Strategies issued by the Czech government, the judgement is still pending full execution.

Over the years, the **Czech Public Defender of Rights** carried out various activities to support the implementation of this landmark decision. It regularly monitored implementation¹¹⁶ and issued specific recommendations,¹¹⁷ advising the state authorities on ensuring full implementation of the judgement. It also organized a workshop focused on strategic litigation in discrimination cases¹¹⁸ as well as several other capacity-building events¹¹⁹ and awareness-raising activities, such as an online video campaign,¹²⁰ and submitted two communications under Rule 9 to the Committee of Ministers.

113 [Webinar series](#), Effective Implementation of Judgments of the European Court of Human Rights, ENNHRI, 2020.

114 For more about submitting communications to the Committee of Ministers under Rule 9 see, [Information note](#) National Human Rights Institutions: Communications to the Committee of Ministers of the Council of Europe, ENNHRI, 2017, or the Department for the Execution of Judgments of the European Court of Human Rights, [Communications by NHRIs/CSOs](#), Council of Europe.

115 *D.H. and Others v. the Czech Republic* [GC], no. 57325/00, 13 November 2007.

116 Between 2011-2012, the Office of the Public Defender of Rights conducted research focused on the representation of Roma children in “special schools” since the issuance of the ECtHR decision in *D.H. and Others v. the Czech Republic*. See Veřejný ochránce práv, [Výzkum potvrdil nepřímou diskriminaci romských žáků](#), (Public Defender of Rights of the Czech Republic: The research confirmed the indirect discrimination of Roma school children), Brno, 2012. In the following years, the Public Defender’s Office continued in its monitoring work and produced several reports containing specific recommendations. See, the Public Defender of Rights, [Implementation of the Right to Equal Treatment and Protection against Discrimination](#), Brno, 2023.

117 Veřejný ochránce práv, [Doporučení veřejné ochránkyně práv ke společnému vzdělávání romských a neromských dětí](#), (Public Defender of Rights of the Czech Republic: *Recommendation of the Public Defender of Rights for the joint education of Roma and non-Roma children*), Brno, 2017.

118 Veřejný ochránce práv, [Seminář - Strategická litigace a boj proti diskriminaci](#) (Public Defender of Rights of the Czech Republic: Seminar - Strategic litigation and fight against discrimination), Brno, 13 November 2017.

119 For information about other seminars, roundtables, or events focused on discrimination and equal treatment, visit the [events](#) page.

120 See also [video](#).

Similarly, the **Slovenia Ombudsman Office** has long experience of monitoring, advising and providing opinions and recommendations on the execution of ECtHR judgements, for example, through its annual report. Due to the high number of unimplemented judgements,¹²¹ in 2014 the Slovenian Parliament adopted amendments to the Public Administration Act, tasking the Ministry of Justice to guide the implementation of judgements of international courts. In 2015, an Inter-Governmental Working Group (IG-WG) was established for the coordination of the enforcement of ECtHR judgements. The IG-WG includes two representatives from the Ombuds Office and, therefore, also formally strengthens the role of the Ombud's Office in the implementation process. As a result of these structural reforms and political will, the number of unimplemented judgements fell significantly, from 309 in 2015 to eight in 2020.¹²²

4.3 Developing support services for victims of discrimination and making them accessible to members of Roma and Sinti communities

Despite the valuable work performed by NHRIs and NEBs, research suggests that only about half of the Roma in 12 EU Member States are aware of the existence of any equality body in their country; moreover, the number of complaints submitted to these bodies continues to be extremely low.¹²³ This suggests that, in the best case, Roma and Sinti might know that they can complain to a NEB but without knowing what their rights are, whether those rights have been violated, nor how to go about it. Research undertaken for the purposes of this publication corroborates these findings: almost all of the surveyed NHRIs/NEBs agreed that the number of complaints they receive from Roma and Sinti is disproportionately low given the problems they face. Respondents consider that the reasons for this under-reporting are structural, mainly due to illiteracy among Roma and Sinti, the fact they need to spend their time and money on dealing with more urgent priorities, and the limited capacities of Roma and Sinti CSOs.

121 By the end of 2015, there were 309 unimplemented ECtHR judgements by Slovenia. For more: [data](#) (in Czech).

122 For more, see [How has Slovenia managed to cut down the number of non-implemented judgments by setting up a strong structure at the domestic level?](#), Human Rights Ombudsman of the Republic of Slovenia, last accessed 10 April 2025.

123 [Roma in 10 European Countries – Main Results, Roma Survey 2021](#), European Union Agency for Fundamental Rights (FRA), Vienna, 2022, p. 31.

For Roma and Sinti to approach NHRIs and NEBs, they first need to know their rights. NHRIs and NEBs, together with other stakeholders and Roma and Sinti CSOs, should therefore explore ways of informing Roma about their rights, including by **preparing versions of the letters of rights in Romani language**. They should make **tailored, user-friendly material or short videos, that set out, in the national language and in the local Romani dialect, the key human rights concepts and legal provisions in a clear and simple way**.

In parallel, NHRIs and NEBs should **become more accessible**, for example, by enabling people to file complaints online or through videoconferencing, by establishing offices in other parts of the country, by adopting more flexible working hours and by promoting awareness of what they do among the general population and among Roma and Sinti in particular. NHRIs and NEBs could cooperate or partner with Roma and Sinti CSOs, networks of Roma health mediators or Roma education mediators, to hold joint awareness-raising activities and visit isolated Roma and Sinti communities. They could train Roma and Sinti CSOs to be referral points for Roma and Sinti wishing to file complaints.

Where more specialized support is needed in cases of discrimination, NHRIs and NEBs should have similar powers to refer victims to the appropriate support services as the designated authorities under Directive 2012/29/EU.¹²⁴

The **Bulgarian Commission for Protection against Discrimination** has Regional Representatives in 24 of the 28 regions in Bulgaria. They provide advice and information to individuals on how to file discrimination complaints with the Commission. They also provide the Commission with critical information about the local context.¹²⁵

The **Czech Public Defender of Rights** has produced information leaflets in Romani for Roma parents on elementary school enrolment and the prevention of discrimination, a series of YouTube videos on the education of Roma

124 European Parliament and Council of the European Union, [Directive 2012/29/EU](#) of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, European Union, Brussels, 14 November 2012.

125 Response by the Bulgarian Commission for Protection against Discrimination.

children¹²⁶ and a series of Facebook posts entitled ‘Roma People, Learn to Defend Yourself Against Discrimination!’ explaining how to recognize discrimination and how to defend against it.¹²⁷

The **Serbian Commissioner for the Protection of Equality** has published in Romani a guide on identifying and reporting discrimination.¹²⁸

In addition to accepting complaints via email, the **Spanish Ombudsman** has developed a series of tools, including an **online questionnaire**, to support the submission of discrimination complaints.¹²⁹

4.4 Adopting protocols for conducting strategic monitoring (situation testing) of Roma and Sinti access to, and participation in public and private services

Situation testing is important, both for establishing direct discrimination in a particular case¹³⁰ and as an indicator of the prevalence of discrimination in different areas of everyday life. It can be a valuable input for an evidence-based anti-discrimination strategy,¹³¹ but it appears that few NHRIs and NEBs do it. This might be due to lack of resources or a prohibition under domestic law on conducting situation testing. Therefore, NHRIs and NEBs, along with Roma and Sinti CSOs and other stakeholders, should advocate, within the limits of their respective mandates, for the adoption of a comprehensive regulatory framework on situation testing that ensures findings will be admissible as evidence. A case in which a CSO used situation testing to uncover discrimination is currently pending before the ECtHR.¹³² The ECtHR’s judgement is expected to have important ramifications for the legitimacy and admissibility of situation testing, particularly in light of the CJEU’s more restrictive approach.¹³³

126 Equinet, *Roma and Traveller Inclusion*, p. 16.

127 Veřejný ochránce práv, *Romové, pojďte se naučit bránit diskriminaci!* (*Public Defender of Rights of the Czech Republic: Roma People, Learn to Defend Yourself Against Discrimination!*), Brno, May 2024.

128 *Ibid.*, p. 14.

129 Response by the Spanish Ombudsman.

130 Isabelle Rorive, *Proving Discrimination Cases: the Role of Situation Testing*, Centre for Equal Rights/Migration Policy Group, Brussels, 2009.

131 ECRI, *CRI(2012)48*, p. 22.

132 *CSO Kham Delchevo and others v. North Macedonia*, no. 34791/17, communicated on 2 September 2019.

133 See however CJEU, *C-423/15, Nils-Johannes Kratzer v. R+V Allgemeine Versicherung AG*, 28 July 2016, in which the CJEU considered that the use of situation testing by a person that did not intend to accept a job even if it were offered to them but conduct situation testing purely in order to claim compensation, could be considered an abuse of rights.

NHRIs and NEBs can provide training on situation testing for Roma and Sinti CSOs and encourage them to employ it in their activities or coordinate with them in developing a testing plan, if their mandate permits. It is vital to ensure that situation testing conducted by CSOs only takes place strictly in accordance with the applicable legal framework.

The **Serbian Commissioner for the Protection of Equality** has published a series of guides and has held training for CSOs on situation testing.¹³⁴

In June 2024, **EQUINET** organized a seminar for NEBs using or considering situation testing. The seminar aimed to increase the use of situation testing and improve the effectiveness of their legal, policy, research and awareness-raising work. It also provided an opportunity for NEBs such as UNIA (Belgium), the Federal Antidiscrimination Agency (Germany), the Ombudsperson for Equal Treatment (Austria) and the Public Defender of Rights (the Czech Republic) to exchange promising practices.¹³⁵

4.5 Placing more emphasis on reporting to international and regional human rights bodies and mechanisms

Reporting on the national human rights situation to international and regional human rights mechanisms and bodies supports knowledge sharing and awareness-raising about national gaps in compliance with human rights standards.¹³⁶ NHRIs and NEBs should **actively participate in national consultations**, ensuring that their experience and expertise is reflected in the national report. They should also **hold consultations with civil society and develop SMART recommendations**. However, they should also aim to submit their own, independent report and recommendations.¹³⁷

134 Equinet, *Roma and Traveller Inclusion*, p. 14.

135 *Equinet Training Summary*.

136 For more see, *International Human Rights Law and the International Human Rights System: A Manual for National Human Rights Institutions*; Asia Pacific Forum of National Human Rights Institutions, 2012.

137 To learn more about reporting and how to form SMART recommendations please see, *Reporting for national human rights institutions*, Danish Institute for Human Rights and *Monitoring and reporting* (e-Learning course for NHRIs), GANHRI.

Evidence-based, independent reporting should be the first step when taking any action towards improving the human rights situation in a participating State. In parallel, regional and international reporting is an effective way of drawing attention to national human rights concerns at the international level and may help to increase pressure on the state to improve the human rights situation.

NHRIs and NEBs may submit parallel reports to the **UN treaty-based bodies** (such as CERD, CEDAW, CRC, CRPD or other)¹³⁸ and the **UN Charter-based bodies**, mainly the **Universal Periodic Review (UPR)**¹³⁹ and the **UN Human Rights Council**.¹⁴⁰ All NHRIs and NEBs may not only submit reports to the UN treaty bodies but also provide other information through all stages of the monitoring process, including briefings for members of the treaty monitoring bodies, making recommendations and taking part in interactive dialogue with the participating State.¹⁴¹

Likewise, all NHRIs and NEBs can provide “credible and reliable information”¹⁴² for the UN Universal Periodic Review (UPR). Moreover, ‘A status’ NHRIs¹⁴³ have extensive participation rights in the UPR. They can take part in the Human Rights Council plenary debate on the adoption of UPR Working Group reports, where the NHRI (of the state under review) is entitled to speak in the Council plenary session immediately after the state under review.¹⁴⁴ ‘A status’ NHRIs are generally entitled to attend and participate in any Human Rights Council session, where they have a right to make verbal statements, in person or by video.¹⁴⁵ Finally, all NHRIs and NEBs can also collaborate with the special procedures, for example by providing information and assistance in planning and conducting a country visit.¹⁴⁶

138 For more see, [Reporting to the United Nations Human Rights Treaty Bodies: Manual](#), Office of the High Commissioner for Human Rights (OHCHR), 2017.

139 [NHRI participation in the Universal Periodic Review](#) (online information note), OHCHR.

140 [NHRI participation at the UN Human Rights Council](#) (online information note), OHCHR.

141 NHRIs and NEBs can also contribute to the development of ‘general comments’ and ‘general recommendations’ issued by the treaty monitoring bodies.

142 For more see, [The role of Equality Bodies in the UPR](#), EQUINET, 2020.

143 NHRIs that are assessed as complying with the Paris Principles are accredited with ‘A status’ while those that partially comply are accredited with ‘B status’. ‘A status’ NHRIs have independent participation rights at the UN Human Rights Council, its subsidiary bodies and some General Assembly bodies and mechanisms. See [Accreditation](#), GANHRI.

144 [Responsibilities of NHRIs: Engaging with the international human rights system](#), GANHRI.

145 *Ibid.*

146 *Ibid.*

When it comes to regional human rights mechanisms, NHRIs and NEBs should consider engagement with the Council of Europe's **ECRI**, the **Advisory Committee on the Framework Convention for the Protection of National Minorities** and/or the **European Committee of Social Rights (ECSR)**. NHRIs and NEBs can support ECRI's monitoring work by providing relevant information ahead of a monitoring visit, and meeting ECRI members during the visit to discuss the national situation in depth, as well as by undertaking to promote ECRI's findings and recommendations after each monitoring cycle.¹⁴⁷ NHRIs and NEBs cannot themselves submit collective complaints to the ECSR, but they can encourage their authorities to sign the Optional Protocol to the Revised European Social Charter and inform the ECSR about their interest in submitting third-party observations on a pending collective complaint. For the regular reporting procedure, they may submit comments on national reports or additional information to the ECSR about the participating State under review, and they can disseminate the conclusions and the recommendations of the ECSR.¹⁴⁸

Since this is time- and resource-intensive, NHRIs and NEBs are recommended to follow the reporting cycles closely, and **separately or jointly draft and submit parallel reports** on issues relevant to their work and expertise. These reports should be published on their webpages and disseminated (including via the media) alongside national annual reports, to foster public discussion of the findings and recommendations. To follow up, NHRIs and NEBs should monitor the implementation of recommendations, talk to and work with the government to ensure recommendations are implemented, including contributing to the development of legislation, policy, institutional frameworks or programmes.

147 [Equality Bodies](#), ECRI.

148 [How can National Human Rights Institutions and National Equality Bodies engage with the European Committee of Social Rights](#), Council of Europe, Strasbourg, September 2021.

Numerous NHRIs and NEBs regularly draft and submit parallel reports to international and regional human rights bodies and mechanisms. For example, the **Belgian UNIA**, together with the **Belgian Federal Migration Centre (MYRIA)**, jointly filed parallel reports to the UN Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights.¹⁴⁹ The **French CNCDH** submitted a report on the List of Issues addressed by the UN Committee on the Rights of the Child to France,¹⁵⁰ while the **Equality and Human Rights Commission of Great Britain** and the **Greek GNCHR** submitted reports containing their observations on the national reports to the UN Committee on the Elimination of Racial Discrimination,¹⁵¹ and the **Spanish Ombudsman** provided input to the UN Committee on Economic, Social and Cultural Rights for the preparation of the Committee's List of Issues Prior to Reporting.¹⁵² Similarly, the **Irish Human Rights and Equality Commission** submitted a report to ECRI.¹⁵³ These reports, often critical of the government, are filed before different international and regional bodies. This is why it is important that NHRIs and NEBs submit independent reports and recommendations.

In 2015, the **Council of Europe (CoE)**, **FRA**, **ENNHRI** and **Equinet** established a collaborative platform on social and economic rights.¹⁵⁴ The platform aims to support NHRIs and NEBs in strengthening the implementation of international instruments relating to social and economic rights, including to find answers to fundamental rights challenges related to Roma and Sinti.

149 [Parallel report of the NHRI UNIA and MYRIA, 2022.](#)

150 [French CNCDH response to questionnaire.](#)

151 [Submission to the United Nations Committee on the Elimination of all forms of Racial discrimination in Great Britain, Equality and Human Rights Commission of Great Britain, July 2024; Observations on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination \(CERD\) of the International Convention on the Elimination of All Forms of Racial Discrimination, GNCHR, July 2021.](#)

152 [Response by the Spanish Ombudsman.](#)

153 [Ireland and the 6th Monitoring Cycle of the European Commission against Racism and Intolerance Report, Irish Human Rights and Equality Commission, June 2024.](#)

154 For more see, Council of Europe, [About the CoE-FRA-ENNHRI-EQUINET Platform on social and economic rights.](#)

ANNEXE 1: Additional Resources for NHRIs and NEBs¹⁵⁵

- Academy of European Law, [Introduction to EU Anti-Discrimination Law](#) (free access).
- Council of Europe Human Rights Education for Legal Professionals (HELP), [Course on Anti-discrimination](#). Please note that HELP contains numerous other courses, some of which are country specific, on Roma and Sinti or related issues.
- Council of Europe, [Textbook on Anti-discrimination Law](#) (2024).
- Council of Europe, [Empowerment of Roma and Traveller women: a change under construction - Towards a Roadmap for Advancing Gender Equality of Roma and Traveller Women in Council of Europe member states](#) (2021).
- Council of Europe, [A Handbook for lawyers defending Roma and Travellers](#) (2016).
- Council of Europe, [ROMED1 Trainer's Handbook - European training programme on intercultural mediation for Roma communities](#) (2016).
- Council of Europe, [Mirrors - Manual on combating antigypsyism through human rights education](#) (2015).
- Council of Europe, [DOSTA! Enough! Go beyond prejudice, meet the Roma!: Toolkit against anti-Gypsyism](#) (2014).
- European Court of Human Rights, [Factsheet – Roma and Travellers](#) (2024).

¹⁵⁵ The list of additional resources for NHRIs and NEBs should be considered as a non-exhaustive list of materials which could be considered as useful for NHRI and NEB staff members and their work on Roma and Sinti concerns — with a particular focus on addressing the prevailing discrimination of Roma and Sinti within the OSCE region.

- European Court of Human Rights / European Union Agency for Fundamental Rights, [Handbook on European non-discrimination law](#) (2018).
- European Equality Law Network, [A comparative analysis of non-discrimination law in Europe 2023](#) (2024).
- European Equality Law Network, [Indirect discrimination under Directives 2000/43 and 2000/78](#) (2022).
- European Equality Law Network, [Racial discrimination in education and EU equality law](#) (2020).
- European Network of Equality Bodies, [Minimal Guidelines on Improving Complaints Data Collection by Equality Bodies](#) (2023).
- European Network of Equality Bodies, [Equality Bodies working on cases without an identifiable victim: Actio popularis](#) (2022).
- European Network of Equality Bodies, [Tackling Institutional Racism. Realising the Potential of Equality Bodies](#) (2021).
- European Network of Equality Bodies, [Compendium of Good Practices on Equality Mainstreaming: The Use of Equality Duties and Equality Impact Assessments](#) (2021).
- European Network of Equality Bodies, [Roma and Traveller Inclusion: Towards a new EU Framework Learning from the Work of Equality Bodies](#) (2020).
- European Network of Equality Bodies, [Article 14 Cases from the European Court of Human Rights](#) (2020).
- European Network of Equality Bodies, [Compendium of Promising Practices on Ethnic Profiling](#) (2019).
- European Network of Equality Bodies, [Equality bodies addressing hate speech](#) (2018).

- European Network of Equality Bodies, [Making equality legislation work for Roma and Travellers](#) (2010).
- European Network of National Human Rights Institutions, [Realising economic and social rights in Europe: Tips and tricks for NHRIs](#) (Webinar series).
- European Network of National Human Rights Institutions, [Economic and Social Rights Practices of National Human Rights Institutions in Europe \(Online Tool\)](#) (2019).
- European Network of National Human Rights Institutions, [Applying a Human Rights-Based Approach to Poverty Reduction and Measurement: A guide for NHRIs](#) (2019).
- European Network of National Human Rights Institutions, [Migrants' Access to Economic and Social Rights: Good Practices and Challenges of NHRIs](#) (2019).
- European Network of National Human Rights Institutions, [How can NHRIs address economic and social rights in \(post-\)conflict situations?](#) (2019).
- European Union Agency for Fundamental Rights, [Working with Roma: Participation and empowerment of local communities](#) (2018).
- European Union Agency for Fundamental Rights, [A persisting concern: anti-Gypsyism as a barrier to Roma inclusion](#) (2018).

